

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

**In the matter of
Jeremy Woitaszewski
License Number 51943**

STIPULATION AND ORDER

Board File No. 2019-0017

TO: Jeremy Woitaszewski
6073 158th Ct. W
Apple Valley, MN 55124

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2018) and Minnesota Statutes section 326.111 (2018) 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 Jeremy Woitaszewski ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that these matters may now be resolved by this Stipulation and Order.

STIPULATION

It is hereby stipulated and agreed by Respondent and the Committee that without trial or adjudication of any issue of fact or law and without any evidence or admission by any party with respect to any such issue:

1. Jurisdiction. Respondent is an Architect licensed by the Board and 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 as an Architect in the State of Minnesota on September 15, 2014.

b. As of the date of this Stipulation and Order, Respondent's license is current and expires on June 30, 2020.

c. Respondent was employed at BWBR Architects, Inc. ("BWBR") in St. Paul, Minnesota from September 9, 2014 to January 20, 2017.

d. Upon completion of his employment at BWBR, Respondent signed a Personal Work Sample Transmittal agreement that stated in part "BWBR is providing electronic files, printed copies, designs, drawings, data, reports, notes, or other materials relating to work performed by you...for the purpose of creating your own personal portfolio and resume" and required Respondent "to properly credit examples of work with a description of your role in the project, copyright holders, and BWBR as the architecture firm of record."

e. On July 26, 2018, the Board received a complaint regarding Respondent's conduct following his employment at BWBR.

f. The complaint contained the following allegations:

i. Respondent used images on his professional website that were owned and copyrighted by BWBR without permission or proper attribution.

ii. Respondent failed to adequately attribute credit to BWBR as the architect of record for projects he included on his professional website.

iii. Respondent failed to accurately describe the extent of his responsibilities on BWBR project teams for projects he included on his professional website.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.111, subdivision 4 (1)-(2) (2018) and Minnesota Rules 1805.0200, subpart 4C (2017) and are sufficient grounds for the action specified below. Specifically, it is alleged that Respondent engaged in deceptive or dishonest acts by not properly crediting the work of his former employer and fellow coworkers and not properly crediting images used on his professional website.

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

a. Reprimand. Respondent's Architect license is censured and reprimanded for the foregoing conduct.

b. Civil Penalty. Respondent shall pay to the Board a civil penalty of One Thousand Dollars (\$1,000.00). Respondent shall submit the civil penalty by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

c. Professional Development. Respondent shall complete two (2) professional development hours (PDH) related to professional ethics, and provide proof of completion of the hours to the Board, within 180 days of the Board's approval of this Stipulation and Order.

5. 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 (2018), 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.

6. Collection. Pursuant to Minnesota Statutes section 16D.17 (2018), after ninety (90) days of the Board's approval of this Stipulation and Order, the Board may file and enforce any unpaid portion of the civil penalty imposed by this Order as a judgment against the Respondent in district court without further notice or additional proceedings.

7. 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 (2018), 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.

8. 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.

9. 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.

10. 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 (2018). 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 (2018). 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.

11. 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.

12. Counsel. Respondent is aware that he may choose to be represented by

legal counsel in this matter. Respondent knowingly waived legal representation.

13. 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



Jeremy Woitaszewski

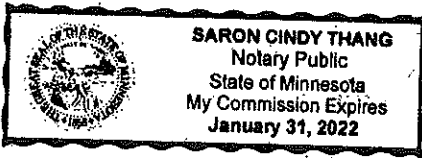
Dated: 11.13, 2018

SUBSCRIBED and sworn to before me on this the 13th day of November, 2018.

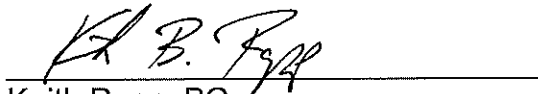

(Notary Public)

My Commission Expires:

January 31st, 2022



COMPLAINT COMMITTEE



Keith Rapp, PG
Committee Chair

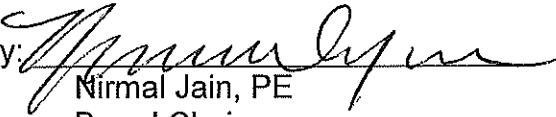
Dated: 16 NOVEMBER, 2018

ORDER

Upon consideration of the foregoing Stipulation and Order and based upon all the files, records, and proceedings herein, all terms of the Stipulation and Order are approved and adopted and hereby issued as an Order of this Board this the _____ day of 12-6, 2018.

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

By:



Nirmal Jain, PE
Board Chair

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Jeremy Woitaszewski
Architect
License Number 51943

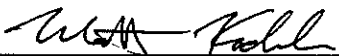
STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Matt Kaehler, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 7th day of December, 2018, he served the attached **Stipulation 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:


Jeremy Woitaszewski
6073 158th Ct. W
Apple Valley, MN 55124

CERTIFIED MAIL
Return Receipt Requested
7017 3040 0000 1240 9134



Matt Kaehler

Subscribed and sworn to before me on
this the 7th day of December, 2018.



(Notary Public)

