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

In the matter of
Richard S. Hoganson, Architect
License No. 23173
CID No. C00715

STIPULATION AND ORDER

Board File No. 2002-0029

TO: Richard S. Hoganson
3504 Westmore Drive
Moorhead, MN 56560

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 Richard S. Hoganson ("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 February 17, 1994 and a certificate as a certified interior designer since May 19, 1994. On July 1, 2000, Respondent's license to practice architecture in the State of Minnesota lapsed and was then renewed on September 24, 2001. Respondent is currently licensed by the Board to practice architecture and is a Certified Interior Designer in the State of Minnesota. 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 February 17, 1994.
 - b. On July 1, 2000, Respondent's license to practice architecture in the State of Minnesota expired due to clerical error in his office. Respondent was unaware his license had expired.
 - c. On September 24, 2001, Respondent's license to practice architecture in the State of Minnesota was renewed.
 - d. Respondent certified drawings for wall sections for the Douglas County Hospital Surgery Center Addition, Phase 2, in Alexandria, Minnesota. The certification was dated June 2001. A copy of Respondent's certification on that date is attached hereto as Exhibit A. A true and correct set of drawings is located in the Board office.
 - e. Respondent certified the Project Manual for Phase I. of the Douglas County Hospital Surgery Center Addition-Phase 2,

located in Alexandria, Minnesota. The certification was dated June 2001. A copy of Respondent's certification is attached as Exhibit B. A true and correct copy of the Project Manual is located in the Board office.

3. Violations. The lapse of Respondent's license was an unintentional act. Even so, Respondent admits that his preparation and certification of the drawings and project manual as described in paragraphs 2d and 2e above constitute the practice of architecture and that the facts specified above constitute violations of Minnesota Statutes section 326.02 subdivisions 1 and 2, (2006) and Minnesota Statutes section 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 One Thousand Dollars (\$1,000.00). Respondent shall submit a civil penalty of One Thousand Dollars (\$1,000.00) by cashier's check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation and Order, Minnesota Statutes sections 326.02 through 326.15 (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 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 knowingly waived legal representation.

14. Service. If approved by the Board, a copy of this Stipulation and Order

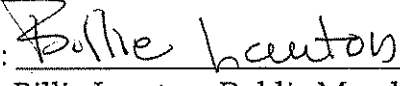
shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed by the Chair of the Board.

RESPONDENT


Richard S. Hoganson

Dated: 4-9, 2007

COMPLAINT COMMITTEE

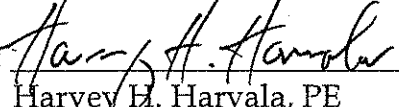
By: 
Billie Lawton, Public Member,
Committee Chair

