

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

**In the matter of Roger Blair  
Professional Engineer  
License Number 54027**

**STIPULATION AND ORDER**

**Board File No. 2018-0029**

TO: Roger Blair  
16922 Old Washington Rd.  
Nevada City, CA 95959

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2018) and Minnesota Statutes section 326.111 (2018) 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 Roger Blair ("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 stipulated and agreed by Respondent and the Committee that without trial or adjudication of any issue of fact or law and without any evidence or admission by any party with respect to any such issue:

1. Jurisdiction. The Respondent was first issued a Professional Engineer license by the Board on October 24, 2016. 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 Professional Engineer in the State of Minnesota on October 24, 2016.
- b. As of the date of this Stipulation and Order, Respondent's Minnesota Professional Engineer license is current with an expiration date of June 30, 2020.
- c. Respondent was issued a Professional Engineer license in the State of Texas on January 20, 2012.
- d. As of the date of this Stipulation and Order, Respondent's Texas Professional Engineer license is on probation until November 16, 2019, with an expiration date of December 31, 2018.
- e. On November 16, 2017, Respondent was issued a Consent Order from the Texas Board of Professional Engineers with the following Findings of Facts:
  - i. On or about August 26, 2015, Respondent prepared, issue, signed and sealed seven engineering design sheets for a metal building on the property located at 4640 Stout Road, Midlothian, Texas (Project).
  - ii. The Project was a weld-up building and was to be used as a recreational facility and mechanic shop by Ms. Sali Whitworth (Client).
  - iii. Respondent incorrectly believed the building for the Project was a pre-engineered manufactured building.
  - iv. Respondent neither included a disclaimer on the seven design

sheets nor a cover sheet indicating his signature and seal was only attesting to the materials list as appropriate and the dimensions of the structure as customary.

- v. By omitting a disclaimer delineating the scope of Respondent's work, Respondent's signature and seal on the seven design sheets attested to the entire engineering design for the Project.
- vi. Respondent's signature and seal on the seven design sheets misled the Client to reasonably believe the entire design of the Project as meeting general engineering standards and/or procedures.
- vii. Client hired Mr. Kevin Lee Goodman, P.E. and Frank W. Neal & Associates, Inc. F-296 to perform a third party review of the Project.
- viii. On or about March 1, 2016, Mr. Goodman performed a site observation of the Project.
- ix. On or about March 3, 2016, Mr. Goodman prepared, issued, signed, and sealed an engineering review report of the Project concluding that Respondent failed to conduct any calculations and failed to provide a structurally sound design that could withstand all of the necessary load elements.
- x. On or about September 6, 2016, Mr. Goodman prepared, issued, signed, and sealed a Certificate of Merit attesting that Respondent's engineering design for the Project was materially deficient as follows:
  - 1. There is no apparent lateral load resisting system in the longitudinal direction unless the exterior metal wall panels,

connections and anchorages to the foundation have been designed for the building lateral loads.

2. There is no apparent lateral load resisting system in the transverse direction unless the exterior metal wall panels, connections and anchorages to the foundation have been designed for the building lateral loads.
3. There is no apparent lateral load resisting system in the roof diaphragm unless the exterior metal wall panels and connections have been designed for the building lateral loads.
4. The overhead door jamb and girt framing needs to be verified for load capacity based on the load path required for the as-built condition.
5. The car port roof joist (purlin) framing (west end) are not full length members and have butt weld splices for the gage metal framing (purlins). Lap welds are difficult to accomplish properly for gage metal thicknesses, the butt welds provided will need to be inspected by a certified welding inspector to verify the weld adequacy for evaluation to determine their load capacity.
6. The roof framing members (purlins) in the porch (east end) at the north span have an out of plane twist in their span.
7. The end wall framing on both the east and west end of the building are suspect and need to be verified for load capacity

based upon the spans of the framing members observed. The load path for the framing needs to be reviewed and confirmed.

8. The two door jamb posts in the east end wall are not continuous members and do not have member splice connections that will develop their section properties that are required to resist lateral loads.
- xi. Respondent's seven design sheets were only dimensioned plans and elevations, and lacked the following minimum required material:
1. Information on foundation pad preparation or geotechnical foundation recommendations
  2. Information for the depth of the foundation into the ground
  3. Information for how the foundation is reinforced
  4. Information for the structural framing member sizes
  5. Information for spacing of the framing members
  6. Information for the connections required
  7. General notes indicating what the construction materials are to be (strength of the steel, concrete, and/or reinforcement)
  8. Design loads (wind, snow, gravity live, and/or gravity dead)
  9. What Building Code was used for the design of the structure
  10. What the design is for lateral load resistance or what the load path is
- xii. Based on the significance and extent of the deficiencies and lack of information, Respondent neglected to practice engineering in an

honest, ethical, professional, careful and diligent manner, thus jeopardizing the public health, safety, and welfare. Thus, Respondent failed to practice engineering in an honest, ethical, professional, careful and diligent manner, which when measured by generally accepted engineering standards and/or procedures endangered the public health, safety, and welfare is in violation of 22 TAC §§ 137.55(a) and (b), 137.57(a) and (b)(1)-(3), and 137.63(a), (b)(1), and (b)(4)-(b)(6).

