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

In the matter of
Kenneth Piper, Architect
License Number 23542

STIPULATION AND ORDER

Board File No. 2005-0085

TO: Kenneth Piper
118 E. 26th St., Ste. 300
Minneapolis, MN 55404

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2006) and Minnesota Statutes section 326.111 (2006) to review complaints against architects, professional engineers, land surveyors, landscape architects, geoscientists, and certified interior designers, and to take disciplinary action whenever appropriate.

The Board received information concerning Kenneth Piper ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that the matter may now be resolved by this Stipulation and Order.

STIPULATION

IT IS HEREBY AGREED by and between Respondent and the Committee as follows:

1. Jurisdiction. The Respondent has held a license to practice architecture from the Board since September 19, 1994. Respondent's license expired on July 1, 2002

and was renewed on March 14, 2005. Respondent's license is current as of the date of this Stipulation and Order. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.

2. Facts. This Stipulation is based upon the following facts:

- a. Respondent was first licensed to practice architecture in the State of Minnesota on September 19, 1994.
- b. On July 1, 2002, Respondent's license to practice architecture in the State of Minnesota expired.
- c. On March 24, 2005, Respondent's license was renewed.
- d. Since March 24, 2005 until the date of this Stipulation and Order, Respondent's license has remained current.
- e. During the time Respondent's license was lapsed, Respondent held himself out as a licensed architect by using the title "A.I.A." on his business card. In Minnesota, only licensed architects are able to use the title of "architect" or "A.I.A.," a title which implies that the person is a licensed architect.
- f. A true and correct copy of Respondent's business card is attached as Exhibit A.
- g. During the time Respondent's license was lapsed, Respondent held himself out as a licensed architect by writing business letters wherein he used "A.I.A" after his name. Respondent incorporated his resume with such business letters. Respondent's resume

referred to him as a "registered architect with over twenty years of local and national experience in the areas of Industrial, Corporate, Retail and Non-Profit design and project management." Under the title of "Education and Professional Affiliations" Respondent listed "American Institute of Architects (A.I.A.), Minnesota Assembly of Architects, and Registered Architect - State of Minnesota." A true and correct copy of Respondent's resume is attached as Exhibit B.

- h. Correct copies of two letters, written by Respondent and including references as "A.I.A." on his signature in addition to attached resumes representing Respondent as "A.I.A." and "Registered Architect- State of Minnesota", are attached respectively as Exhibit C and Exhibit D.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02 subdivisions 1 and 3, (2006) and are sufficient grounds for the action specified below.

4. Enforcement Action. Respondent and the Committee agree that the Board should issue an Order in accordance with the following terms:

- a. Reprimand. Respondent is reprimanded for the foregoing conduct.
- b. Civil Penalty. Respondent shall pay to the Board a civil penalty of One Thousand Five Hundred (\$1,500.00) Dollars. Respondent shall submit a civil penalty of One Thousand Five Hundred (\$1,500.00) Dollars by cashier's check or money

order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation and Order, Minnesota Statutes sections 326.02 through 326.15 (2006), Minnesota Rules Chapter 1800 (2005) or Minnesota Rules Chapter 1805 (2005), the Board may impose additional discipline pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least thirty days prior to the hearing, the Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Within fourteen days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Complaint Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice or suspension or revocation of Respondent's license.

6. Waiver of Respondent's Rights. For the purpose of this Stipulation, Respondent waives all procedures and proceedings before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the allegations against Respondent, to dispute the appropriateness of discipline in a contested case proceeding pursuant to Minnesota Statutes Chapter 14 (2006), and to dispute the civil penalty imposed by this Agreement. Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order containing the enforcement action specified in paragraph 4 herein. Respondent waives the right to any judicial review of the Order by appeal, writ of certiorari, or otherwise.

7. Collection. In accordance with Minnesota Statutes section 16D.17 (2006), in the event this order becomes final and Respondent does not comply with the condition in paragraph 4(b) above, Respondent agrees that the Board may file and enforce the unpaid portion of the civil penalty as a judgment without further notice or additional proceedings.

8. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this Stipulation and Order or a lesser remedy than specified herein, this Stipulation and Order shall be null and void and shall not be used for any purpose by either party hereto. If this Stipulation is not approved and a contested case proceeding is initiated pursuant to Minnesota Statutes Chapter 14 (2006), Respondent agrees not to object to the Board's initiation of the proceedings and hearing the case on

the basis that the Board has become disqualified due to its review and consideration of this Stipulation and the record.