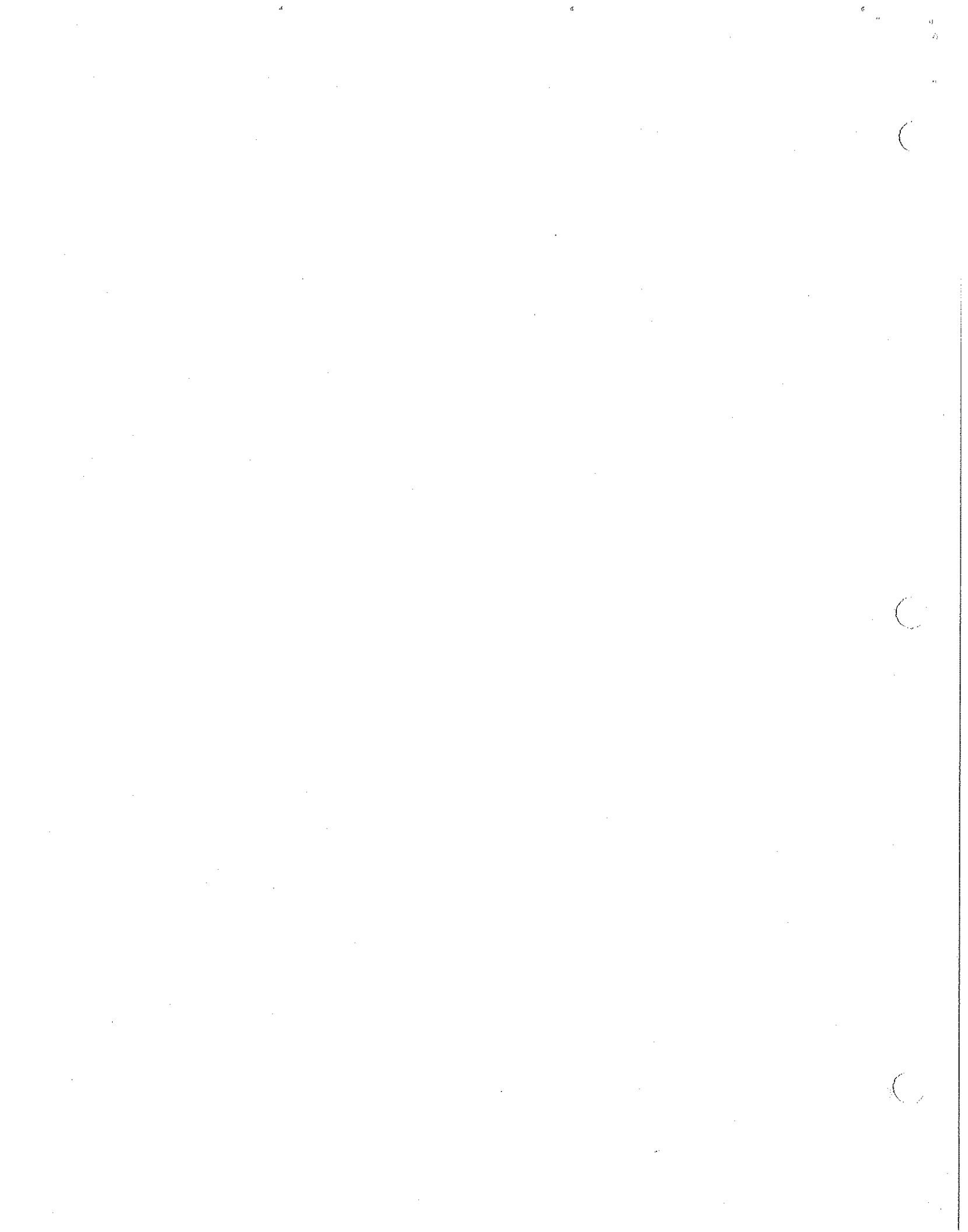
Dated: 5/4, 2007

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 4th day of May, 2007.

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

By: 
Harvey H. Harvala, PE
Board Chair



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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