- xiii. Respondent is employed by and associated with the engineering firm Caiman Engineering, Inc., with firm registration number F-15209 (Firm).
  - xiv. On or about August 26, 2015, Respondent issued, signed, and sealed seven engineering design sheets for the Project which lacked the Firm's title block and the Firm's registration number.
  - xv. Respondent failed to properly include the firm name and registration number on engineering documents. Respondent's release from his control engineering documents without including the Firm name and registration number violates 22 TAC §§137.33(n) and 137.77(h).
- f. Respondent was ordered to pay an administrative penalty in the amount of \$4,800.00 to the Texas Board of Professional Engineers and enroll in and successfully complete TTU (Texas Tech University) Engineering Ethics Basic Level Course within six months of the signed Order. The Texas Board of Professional Engineers also imposed a two-year probated suspension on

Respondent's Texas Professional Engineer license number 110564 to conclude November 16, 2019.

g. By failing to report the Texas Board of Professional Engineer's Order within 60 days, Respondent is in violation of Minnesota Statute section 326.111 subdivision 4(a)(6), (7) (2018) and Minnesota Rules 1800.0120 subpart 1D (2018).

h. By acting in a way that may diminish public confidence in the profession, Respondent is in violation of Minnesota Rules 1805.0200 subpart 1 (2018).

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statute section 326.111, subdivision 4(6), (7) (2018), Minnesota Rules 1800.0120, subpart 1D (2018), and Minnesota Rules 1805.0200, subpart 1 (2018) and are sufficient grounds for the action specified below. Specifically, Respondent did not notify the Board within 60 days of his license probation and administrative penalty issued by the Texas Board of Professional Engineers and acted in a way that may diminish public confidence in the profession.

4. Enforcement Action. Respondent and the Committee agree that the Board should issue an Order in accordance with the following terms:

a. Reprimand. Respondent's Professional Engineer license is censured and reprimanded for the foregoing conduct.

b. Civil Penalty. Respondent shall pay a civil penalty of \$500.00 (Five Hundred Dollars), by check and written to the Board, within 60 days of the Board's approval of this Stipulation and Order.

c. Suspension. Respondent's Minnesota professional engineer license is

suspended, until such time as he furnishes proof to the Board that he has satisfied all conditions placed on his Texas professional engineer license by the Texas Board of Professional Engineers, or 180 days after the execution of this Stipulation and Order, whichever is later.

- d. Continuing Education. Respondent shall be subject to a continuing education audit of his professional development hours for the renewal period of July 1, 2018 to June 30, 2020.
- e. Cease and Desist. 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 (2018), 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. Pursuant to Minnesota Statutes section 16D.17 (2018), after ninety (90) days of the Board's approval of this Stipulation and Order, the Board may file and enforce any unpaid portion of the civil penalty imposed by this Order as a



judgement against the Respondent in district court 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 (2016), 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 Chapter 13.41, subdivision 5 (2018). All documents in the

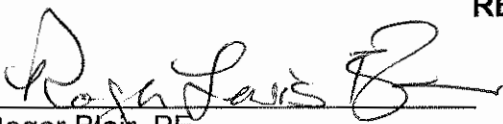
record shall maintain the classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (2018). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this 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 engineering.

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 and hereby waives that right.

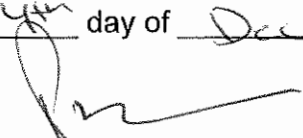
13. Service. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed by the Chair of the Board.

**RESPONDENT**

  
\_\_\_\_\_  
Roger Blair, PE

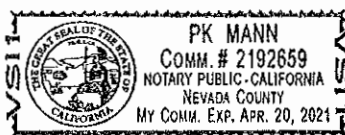
Dated: Dec 4, 2018

SUBSCRIBED and sworn to before me on  
this the 4<sup>th</sup> day of Dec, 2018.

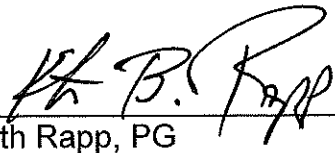
  
\_\_\_\_\_  
(Notary Public)

My Commission Expires:

April 20, 2021



**COMPLAINT COMMITTEE**


  
\_\_\_\_\_  
Keith Rapp, PG  
Committee Chair

Dated: 1-FEBRUARY, 2019

**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 1 day of Feb, 2019.

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

By:   
\_\_\_\_\_  
Nirmal Jain, PE  
Board Chair

AFFIDAVIT OF SERVICE BY MAIL

**RE: In the matter of Roger Blair  
PROFESSIONAL ENGINEER  
License Number 54027**

STATE OF MINNESOTA )  
                                          ) ss.  
COUNTY OF RAMSEY )

Matt Kaehler, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 11<sup>th</sup> day of February, 2019, he served the attached **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:

Roger Blair  
16922 Old Washington Rd.  
Nevada City, CA 95959

**CERTIFIED MAIL  
Return Receipt Requested  
7018 2290 0000 0508 2455**

\_\_\_\_\_  
Matt Kaehler

Subscribed and sworn to before me on  
this the 11<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
(Notary Public)