9. Unrelated Violations. This settlement shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before or after the date of this Stipulation and Order and which is not directly related to the specific facts and circumstances set forth herein.

10. Record. The Stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the Order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this Stipulation.

11. Data Classification. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data upon its issuance by the Board, Minnesota Statutes section 13.41, subdivision 5 (2006). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (2006). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this Order will appear in the Board's newsletter. A summary will also be sent to the national discipline data bank pertaining to the practice of architecture.

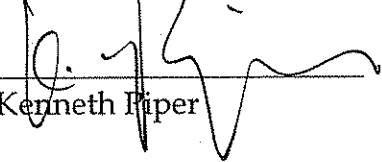
12. Entire Agreement. Respondent has read, understood, and agreed to this

Stipulation and is freely and voluntarily signing it. The Stipulation contains the entire agreement between the parties hereto relating to the allegations referenced herein. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

13. Counsel. Respondent is aware that he may choose to be represented by legal counsel in this matter. Respondent is represented by Mr. Donald G. Heeman, Felhaber, Larson, Fenlon & Vogt, 220 South Sixth Street, Ste. 200, Minneapolis, MN 55402-4504.

14. Service. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The order shall be effective and deemed issued when it is signed by the Chair of the Board.

RESPONDENT


Kenneth Piper

Dated: 29th JANUARY, 2007

COMPLAINT COMMITTEE

By: Billie Lawton / PM
Billie Lawton, Public Member,
Committee Chair

Dated: 2-22, 2007

ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records and proceedings herein, all terms of the Stipulation are approved and hereby issued as an Order of this Board on this the 25th day of March, 2007.

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

By: Harvey H. Harvala
Harvey H. Harvala, PE
Board Chair



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118 E. 26th St. Suite 300
Minneapolis, MN 55404
P:612-879-8225
F:612-879-8152

Kenneth E. Piper

*AIA, PRINCIPAL
DIRECT:612-998-8100
kpiper@tanek.com*

EXHIBIT A



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118 E. 26th Street Suite 300 Mpls. MN 55404 P:612-879-8225 F:612-879-8152 www.tanek.com

RESUME

KENNETH E. PIPER, AIA

Principal & Owner

Ken is a registered architect with over twenty years of local and national experience in the areas of Industrial, Corporate, Retail and Non-Profit design and project management. Ken has been responsible for successfully starting and running two architectural firms and presently brings a track of leadership and vision to Tanek, Inc. as principal and owner.

Ken's partial project experience includes:

- Association of Free Lutheran Bible School, Plymouth – 23-acre masterplan and design.
- Calvary Lutheran Church, Minneapolis – narthex/sanctuary expansion, ADA upgrades.
- Bloomington Baptist Church, Bloomington – sanctuary expansion, gymnasium, administrative offices, Christian education.
- Bethany Academy, Bloomington – K through 12th grade school design.
- The Navigators, Colorado Springs – design development for 80,000 SF expansion.
- New Bethel Baptist Church, Minneapolis – Campus masterplan.
- North Heights Lutheran Church, Arden Hills – 100,000 SF addition.
- St. Paul's Episcopal Church, Minneapolis – Sanctuary/Altar remodeling.
- Transfiguration Catholic Church, Oakdale – Sanctuary, School (K – 8) Gymnasium addition.
- St. Lawrence Church & Newman Center, Minneapolis – remodeling.
- Shiloh Temple Church, Minneapolis – relocation to Robbinsdale.
- Bloomington Housing and Redevelopment Authority, MN – 13-acre masterplan.
- Calhoun Square Minneapolis – Ongoing design and remodeling.
- New Carousel Building Como Park, St. Paul – Design and coordination.
- Niketown Chicago – Project Management.
- City Center Remodeling Minneapolis – Project Architect.
- Bremer Banks, MN – Various projects.

Education and Professional Affiliations:

- Bachelor of Architecture Degree (B. Arch) from the University of Minnesota
- American Institute of Architects (AIA)
- Minnesota Assembly of Architects
- Registered Architect – State of Minnesota
- Board Chair – Children's Theatre Company

EXHIBIT B



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118 E. 26th Street Suite 300 Mpls, MN 55404 P:612-879-8225 F:612-879-8152 www.tanek.com

January 1, 2004

Long Range Planning Building Committee
White Bear Unitarian Universalist Church
328 Maple Street
Mahtomedi, MN 55115

Re: White Bear Unitarian Universalist Church
Proposed expansion and remodel
Selection of Architecture/Engineering consultants

Dear Committee Members:

We are excited to be in consideration for design/engineering services for your proposed expansion.

