

STATE OF MINNESOTA  
BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE  
ARCHITECTURE, GEOSCIENCE AND INTERIOR DESIGN

In the Matter of the Professional Engineering  
License of Stephen Maslan

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER**

The above-entitled matter came before the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design on November 21, 2019, following Administrative Law Judge James Mortenson's (ALJ) recommendation to find Respondent Stephen Maslan in default after he failed to appear at the properly-noticed prehearing conference held on September 12. A copy of the recommendation is attached as Exhibit A and incorporated by reference.

**FINDINGS OF FACT**

1. The Board adopts in its entirety and incorporates as its own the ALJ's findings of fact.
2. Any finding of fact which should more properly be deemed a conclusion of law is hereby adopted as such.

**CONCLUSIONS OF LAW**

1. The Board adopts in its entirety and incorporates as its own the ALJ's conclusions of law.
2. Any conclusion of law which should more properly be deemed a finding of fact is hereby adopted as such.
3. This order is in the public interest.

**ORDER**

IT IS HEREBY ORDERED that Stephen Maslan's professional engineer license,  
No. 18371, is revoked.

MINNESOTA BOARD OF ARCHITECTURE,  
ENGINEERING, LAND SURVEYING,  
LANDSCAPE ARCHITECTURE, GEOSCIENCE  
AND INTERIOR DESIGN

Dated: November 21, 2019

A handwritten signature in black ink, appearing to read "Margaret Parsons", written over a horizontal line.

Margaret Parsons  
Board Chair

Minnesota Board of Architecture,  
Engineering, Land Surveying, Landscape  
Architecture, Geoscience and Interior Design

# Exhibit A

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING,  
LANDSCAPE ARCHITECTURE, GEOSCIENCE, AND INTERIOR DESIGN

In the Matter of the Professional Engineer  
License of Stephen Maslan

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION  
UPON DEFAULT**

This matter came on for a prehearing conference before Administrative Law Judge Jim Mortenson on September 12, 2019.

Anthony deSam Lazaro, Assistant Attorney General, appeared on behalf of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design (Board). There was no appearance by or on behalf of Stephen Maslan (Licensee).

The Board moved for a recommendation for default judgment against Licensee at the prehearing conference.

**STATEMENT OF THE ISSUES**

Did Licensee engage in conduct that, based on allegations in the Notice and Order for Hearing and Prehearing Conference (Notice), constitutes one or more of the following grounds for revocation of his professional engineer license:

1. Violate a statute, rule, or order that the Board issued or is empowered to enforce, in violation of Minn. Stat. § 326.111, subd. 4(a)(1) (2018);
2. Had his license revoked, suspended, limited, or not renewed in another state, pursuant to Minn. Stat. § 326.111, subd. 4(a)(6) (2018)? In addition, did Licensee fail to notify the Board in writing within 60 days of having his license revoked, suspended, limited, or not renewed in another state, in violation of Minn. R. 1800.0120, subp. 1(D) (2017)? Further, did Licensee have his license revoked or suspended in another state based on conduct that, if committed in Minnesota, would be a violation of Minnesota law and therefore a violation of the Board's rules of professional conduct, pursuant to Minn. R. 1805.0700 (2017);
3. Demonstrate performance in a grossly negligent or incompetent manner, or otherwise engage in misconduct while practicing engineering, in violation of Minn. Stat. § 326.11, subd. 1 (2018); and

4. Engage in conduct that is fraudulent, deceptive, or dishonest and reflects adversely on his ability or fitness to practice engineering, in violation of Minn. Stat. § 326.111, subd. 4(a)(2) (2018), and engage in an act that may diminish public confidence in the profession, or engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of Minn. R. 1805.0200, subps. 1, 4(C)?

### SUMMARY OF RECOMMENDATION

The Administrative Law Judge recommends that the Board revoke Licensee's professional engineering license.

Based on the evidence in the record, the Administrative Law Judge makes the following:

### FINDINGS OF FACT

1. On July 24, 2019, a Notice and a Notice of Appearance were mailed to Licensee at the last address Licensee provided to the Board: 8011 Paseo Boulevard, Suite 201, Kansas City, MO 64131.<sup>1</sup>

2. The Notice stated that a prehearing conference would be held on September 12, 2019, at 1:30 p.m., via telephone, with instructions for the conference call.<sup>2</sup>

3. In conformity with Minn. R. 1400.5600, subp. 2(L) (2017), the Notice included the following statement:

**You will lose your case if you do not appear for the prehearing conference or the hearing.** You are required to appear for the prehearing conference and the hearing. If you do not appear, the Committee will ask the ALJ to find you in default. A default means that ALJ could deem the Committee's allegations contained in this notice and order to be true and proven, which would allow the Board to suspend your license.<sup>3</sup>

4. Licensee did not file a Notice of Appearance.

5. No one appeared at the September 12, 2019, prehearing conference on behalf of Licensee.

6. Licensee made no request for a continuance or other relief, nor did he communicate in any way with the Judge or counsel for the Board before the prehearing conference.