W. J. Johnson
REGISTRATION NUMBER: 12373

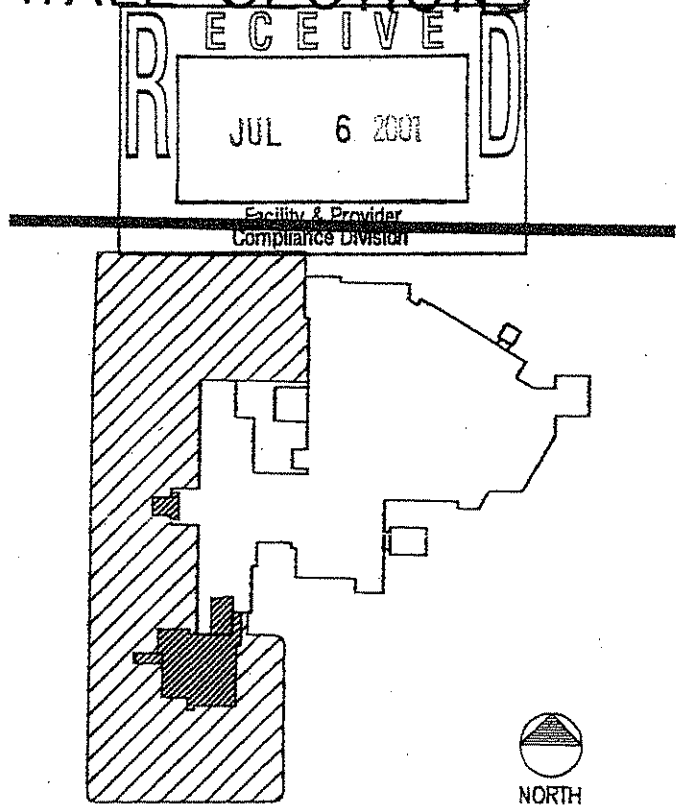
PROJECT NO: 0014

SCALE: AS SHOWN

DATE: JUNE, 2001

DRAWN: KJS/JLN

WALL SECTIONS



KEY PLAN

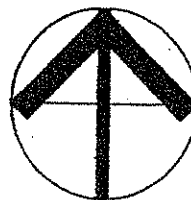
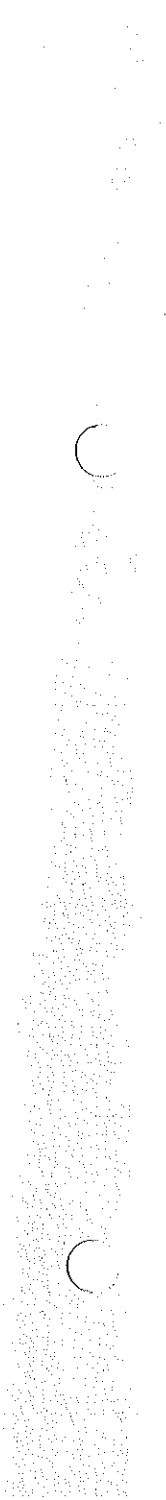


EXHIBIT A

SHEET:

5.3



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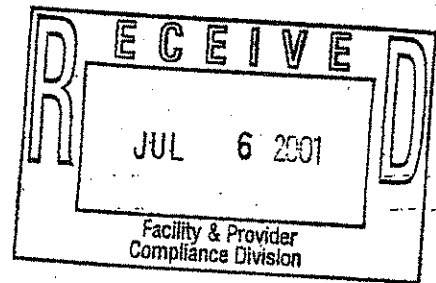
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Foss Associates

Architecture &
Interiors



PROJECT MANUAL

FOR

ALL WORK

FOR

SURGERY CENTER ADDITION-PHASE 2
DOUGLAS COUNTY HOSPITAL
ALEXANDRIA, MINNESOTA

PROJECT NO. 0014

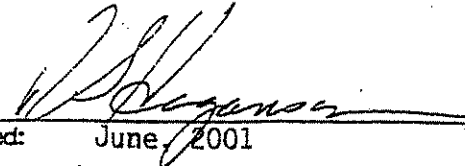
810 4th Avenue South,
Moorhead, Minnesota 56560 - 218-236-1202

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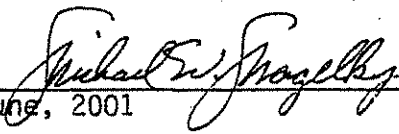
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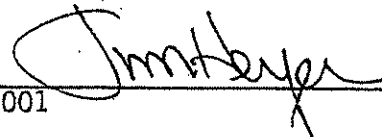
I hereby certify that this drawing, specification or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.


Dated: June, 2001 Regt. No. 23173


I hereby certify that this drawing, specification or report was prepared by me or under my direct supervision and that I am a duly registered Engineer under the laws of the State of Minnesota.


Dated: June, 2001 Regt. No. 18790


I hereby certify that this drawing, specification or report was prepared by me or under my direct supervision and that I am a duly registered Engineer under the laws of the State of Minnesota.


Dated: June, 2001 Regt. No. 16374

I hereby certify that this drawing, specification or report was prepared by me or under my direct supervision and that I am a duly registered Engineer under the laws of the State of Minnesota.