Tanek, Inc. is a full service architecture and design firm comprising of 12 professionals who work in a collaborative open-office environment, harnessing our individual strengths and areas of expertise for your project only as needed. Nat Shea and I, the founding partners of the firm are both working principals and serve as project leaders – I will be the project lead on your project.

We have had the good fortune to serve Faith-based organizations not only as consultants, but also as owners representatives. Experience on both sides allows us to better understand your needs.

We have tried our best to respond to your request but we also realize that our response would be much more meaningful given the opportunity to dialogue with you. We look forward to being able to meet you and listen to your needs.

Please do not hesitate to call me if you have any questions.

Sincerely,

Kenneth E. Piper
A.I.A., Principal
Tanek, Inc.
Direct: 612-998-8100
kpiper@tanek.com

EXHIBIT C



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118 E. 26th Street Suite 300 Mpls, MN 55404 P:612-879-8225 F:612-879-8152 www.tanek.com

THE TEAM

We are proposing the following team of professional consultants based on what we know today about your project. We may suggest changes to the team when we get more detail about you and your project only because we may feel that there are other consultants better suited to serving your project based on the added information that we learn.

Tanek, Inc. Team:

Design & Project Lead – Ken Piper

Production and Technical Lead – Nat Shea

Other members – to be decided upon meeting with client and determining specific needs.

Resumes for Ken and Nat are attached.

Mechanical, Electrical & Structural Engineering:

Nelson, Rudie & Associates, Inc.
St. Paul, MN

Civil Engineering:

Paramount Engineering & Design.
St. Paul, MN

Specialty Consultants:

We suggest that all specialty consultants such as acoustician, liturgical, lighting and others be selected in conjunction with the church, once further scope has been identified.



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RESUME

NATHANIEL SHEA, AIA, NCARB

Principal & Owner

Nathaniel is a registered architect with over ten years of architectural and management experience. Under Nat's leadership, Tanek has developed into a full service architecture and interiors firm serving their clients' diverse needs. The key to success is in understanding and listening to each clients goals and delivering a comprehensive solution. Nat has maintained long term relationships with clients due to outstanding service that exceeds their expectations. This commitment to every project has translated into successful projects delivered on time and on budget.

Nat's partial project experience includes:

- Otto Bremer Foundation.
- Bremer Service Center
- Bremer Corporate Offices
- University of Minnesota, Newman Center – Remodeling.
- Saint Lawrence Church, U of M Campus – Remodeling
- Minnetonka Senior Housing Project, MN – High density design.
- Association of Free Lutheran Bible School Plymouth, MN – Student housing.
- Transfiguration Catholic Church and School Oakdale, MN – Sanctuary addition and new school wing.
- Calhoun Square Minneapolis – Ongoing design and remodeling.
- Currell Center Woodbury, MN – 44,000 SF Office Building.
- Crazy Carrot Juice Bar and Café design – Six locations.
- Chin's Asia Fresh
- Rixmann Companies Headquarters.
- Pizza Luce
- Stone Wall Kitchen

Education and Professional Affiliations:

- Bachelor of Architecture Degree (B. Arch) from the University of Minnesota
- American Institute of Architects (AIA)
- Registered Architect – State of Minnesota, Maine, Colorado, Connecticut
- National Council of Architectural Registration Boards (NCARB)
- Thesis Award Winner

OVERALL PROJECT FEE:

9% - 11% of project construction cost

- Architecture
- Structural Engineering
- Mechanical Engineering
- Electrical Engineering
- Civil Engineering

**4) Association of Free Lutherans Bible School – Plymouth
Married Student Housing:**

\$500,000

- a) Worked with the client to develop a masterplan for their 23-acre site in Plymouth. The masterplan proposed a number of new building types including a student center, gymnasium and dormitories.
- b) We guided the entire masterplan through the City of Plymouth as a Planned Unit Development and gained approval for the project.
- c) The married student-housing complex consisting of living units in a townhouse-like configuration was completed in 1999.

Contact: Mr. Dave Borg, school board chair

320-286-5275

5) Holding Forth the Word Ministries – Minneapolis: In Prelim. Stages

- a) We are working with this inner city Pentecostal congregation that has outgrown their present facility on Broadway Avenue in north Minneapolis.
- b) We have developed a masterplan reflecting the special needs of their ministry which includes Sanctuary space, Christian education space, outreach programs, 24-hour senior and infant daycare facilities, counseling space and parking.
- c) We are also assisting them in assessing existing churches to determine whether there may be an opportunity to buy an existing church facility in lieu of building anew.
- d) The scope of this project is estimated in the \$6 million range.

