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

In the matter of Kurt Baum
ARCHITECT
License Number 26576

STIPULATION AND ORDER

Board File No. 2007-0078

TO: Kurt Baum
314 Clifton Ave C100
Minneapolis, MN 55403

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 Kurt Baum ("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 March 24, 1999. 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 March 24, 1999.
- b. On June 30, 2002, Respondent's license to practice Architecture in the State of Minnesota lapsed.
- c. On June 15, 2007, Respondent's license to practice Architecture in the State of Minnesota was reinstated.
- d. In a letter to the Board dated June 11, 2007, Respondent admits that he did sign drawings for the Brite Light Electrical Company project, located at 2475 Maplewood Drive, #112, Maplewood, Minnesota, during the time his architect license had lapsed. A true and correct copy of Respondent's June 11, 2007 letter is attached hereto as Exhibit A.
- e. In a letter to the Board dated June 11, 2007, Respondent admits to two additional commercial projects during the time his license lapsed. The two projects were for Woody's Grille project, located at 220 Carlson Parkway North, Plymouth, Minnesota and D. Brian's Deli & Catering, located at 13300 Technology Drive, Eden Prairie, Minnesota. A true and correct copy of Respondent's June 11, 2007 letter is attached hereto as Exhibit A.

- f. On April 23, 2007, Respondent certified and stamped architectural drawings for a building permit for a project named Brite Light Electrical Company, located at 2475 Maplewood Drive #112, Maplewood, Minnesota. A true and correct set of drawings is on file in the Board office.
- g. On February 14, 2007, Respondent certified and stamped architectural drawings for a project named D. Brian's Deli & Catering, located at 13300 Technology Drive, Eden Prairie, Minnesota. A true and correct set of drawings is on file in the Board office.
- h. On August 10, 2005, Respondent certified and stamped architectural drawings for a project named Woody's Grille, located at 220 Carlson Parkway North, Plymouth, Minnesota. A true and correct set of drawings is on file in the Board office.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes sections 326.02, subdivision 1 and 326.03, subdivision 1 (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

Five Thousand Dollars (\$5,000.00). Respondent shall submit a civil penalty of Five Thousand Dollars (\$5,000.00) by cashier's check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

c. Ethics Instruction Required. Respondent shall successfully complete eight (8) contact hours of instruction in professional ethics approved in advance by the Complaint Committee. Within one (1) year of the Board's approval of this Stipulation and Order, Respondent shall complete the ethics instruction and submit course completion certificate(s) or similar documentation satisfactory to the Board. These eight (8) hours of ethics instruction shall not be counted towards satisfying the continuing education hours required for Respondent's licensure period ending June 30, 2008.

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation and Order, Minnesota Statutes Chapter 326 (2006), or 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 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 Mark L. Johnson, of Greene Espel, Attorneys & Counselors.

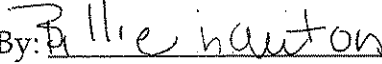
14. Service. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed by the Chair of the Board.

RESPONDENT


Kurt Baum

Dated: 8-13, 2007

COMPLAINT COMMITTEE

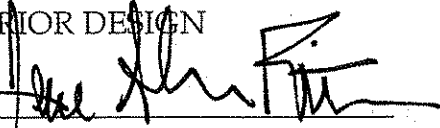
By: 
Billie Lawton, Public Member,
Committee Chair

Dated: 8-16, 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 14TH day of SEPT, 2007.

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

By: 
Jerome Allen Ritter, Architect, CID
Board Chair

RECEIVED

JUN 14 2007

June 11, 2007

BY HAND DELIVERY

Lynette DuFresne
Investigator
Minnesota Board of AELSLAGID
85 East 7th Place Suite #160
St. Paul, MN 55101-2113

Subject: Kurt Baum, File No. 2007-0078

Dear Ms. DuFresne:

I am writing in response to your letter dated May 30, 2007, informing me that the Board is investigating a complaint that I may have practiced architecture without a license by signing drawings for a project named Brite Light Electric Company in April 2007. I regret that I did sign the drawings for that Brite Light Electrical Company project. I intend to fully cooperate with you and the Complaint Committee in this investigation.

It is my understanding that my license lapsed for failure to meet my Continuing Education Requirements for Architecture. In May 2006, when I learned that my license had lapsed, I began the process of completing those credits, and have now done so. Also, I have applied for licensure reinstatement. I would very much appreciate the chance to meet with the Complaint Committee, to reach a prompt resolution of this matter, and to have my license reinstated.

I am sending with this letter the materials that you requested:

1. **Brite Light Electrical Company.** I enclose copies of the requested documents regarding the Brite Light Electrical Company project, including a copy of the plans that I certified and my invoice. I did not retain a copy of the certified plans, and there was no correspondence relating to this project.
2. **Letterhead, advertisements, solicitation materials.** I enclose a copy of my letterhead, which is the same letterhead I have used since July 2002. The only changes from July 2002 to the present have been to the address and phone number. My advertising/solicitation has been limited to the website for Kurt Baum & Associates, which is
3. **Business Cards.** I also have included my business card, which has been the same since July 1, 2002, except that the address and phone number have changed.
4. **Professional Articles.** I have not authored or published any professional articles since July 1, 2002.
5. **Certified Plans/Correspondence/Invoice Materials.** I have worked on a number of residential projects since July 1, 2002, but only a two commercial architecture projects other than the Brite Light project. I am sending the requested materials for those two other commercial projects: (1) Woody's Grille, Carlson Parkway, Plymouth, Minnesota and (2) D.Brian's Deli and Catering, Eden Prairie, Minnesota. Again, I did not retain a copy of the

EXHIBIT A

kurt baum & associates
architects

314 clifton avenue
carriage house
minneapolis, mn
55403

tel 612.870.1000
fax 612.870.2660

kurt baum & associates

architects

certified drawings, but am providing copies of the plans that I certified. I have enclosed my invoices, but I have no correspondence relating to these projects.

Please let me know whether there are any other materials requested of me. I look forward to hearing from you soon.

Thank you.

Sincerely,



Kurt Baum

#348445v1

314 clifton avenue
carriage house
minneapolis, mn
55403

tel 612.870.1000
fax 612.870.2660