Dated: June, 2001 Regt. No. 22356
~~DAVID P. O'BRIEN~~

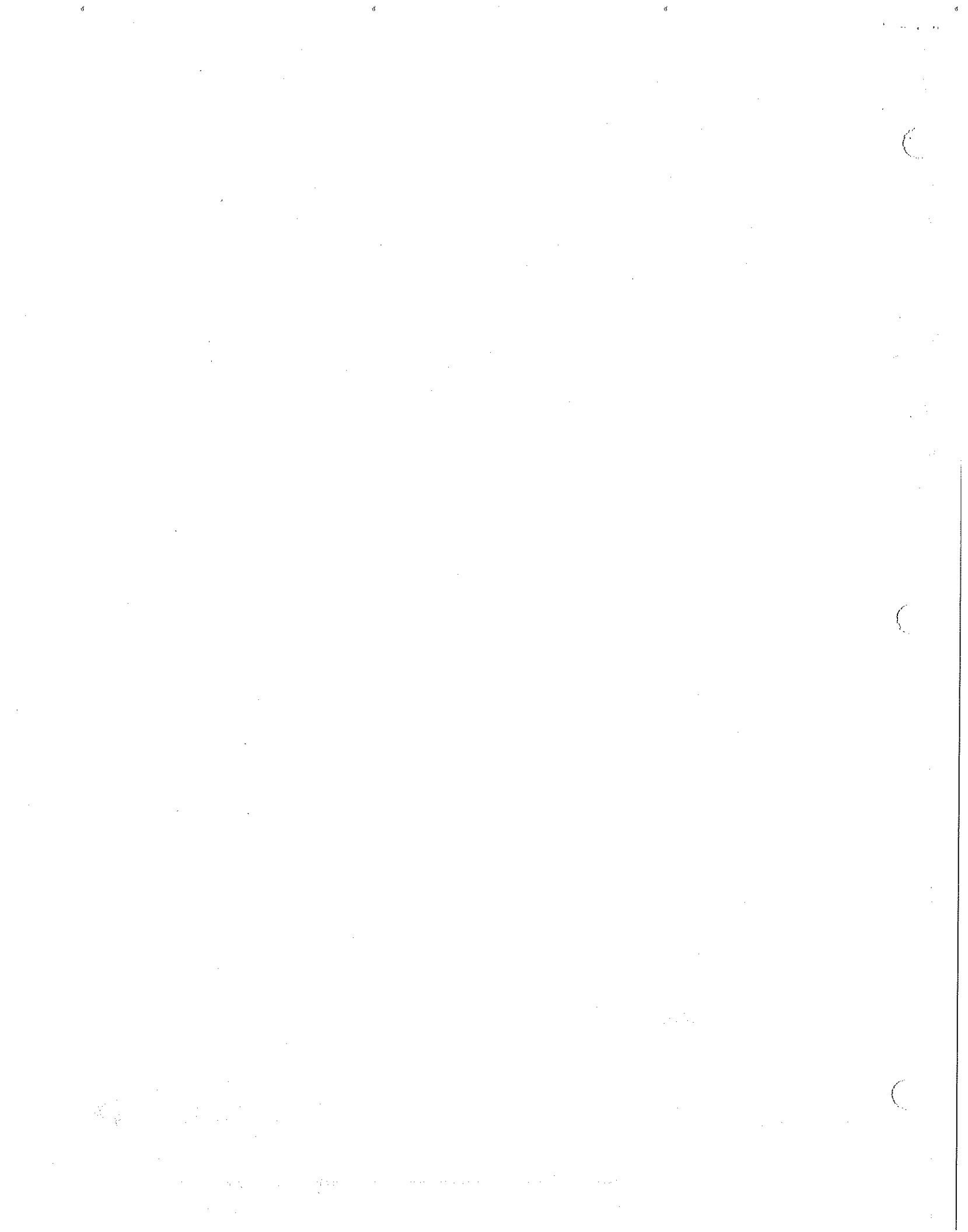
I hereby certify that this drawing, specification or report was prepared by me or under my direct supervision and that I am a duly registered Engineer under the laws of the State of Minnesota.


Dated: June, 2001 Regt. No. 11912

PROJECT MANUAL
FOR
ALL WORK
FOR
SURGERY CENTER ADDITION - PHASE 2
DOUGLAS COUNTY HOSPITAL
ALEXANDRIA, MINNESOTA
PROJECT NO. 0014

Bids will be received until
2:00 p.m., Local Time, Tuesday,
July 24, 2001

EXHIBIT B



AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Richard S. Hoganson
File Number 2002-0029

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Patricia J. Litchy, being first duly sworn on October 2, 2007, deposes and says:

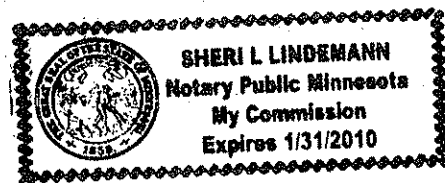
That at the City of St. Paul, County of Ramsey and State of Minnesota, on the 17th day of January, 2007, she served the Proposed Stipulation and Order by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class and certified postage prepaid, and addressed to:

Richard Hoganson
215 48th Avenue, South
Moorehead, MN 56560

Patricia J. Litchy
Patricia J. Litchy, J. D.

Subscribed and sworn to before me on this
the 2nd day of October, 2007.

Sheri L. Lindemann
(Notary Public)



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