Contact: Pastors Rufus and Diane Thibodeaux

612-522-5807

6) Transfiguration Catholic Church – Oakdale, MN

\$4 Million

- a) We worked with the congregation to design and expand their sanctuary from 700-seat capacity to 1,500 seats. We also designed a new wing for a K through 8 school and a gymnasium/multi-purpose space.
- b) Total construction was about 60,000 SF.
- c) This project was completed in 1999.

Contact: Father Jim Smith

651-738-2646



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Tanek, Inc. – CORPORATE FACTS

Staff:

Principals (Registered Architects):	2
Intern Architects:	3
Interior Design:	3
Technical:	2
Other:	<u>2</u>
Total:	12

Equipment:

- Gateway Computer CAD Stations
- HP 755 Color plotter
- HP 1220 Color Desk printers
- AutoCAD 2000 Software
- 3D Studio Max
- 42" Plasma monitor

Certification:

- NCAARB – Registration capability in all states
- Maintain Current Registration status in the State of Minnesota, Wisconsin, Colorado and Maine

Insurance:

- Errors & Omissions (\$1 Million)
- General Liability



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February 6, 2004

Ms. Connie Grady
Mr. Gordie Hampson
Northstar Partners
Crescent Ridge Corporate Center
11100 Wayzata Blvd.
Suite 615
Minnetonka, MN 55305

Re: 3033 Campus Drive
Design support for Tenant Development Services
Tanek, Inc's proposal for Architectural & Design Services

Project No: 04-0000

Dear Connie & Gordie:

Thank you for the opportunity to submit our proposal for 3033 Campus Drive. I also appreciated the opportunity to tour the building with Connie recently and I came away with a good sense of the variety of ways that Tanek could assist you with your leasing efforts, not just the day-to-day fitplanning and square footage requests, but also visionary thinking that you may have, such as potential repositioning of the property in the market.

I wanted to mention two projects that we have recently completed that were very similar in scope to what you have requested. With both projects we provided full verification and Cad services, generating building as-builts with complete documentation in a custom three-ring binder. These projects were:

- 1) Fifth Street Center in St. Paul (formerly Norwest Center) – Approximately 200,000 SF on 15 floors.
- 2) Plymouth Building in Minneapolis (6th & Hennepin) – Approximately 260,000 SF on 12 floors.

We are excited at the prospect of assisting you with 3033 Campus Drive. We are available immediately. Please do not hesitate to contact me with any questions you may have.

Sincerely,

Kenneth E. Piper
A.I.A., Principal
Tanek, Inc.
Direct: 612-998-8100
kpiper@tanek.com

EXHIBIT D



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PROPOSED TEAM

Ken Piper will be project lead assisted by interior designers Tara Thorson and Manda Morales. Ken, Tara and Manda have all worked on the key projects mentioned earlier namely Plymouth Building, Fifth Street Center and Bremer Service Center. Resumes are listed below.

KENNETH E. PIPER, AIA

Principal & Owner

Ken is a registered architect with over twenty years of local and national experience in the areas of Corporate, Retail, Industrial and Non-Profit design and project management. Ken's diverse project background as well as his involvement in civic/community organizations brings a track record of knowledge and vision to your project.

Ken's project experience includes:

- Au Bon Pain
- Bremer Financial Corporate offices – 25,000 SF design for new corporate offices
- Fabyanske Law Offices – 20,000 SF design for new offices.
- Maun & Simon – St. Paul, Minneapolis offices.
- Bremer Financial Service Center – 100,000 SF in Lake Elmo.
- Bethany Academy – New K through 12 school in Bloomington.
- St Peter Claver Catholic Church School – K through 8 in St. Paul.
- Calhoun Square Minneapolis – Ongoing design and remodeling.
- New Carousel Building Como Park, St. Paul – Design and coordination.
- Niketown Chicago – Project Management.
- City Center Remodeling Minneapolis – Project Architect.