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<sup>1</sup> Affidavit of Service of Brenda Hanson (July 24, 2019), attached to Notice (Attachment B).

<sup>2</sup> Notice at 1 (Attachment A).

<sup>3</sup> *Id.* at 4.

7. Licensee's failure to appear at the prehearing conference was without the consent of the Administrative Law Judge.

8. Pursuant to Minn. R. 1400.6000 (2017), the allegations contained in the Notice, appended as Attachment A, are taken as true, deemed proven without further evidence, and incorporated by reference into the findings of fact.

Based on the findings of fact, the Administrative Law Judge makes the following:

#### **CONCLUSIONS OF LAW**

1. The Board and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50, 326.111 (2018).

2. Licensee received timely and proper notice of the prehearing conference.

3. The Board has complied with all relevant procedural requirements of statute and rule.

4. Under Minn. R. 1400.6000, Licensee is in default as a result of his failure to appear at the scheduled prehearing conference.

5. When a party defaults by failing to appear at a prehearing conference without the prior consent of the Administrative Law Judge, the allegations and the issues set out in the relevant pleading may be taken as true and deemed proven.<sup>4</sup> The Administrative Law Judge therefore deems the allegations set forth in the Notice to be true and proven.

6. The Board has grounds to revoke Licensee's professional engineer license, pursuant to Minn. Stat. §§ 362.11, .111 (2018), and based upon the facts in Attachment A, incorporated into the findings of fact at No. 8.

Based upon the conclusions of law, the Administrative Law Judge makes the following:

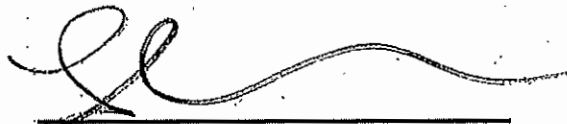
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<sup>4</sup> Minn. R. 1400.6000.

## RECOMMENDATION

**IT IS HEREBY RECOMMENDED THAT** because Licensee is in default that the allegations in the Notice be deemed true and that the Board revoke the professional engineer license of Stephen Maslan.

Dated: September 13, 2019



JIM MORTENSON  
Administrative Law Judge

Reported: Default

## NOTICE

This report is a recommendation, not a final decision. The Board will make the final decision after a review of the record. Under Minn. Stat. § 14.61 (2018), the Board shall not make a final decision until this report has been made available to the parties for at least ten calendar days. The parties may file exceptions to this report, and the Board must consider the exceptions in making a final decision. Parties should contact the executive director of the Board, Doreen Johnson, 85 East Seventh Place, Suite 160, St. Paul, MN, (651) 757-1517, to learn the procedure for filing exceptions or presenting argument.

The record closes upon the filing of exceptions to the report and the presentation of argument to the Board, or upon the expiration of the deadline for doing so. The Board must notify the parties and Administrative Law Judge of the date the record closes. If the Board fails to issue a final decision within 90 days of the close of the record, this report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a (2018). In order to comply with this statute, the Board must then return the record to the Administrative Law Judge within ten working days to allow the Judge to determine the discipline imposed.

Under Minn. Stat. § 14.62, subd. 1 (2018), the Board is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

# ATTACHMENT A

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING,  
LANDSCAPE ARCHITECTURE, GEOSCIENCE AND INTERIOR DESIGN

In the Matter of the Professional Engineer  
License of Stephen Maslan,

**NOTICE AND ORDER FOR HEARING  
AND PREHEARING CONFERENCE**

**OAH Docket No. 5-1006-36274**

TO: Stephen Maslan, 8011 Paseo Blvd., Suite 201, Kansas City, MO 64131

## NOTICE

RESPONDENT STEPHEN MASLAN IS HEREBY NOTIFIED that the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design, through its Complaint Committee, is scheduling a contested-case hearing to determine whether to take disciplinary action against his Minnesota professional engineer license as authorized by Minn. Stat. § 326.111, subd. 4 (2018).

1. A contested-case hearing regarding your Minnesota professional engineer license will be held at a date and time to be determined at the prehearing conference scheduled below. A contested-case hearing is a trial-like proceeding that is held before an administrative law judge ("ALJ"). The Committee's allegations against you are listed below. **Do not throw these papers away. They are official papers that affect your rights.** You have the right to contest the allegations and to provide evidence, testimony, and argument at the hearing.

2. **You must appear for the prehearing conference and the hearing to protect your rights.** The prehearing conference is an opportunity for you to ask any questions you may have and to schedule deadlines. The hearing is your opportunity to present your side of the story and to challenge the Committee's allegations.

