

BETWOND APPROVED 3/19/2011

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

In the matter of Bruce Victor Berg
ARCHITECT
License Number 16865

STIPULATION AND ORDER

Board File No. 2011-0016

TO: Bruce Victor Berg
608 17th Avenue West
Alexandria, Minnesota 56308

RECEIVED
MAR 21 2011

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2010) and Minnesota Statutes section 326.111 (2010) 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 Bruce Victor Berg ("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 as an Architect from the Board since September 19, 1984. 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 professional architecture in the State of Minnesota on September 19, 1984.

b. On July 1, 2008, Respondent's license to practice professional architecture in the State of Minnesota expired.

c. On September 13, 2010, Respondent reinstated his professional architecture license in the State of Minnesota. Respondent's professional architecture license is current with an expiration date of June 30, 2012.

d. Respondent self reported to Investigator, Lynette DuFresne, on September 7, 2010 in a phone conversation that he had practiced architecture during the time his professional architecture license lapsed from July 1, 2008 to September 7, 2010. Respondent stated the lapse was inadvertent as he failed to realize that his license had lapsed.

e. In a letter dated October 22, 2010, Respondent admits to fifteen (15) projects that he worked on as a licensed architect. A true and correct copy, of the letter dated October 22, 2010 is attached as Exhibit A.

f. In the same letter dated October 22, 2010, Exhibit A, Respondent provided a copy of his business card. The business card states: "Bruce Berg, Architect/AIA." A true and correct copy, of the Respondent's business card is attached as Exhibit B

g. Respondent provided copies of the drawings he prepared, certified

and signed for the following projects:

HRA Remodel, Alexandria, Minnesota

MN Lakes Maritime Museum Addition, Alexandria, Minnesota

Tischer Quick Lube, Alexandria, Minnesota

Sacred Heart Church, Urbank, Minnesota

Gess Eye Clinic, Alexandria, Minnesota

Blue Ox Timber Frames, Alexandria, Minnesota

Lake Jessie Community Building, Alexandria, Minnesota

Barry Horst School Building, Alexandria, Minnesota

Avant-Garde Centre, Alexandria, Minnesota

Lutheran Social Services, Anderson Suites, Alexandria, Minnesota

Hvezda Hall Addition, Alexandria, Minnesota

Countryside Heating and Air Conditioning, Alexandria, Minnesota

Tischer Quick Lube, Alexandria, Minnesota, dated 1/18/10

Legal Services of N.W. Minnesota, Alexandria, Minnesota

Angelina's Restaurant, Bar/Party Room Addition, Alexandria, Minnesota

A true and correct set of drawings mentioned above for each project are located in the Board Office.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes, section 326.02, subdivisions 1 and 2 (2010) and are sufficient grounds for the action specified below. Respondent practiced architecture and held himself out as an architect during the time his license lapsed.

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 Ten Thousand Dollars (\$10,000.00). Respondent shall pay Ten Thousand Dollars (\$10,000.00) to the Board by making three (3) payments as follows: one payment of Five Thousand Dollars (\$5,000.00) by cashier's check or money order, payable to the "Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design," which must be received by the Board office on or before June 1, 2011, then two (2) equal payments of Two Thousand Five Hundred Dollars each by cashier's check or money order, payable to the "Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design," which must be received by the Board office on or before: July 1, 2011, August 1, 2011.

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation and Order, 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 Complaint Committee may submit affidavits responding to any affidavits submitted by Respondent. 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 (2010), 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 (2010), 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 (2010), 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 (2010). 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 (2010). 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



Bruce Victor Berg

Dated: 3/19, 2011

COMPLAINT COMMITTEE

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

Dated: April 6, 2011

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 2nd day of May, 2011.

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

By: Kristine A. Kubes
Kristine A. Kubes, J. D.
Board Chair

OCT 22 2010

Architecture by Berg
608 17th Ave West
Alexandria, Mn 56308

October 18, 2010

Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture,
Geoscience, & Interior Design
85 East 7th Place
Suite 160
St. Paul, Mn 55101-2113
Att: Lynette DuFresne

Re: Bruce Berg, File No. 2011-0016

Dear Ms. DuFresne,

Enclosed is a response to your letter of September 16, 2010.

Item 1-projects I worked on as a licensed architect from July 1, 2008 to September 7, 2010:

- 1-HRA Remodel, Alexandria, Mn.
- 2-Mn. Lakes Maritime Museum, Alexandria, Mn.
- 3-Tischer Quick Lube, Alexandria, Mn.
- 4-Sacred Heart Church, Urbank, Mn.
- 5-Gess Eye Clinic, Alexandria, Mn.
- 6-Blue Ox Timber Frames, Osakis, Mn.
- 7-Lake Jessie Community Center, Alexandria, Mn.
- 8-Barry Horst School Building, Padua, Mn.
- 9-Avant-Garde Centre, Alexandria, Mn.
- 10-Lutheran Social Services, Alexandria, Mn.
- 11-Hvezda Hall Addition, Alexandria, Mn.
- 12-Countryside Heating & Air Conditioning Remodel, Alexandria, Mn.
- 13-Tischer Quick Lube, Alexandria, Mn.
- 14-Legal Services of NW Minnesota Tenant Improvement, Alexandria, Mn.
- 15-Angelina's Restaurant, Bar/Party Room Addition, Alexandria, Mn.

Item 2-copies of advertisements for my business:

- 1-copies of adds in phone books-Embarq, Yellow, and ACS.

Item 3-copy of my business card.

Item 4-Copies of professional articles- (none).

EXHIBIT A

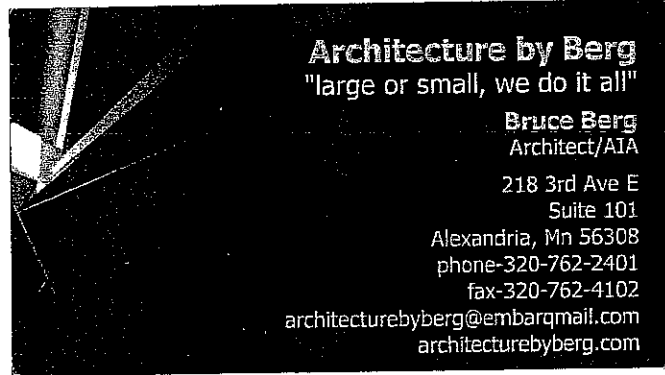
Item 5-Copies of signed drawings from July 1, 2008 to September 7, 2010.

I assure you this lapse in my license was totally inadvertent and can only ask for your mercy in this situation. I have completed my continuing education requirements and renewed my license.

Thank you in advance for your consideration.

Sincerely,

Bruce Berg

A business card for Architecture by Berg. The card has a dark background with a light-colored architectural drawing of a building's corner on the left side. The text is in a light, sans-serif font.

Architecture by Berg
"large or small, we do it all"
Bruce Berg
Architect/AIA
218 3rd Ave E
Suite 101
Alexandria, Mn 56308
phone-320-762-2401
fax-320-762-4102
architecturebyberg@embarqmail.com
architecturebyberg.com

EXHIBIT B