Education and Professional Affiliations:

- Bachelor of Architecture Degree (B. Arch) from the University of Minnesota
- American Institute of Architects (AIA)
- Minnesota Assembly of Architects
- Registered Architect – State of Minnesota

- BBDO, Minneapolis, MN – 30,000 SF office relocation
- Agency Eleven, Plymouth, MN – 15,000 SF office relocation
- Kerker Marketing Communications, Edina, MN – 20,000SF office relocation
- Martin Williams, Minneapolis, MN – 25,000 FS office relocation
- Fame, Minneapolis, MN – 20,000 SF office relocation
- Ogilvy & Mather, Detroit, MN – 25,000 SF office relocation
- Shandwick, New York, NY – 30,000 SF office relocation
- Fallon McElligott / Duffy, New York, NY – 13,000 SF office relocation
- BBDO, Miami, FL – 10,000 SF office relocation
- Knelman Asset Management, Minneapolis, MN – 3,000 SF office relocation
- Conseco, St. Paul, MN – 80,000 SF call center
- Green Tree Financial, Phoenix, AZ – 75,000 SF call center
- Department 56, Minneapolis, MN – 10,000 SF project management
- GDR, Minneapolis, MN – 10,000 SF office relocation
- US Bank, St. Paul, MN – 75,000 SF office relocation

▪ **Education and Professional Affiliations:**

- Bachelor of Fine Arts in Interior Design from Iowa State Universtiy
- ASID, Affiliated Member



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PROPOSED FEE SCHEDULE

Scope of services are as outlined in Northstar Partners' RFP (copy attached).

PRE-LEASING SERVICES:

- a) Core and Shell Verification
- b) Interior As-built Verification
- c) Rentable Area Measurement and Lease Status Book
- TOTAL (a,b,c): \$0.08/SF

Building Standards Development

- a) Develop TI Building Standards including details for tenant entries, doors, partitions, mullion closures, millwork, etc: Hrly, not-to-exceed \$7,500
- b) Develop TI building standard finish materials, color palettes including carpet, vinyl, wallcovering, paint, plastic laminate, vct and base. Provide sample board for each palette for on-site use by agent (estimated 3 schemes): \$3,600

TENANT LEASING SERVICES:

Space Plan

- a) Office spaces under 3,000 RSF: \$0.12/SF (\$300 minimum)
- b) Office spaces from 3,000 RSF to 10,000 RSF: \$0.11/SF
- c) Office spaces over 10,000 RSF: \$0.10/SF
- d) Retail/Restaurant spaces: \$0.15/SF (\$300 minimum)

Pricing Plan

- a) Office spaces under 3,000 RSF: \$0.10/SF (\$300 minimum)
- b) Office spaces from 3,000 RSF to 10,000 RSF: \$0.09/SF
- c) Office spaces over 10,000 RSF: \$0.08/SF
- d) Retail/Restaurant spaces: \$0.15/SF (\$300 minimum)

Finish Materials (excludes furniture selection)

Although the prices below are for non-standard finish selections, this does not include selections for custom high-end tenants.

- a) Office spaces under 3,000 RSF: \$0.25/SF (\$350 minimum)
- b) Office spaces from 3,000 RSF to 10,000 RSF: \$0.22/SF
- c) Office spaces over 10,000 RSF: \$0.19/SF
- d) Retail/Restaurant spaces: \$0.25/SF (\$350 minimum)



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SCHEDULE OF HOURLY RATES

Principal	\$125/hour
3D Technology	\$95/hour
Architect/Project Manager	\$75/hour
Interior Designer	\$68/hour
Architect Intern	\$49/hour
CADD Technician	\$45/hour

REIMBURSABLE EXPENSES (not limited to the following):

Blueprints	\$0.25/SF
Plots	\$2.50/SF
Scans	\$2.50/SF
Photocopies	\$0.25
Color Copies (8½ x 11)	\$2.00
Color Copies (11 x 17)	\$3.00
Foam Core Boards	\$2.50/SF
Faxes	\$1.00/sheet
Mileage	\$0.33/mile

Reimbursable expenses and consultant fees will be charged at cost plus 15%

Other reimbursable expenses may include Governmental reviews, Renderings, Postage, Photographs, 3D Walkthroughs, Airfare, Long Distance Phone, Meals, Lodging, Models, and so on.



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ADDITIONAL SERVICES

Tanek, Inc is a full-service architectural/interior design firm offering a wide range of custom services at an hourly rate or agreed-upon fee (hourly rates attached). Custom services could include but not be limited to:

- 1) Design
- 2) Space allocation
- 3) Property Assessment
- 4) Code interpretation
- 5) Marketing documents
- 6) Proposals/graphics
- 7) Cadd/Color technology
- 8) Document review
- 9) Bid packages
- 10) Construction administration
- 11) Building Signage/wayfinding
- 12) Furniture specification