## ORDER

IT IS HEREBY ORDERED that a telephonic prehearing conference will be held at 1:30 p.m. on **September 12, 2019**, at which time the parties are directed to call 1-888-742-5095 and enter conference code 685 684 1864#.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Administrative Law Judge James Mortenson. Judge Mortenson's legal assistant, Ian Lewenstein, may be reached at 651-361-7857 or [Ian.Lewenstein@state.mn.us](mailto:Ian.Lewenstein@state.mn.us). **All mail sent to the Administrative Law Judge assigned to this matter should be directed to P.O. Box 64620, St. Paul, MN 55164-0620.**

The purpose of the hearing is to determine whether the facts in this matter, if proven by a preponderance of the evidence, support taking disciplinary action against Maslan's Minnesota professional engineer license.

The prehearing conference and hearing will be conducted pursuant to the contested-case procedures set out in Chapter 14 of Minnesota Statutes, the Rules of the Office of Administrative Hearings, Minn. R. 1400.5100-.8401. A copy of these materials are available at [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us) or may be purchased from the Minnesota Book Store, telephone 651-297-3000. They generally provide for the procedural rights of the parties, including: rights to advance notice of witnesses and evidence; right to a prehearing conference; rights to present evidence and cross-examination; and right to purchase a transcript of the record.

If you have any questions regarding the process or to discuss settlement options, the attorney for the Committee may be contacted as follows:

Corinne Wright-MacLeod  
Assistant Attorney General  
445 Minnesota Street, Suite 1800  
St. Paul, Minnesota 55101-2134  
*Corinne.Wright-MacLeod@ag.state.mn.us*  
(651) 757-1198

The decision to recommend disciplinary action against Maslan's Minnesota professional engineering license was made by the Committee, and not by the Board as a whole. After the hearing, the record and the ALJ's recommendation will be forwarded to the Board to make a final decision. Members of the Committee will not vote on the Board's decision in this matter. In addition, the Board will be advised by an attorney other than Ms. Wright-MacLeod.

#### ALLEGATIONS

1. Stephen Maslan holds a Minnesota professional engineer license that expires on June 30, 2020.
2. In June 2014, the Alabama Board of Licensure for Professional Engineers and Land surveyors suspended Maslan's Alabama professional engineer license for jeopardizing the public health, safety, and welfare when he affixed his seal and signature to plans for a metal carport that failed to meet Alabama's minimum design and building code requirements.
3. In December 2014, Missouri revoked Maslan's Missouri professional engineer license based on a pattern of unprofessional conduct. Maslan's conduct included signing and sealing architectural drawings for a public project in Missouri without holding an architect license and sealing alarm systems on two projects that contained a significant number of deviations from applicable codes. The Missouri board found that Maslan's conduct constituted gross negligence, incompetence, and misconduct under Missouri law.

4. In March 2018, the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors suspended Maslan's Oklahoma professional engineer license for five years after he orchestrated a plan-stamping scheme involving five Oklahoma projects. Maslan facilitated the sealing of structural-engineering-design drawings for the Oklahoma City Zoo roof. Maslan emailed the drawings to a licensed engineer, who was not involved in the engineering of the project in any way, stating, "Please [s]tamp the cover page and the drawings." These drawings included structural calculations and gravity calculations. After the licensed engineer stamped the drawing and calculation cover, the final signed and sealed drawings included the title block of Stephen P. Maslan & Co. Maslan similarly sent drawings to licensed engineers, solely for the purpose of obtaining a seal and signature, on at least four other Oklahoma projects.

5. In addition to the Alabama, Missouri, and Oklahoma licensing actions, Maslan's professional engineer license was revoked, suspended, or placed on probation by licensing boards in the following states: Arizona, Colorado, Delaware, Georgia, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and Wyoming. The grounds for discipline in these states included other instances of signing and sealing plans without a license, sealing multiple projects that deviated from the relevant code, and failing to notify numerous state licensing boards when his license in another jurisdiction was suspended or revoked.

6. Maslan never reported the Texas and Massachusetts licensing actions to the Board, as required by Minn. R. 1800.0120, subp.1D (2017).

#### **GROUNDINGS FOR REVOKING LICENSE**

1. The Board may revoke the professional engineer license of a person who violates a statute, rule, or order that the Board has issued or is empowered to enforce. Minn. Stat. § 326.111, subd. 4(a)(1).

2. The Board may revoke the professional engineer license of a person who has had his license revoked, suspended, limited, or not renewed in another state. Minn. Stat. § 326.111, subd. 4(a)(6). Additionally, a licensee must notify the Board in writing within 60 days of having a license revoked, suspended, limited or not renewed in another state. Minn. R. 1800.0120, subp.1D. Further, a revocation or suspension by another jurisdiction, if the licensing action is based on conduct that would be a violation of Minnesota law, shall be deemed a violation of the Board's rules of professional conduct. Minn. R. 1805.0700 (2017).

