

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

In the Matter of

**STIPULATION AND
CONSENT ORDER**

Michael Scott Zmich
Architect No. 40573

Board File No. 2022-0017

STIPULATION

Michael Scott Zmich ("Respondent") and the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design's Complaint Committee stipulate that, subject to Board's review and discretionary approval, the Board may issue a consent order that imposes the following sanctions:

A. Respondent's Architect license, No. 40573, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2020).

B. Respondent shall pay to the Board a civil penalty of Seven Hundred and Fifty Dollars (\$750). Respondent shall submit a civil penalty of \$750 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

C. Respondent shall complete 4 professional development hours related to professional ethics, and provide proof of completion of the hours to the Board, within 60 days of the Board's approval of this Stipulation and Consent Order. These professional development hours are not to count toward Respondent's 2020-2022 continuing renewal requirement.

D. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02–.15 (2020) and Minn. R. chs. 1800 & 1805 (2021).

E. Respondent shall report in writing within ten days any and all violations of this stipulation and consent order to the Board's Executive Director.

Respondent and the Committee enter into this stipulation based on the following findings of fact, conclusions of law, and other stipulated provisions:

Findings of Fact

1. Respondent holds an Architect license in the State of Minnesota, which expires on June 30, 2022.

2. Respondent renewed his Minnesota Architect license online on June 19, 2020. At that time, Respondent affirmed that he earned 26 Professional Development Hours (PDH), including 2 carry over, and affirmed that he earned 2 PDH dedicated to ethics as required by Minnesota Statute § 326.107, subd. 1(c) (2020).

3. On May 10, 2021, the Board sent a letter to the address provided by Respondent to the Board, which notified Respondent that he was randomly selected for review as part of the Board's continuing education audit.

4. In the same letter, the Board notified Respondent that as part of the audit, he must submit supporting documentation for a minimum of 24 PDH, of which 2 PDH must be dedicated to ethics earned between July 1, 2018, and his renewal date of June 19, 2020.

5. On May 17, 2021, Respondent's response to the audit was received by the Board. His response included supporting documentation for 72 PDH, however, there were no PDH listed as being dedicated to ethics.

6. On July 8, 2021, Respondent's audit was evaluated as failed due to no PDH dedicated to ethics.

7. On August 4, 2021, a complaint allegation letter was sent to Respondent.

8. On August 19, 2021, Respondent's response was received by the Board. In his response he acknowledged that he neglected to include ethics continuing education hours during the biennium period from July 1, 2018, to June 19, 2020.

Conclusion of Law

1. The Board has authority to license and regulate architects and to take disciplinary action as appropriate. Minn. Stat. ch. 326.111 (2020).

2. Respondent violated Minnesota Statutes §§ 326.107, subd. 1(a) and (c) (2020) and 326.111, subd. 4(a)(1) and (8) (2020).

3. This stipulation and consent order is in the public interest.

Other Stipulated Provisions

1. This stipulation and consent order must be approved by the Board to become effective.

2. Respondent agrees that the Committee may move the Board *ex parte*, with or without advance notice to the Respondent, to approve this stipulation and consent order. Respondent understands that the Board may either approve the stipulation and consent order or not approve it. This stipulation and the files, records, and proceedings associated with this matter may be reviewed by the Board in its consideration of the Committee's motion.

3. If approved by the Board, this stipulation and consent order shall be classified as public data. Minn. Stat. § 13.41, subd. 5 (2020). The Board will post a copy of this order on its website. The Board will also send a summary to the national discipline data bank pertaining to the practice of Architecture.

4. If the Board does not approve this stipulation and consent order, then the matter remains unresolved and the Committee may either seek to negotiate a revised stipulation and consent order with Respondent to present to the Board or issue an order commencing a contested-case hearing before an Administrative Law Judge at the Office of Administrative Hearings. See Minn. Stat. §§ 14.57–.62, 214.10, subd. 2 (2020) (describing administrative hearing process).

5. Respondent agrees that if this case comes before the Board again after it reviews and discusses this stipulation and consent order, Respondent waives any claim that the Board was prejudiced by its review and discussion of this stipulation and consent order and any records relating to it.

6. Respondent acknowledges that they were advised by the Committee of their right to a contested-case hearing in this matter before an Administrative Law Judge, to file exceptions and make argument to the Board after the hearing, and to seek judicial review from any adverse decision rendered by the Board. Respondent hereby expressly waives those rights. Respondent was further advised by the committee of their right to be represented by counsel and that they knowingly waives that right.

7. Respondent has read, understands, and agrees to this stipulation and has voluntarily signed it. It is expressly understood that this stipulation contains the entire

agreement between the parties, there being no other agreement of any kind, verbal or otherwise. If approved by the Board, a copy of the final stipulation and consent order shall be served personally or by first class mail on Respondent. The Board's order shall be effective when it is signed by the Chair of the Board or the Chair's designee.

8. Pursuant to Minn. Stat. § 16D.13 (2020), any civil penalty imposed by this stipulation and consent order shall begin to accrue simple interest in accordance with that section thirty days after the civil penalty is due. Pursuant to Minn. Stat. § 16D.17 (2020), thirty days after any civil penalty imposed by this stipulation and consent order is due, the Board may file and enforce any unpaid portion of the civil penalty as a judgment against Respondent in district court without further notice or additional proceedings.


Michael Scott Zmich, Architect

STATE OF RI

COUNTY OF Newport

This instrument was acknowledged before me on 01/27/2022 by Michael Scott Zmich.




(Signature of notary officer)

My commission expires: 03/14/2022

COMPLAINT COMMITTEE



Eric Friske, JD
Chair

Dated: March 6, 2022

CONSENT ORDER

Upon consideration of this stipulation and consent order, and based upon all the files, records, and proceedings herein, all terms of the stipulation and consent order are approved.

Accordingly, the Board orders as follows:

A. Respondent's Architect license, No. 40573, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2020).

B. Respondent shall pay to the Board a civil penalty of Seven Hundred and Fifty Dollars (\$750). Respondent shall submit a civil penalty of \$750 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

C. Respondent shall complete 4 professional development hours related to professional ethics, and provide proof of completion of the hours to the Board, within 60 days of the Board's approval of this Stipulation and Consent Order. These professional development hours are not to count toward Respondent's 2020-2022 continuing renewal requirement.

D. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02–.15 (2020) and Minn. R. chs. 1800 & 1805 (2021).

E. Respondent shall report in writing within ten days any and all violations of this stipulation and consent order to the Board's Executive Director.

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

Dated: March 17, 2022

for

 PE

PAUL VOGEL, LS
Board Chair



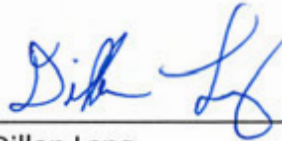
STATE OF MINNESOTA
MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE
ARCHITECT, GEOSCIENCE, AND INTERIOR DESIGN
85 East 7th Place, Suite 160
St. Paul, MN 55101

CERTIFICATE OF SERVICE BY U.S. MAIL

Case Title: Michael Zmich, Architect No. 40573
File # 2022-0017

I, Dillon Lang, verify by oath or affirmation that on the 18th day of March, 2022, at the City of St. Paul, in the county of Ramsey, in the State of Minnesota, served the Stipulation and Consent Order by depositing a true and correct copy in the United States mail, properly enveloped, with first class postage prepaid and addressed to the following named individual(s) or entities at the address indicated below.

Michael Zmich
150 North Christopher Avenue
Tiverton, RI 02878



Dillon Lang