

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



In the matter of Marvin Kohout  
LAND SURVEYOR  
License Number 17774

STIPULATION AND ORDER

Board File No. 2015-0009

TO: Marvin Kohout  
510 First Street North West  
Aitkin, Minnesota 56431

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2012) and Minnesota Statutes section 326.111 (2012) 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 Marvin Kohout ("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 was first issued a Land Surveyor license by the Board on June 23, 1986. 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 as a Land Surveyor in the State of Minnesota on June 23, 1986.

b. On June 30, 2014, Respondent's Land Surveyor license in the State of Minnesota expired.

c. Respondent reinstated his Minnesota Land Surveyor license on August 1, 2014. As of the date of this order, Respondent's Minnesota Land Surveyor license is current with an expiration date of June 30, 2016.

d. Respondent's Minnesota Land Surveyor license lapsed from July 1, 2014 to August 1, 2014. Approximately thirty one (31) days.

e. In a telephone conversation on August 1, 2014 with the Board Investigator, Respondent self-reported that he continued to work after he missed renewing his license.

f. In a letter received by the Board on September 3, 2014, Respondent provided copies of documents he prepared and or signed during the lapse from July 1, 2014 to August 1, 2014, as a Minnesota Land Surveyor, on ten (10) projects located in Minnesota.

g. Respondent held himself out as a Minnesota Land Surveyor by using the titles of "Land Surveyor," "Registered Land Surveyor," and "Licensed Land Surveyor" on documents he prepared and or signed during the lapse from July 1, 2014 to August 1, 2014, that were submitted with his letter received by the Board on September 3, 2014.

h. Respondent practiced as a Minnesota Land Surveyor during the

time his Minnesota Land Surveyor license lapsed from July 1, 2014 to August 1, 2014 by preparing, signing and certifying eight (8) certificates of surveys and two (2) elevation certifications on projects located in Minnesota.

i. Immediately upon discovery of the lapse of his license, Respondent took significant corrective actions including notifying the Board and clients and reissuing all the documents referenced in section 2(h) above, after his license was renewed on August 1, 2014.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section Minnesota Statutes 326.02, subdivisions 1 and 4 (2012) and are sufficient grounds for the action specified below. Specifically, it is alleged that: (a) Respondent held himself out as a Minnesota Land Surveyor by using the titles of "Land Surveyor," "Registered Land Surveyor," and "Licensed Land Surveyor" on documents he prepared and/or signed during the lapse, and (b) Respondent practiced as a Minnesota Land Surveyor by certifying surveys and elevation certifications during the lapse of his Minnesota Land Surveyor license.

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 Hundred Dollars (\$500.00). Respondent shall submit a civil penalty of Five Hundred Dollars (\$500.00) by check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

c. Respondent shall cease and desist from violating any laws, rules or

orders entrusted to enforcement by the Board.

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 (2012), 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. In accordance with Minnesota Statutes section 16D.17 (2012), 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.

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 (2012), 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 (2012). 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 (2012). 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 land surveying.

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**

Marvin R Kohout  
Marvin Kohout

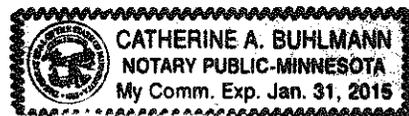
Dated: 10 Nov, 20 14

SUBSCRIBED and sworn to before me on this the 10<sup>th</sup> day of November, 20 14.

Catherine A Buhlmann  
(Notary Public)

My Commission Expires:

1-31-15



**COMPLAINT COMMITTEE**

David W. Krech

David Krech, PE  
Committee Chair

Dated: Dec 15, 2014, 2014

**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 15<sup>th</sup> day of December, 2014.

MINNESOTA BOARD OF  
ARCHITECTURE, ENGINEERING,  
LAND SURVEYING, LANDSCAPE  
ARCHITECTURE, GEOSCIENCE AND  
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By: Carl Peterson

Carl Peterson, CPA  
Board Chair