3. The Board may revoke the professional engineer license of a person who is grossly negligent, incompetent, or engaged in misconduct in the practice of engineering. Minn. Stat. § 326.11, subd. 1.

4. The Board may revoke the professional engineer license of a person who has engaged in conduct that is fraudulent, deceptive, or dishonest and reflects adversely on the person's ability or fitness to practice engineering. Minn. Stat. § 326.111, subd. 4(a)(2).

Similarly, a licensee shall avoid any act which may diminish public confidence in the profession and shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. Minn. R. 1805, subps. 1, 4C.

### ADDITIONAL NOTICE

1. **You will lose your case if you do not appear for the prehearing conference or the hearing.** You are required to appear for the prehearing conference and the hearing. If you do not appear, the Committee will ask the ALJ to find you in default. A default means that the ALJ could deem the Committee's allegations contained in this notice and order to be true and proven, which would allow the Board to suspend your license.

2. **Any request for a continuance must be made in writing to the ALJ at least five days before the prehearing conference or hearing.** If you are unavailable on the date scheduled for the prehearing conference or hearing, you may request a continuance from the ALJ. Any request for a continuance must be served upon the Committee's attorney.

3. A Notice of Appearance form is enclosed. **You must sign and send the completed form to the Office of Administrative Hearings within 20 days of the date of service of this Notice.** A copy must be served on Corinne Wright-MacLeod, the Committee's attorney.

4. **You have the right to be represented by a lawyer.** You may wish to seek help from a lawyer. A lawyer may be able to advise you of your rights and represent you at the prehearing conference and hearing. If you do not have a lawyer, the Office of Administrative Hearings may have information about where you may seek legal assistance. Helpful information is available on the Office of Administrative Hearings' website at [www.mn.gov/oah](http://www.mn.gov/oah). The website describes the contested case hearing process and provides sample forms for your reference. **Even if you cannot get legal help from an attorney, you must still appear for the prehearing conference and hearing, or you may lose your case.** At the prehearing conference and hearing, all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law.

5. Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. Be advised that if data that is not public is admitted into the record, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2 (2018).

6. The parties are entitled to the issuance of subpoenas to compel witnesses to attend the hearing. The parties will have the opportunity to be heard orally, to present evidence and cross-examine witnesses, and to submit evidence and argument. Ordinarily the hearing is tape-recorded. The parties may request that a court reporter record the testimony at their expense. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the ALJ pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at [www.mn.gov/oah](http://www.mn.gov/oah), or by calling (651) 361-7900.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly. "No matter shall be ordered for mediation if the agency or any party is opposed." Minn. R. 1400.5950, subp. 3C (2017).

8. The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court. A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings is available at [www.mn.gov/oah](http://www.mn.gov/oah) or by calling (651) 361-7900.

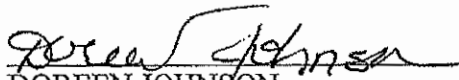
9. Pursuant to Minn. R. 1400.5100, subp. 3(a), 1400.5550 (2017), filing may be accomplished by mail, delivery, fax or licensed overnight express mail service. The fax number for the ALJ is (651) 539-0310.

10. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the ALJ must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at P.O. Box 64620, St. Paul, Minnesota 55164-0620, or call (651) 361-7900.

11. You may review the laws that apply to this process on the internet by going to [www.revisor.mn.gov](http://www.revisor.mn.gov). The laws that govern contested case proceedings are found in Minnesota Statutes sections 14.57-.62 and in Minnesota Rules 1400.5010-.8401. You may also find helpful information by going to the Office of Administrative Hearings' website at [www.mn.gov/oah](http://www.mn.gov/oah). If you have any other questions, you may contact the Committee's attorney.

Dated this 22 day of July, 2019.

COMPLAINT COMMITTEE

  
\_\_\_\_\_  
DOREEN JOHNSON  
Executive Director of the Minnesota Board of  
Architecture, Engineering, Land Surveying,  
Landscape Architecture, Geoscience and Interior  
Design

AFFIDAVIT OF SERVICE BY MAIL

RE: *In re Professional Engineering License of Stephen Maslan,*  
OAH 5-1006-36274

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF RAMSEY     )

Kathryn Weiss, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 21 day of November, 2019, she served the attached **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class and certified postage prepaid, and addressed to:

Stephen Maslan  
8011 Paseo Blvd, Suite 201  
Kansas City, MO 64131

Kathryn A Weiss  
Kathryn Weiss

Subscribed and sworn to before me on  
this the 21 day of November, 2019.

Alison Rose Desmond  
(Notary Public)

