

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

**In the matter of
Dilip Khatri, PE
License Number 46449**

**STIPULATION AND ORDER

Board File No. 2018-0032**

TO: Dilip Khatri, PE
3579 E Foothill Blvd. #736
Pasadena, CA 91107

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2016) and Minnesota Statutes section 326.111 (2016) 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 Dilip Khatri ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that these matters 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. Respondent was first issued a Professional Engineer license by the Board on April 17, 2008. 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 April 17, 2008.

b. Respondent was issued a Stipulated Settlement and Disciplinary Order by the California Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs with an effective date of January 6, 2017. The First Amended Accusation issued by the California Board cited five causes for discipline:

b.1 "Negligence in the Practice of Civil Engineering" because Respondent "failed to use the care ordinarily exercised by licensed professional engineers while working on a project at 2322 Riverside Drive, Los Angeles, CA 90039."

b.2 "Acts Constituting Deceit Misrepresentation, or Fraud" after falsely representing to the California Board that there was a significant change to the building's structural configuration requested by the building's owner, which there was not.

b.3 "Failed to use the care ordinarily exercised by licensed professional engineers" during a project located at 5300 South Vermont Avenue, Los Angeles, CA 90037, the Brotherhood Crusade.

b.4 "Committed an act of misrepresentation" when he released an article for publication in a trade journal in May 2007.

b.5 "Committed an act of misrepresentation" when he continued

to reference the Brotherhood Crusade project on his website as a “current project” even after the contract for work had been terminated.

The California Board’s disciplinary actions included a two and one half year probationary period, mandatory successful completion of the California Laws and Board Rules examination, mandatory successful completion of an approved professional ethics course, mandatory successful completion of two college-level civil/structural engineering courses which must be related to the areas of violation, and a \$3,100 restitution payment.

c. Respondent was issued a Stipulation and Order by the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors effective July 10, 2017 for failing to report the California Board’s disciplinary action on his application and renewal. The Idaho Board’s Stipulation and Order included a reprimand on Respondent and a \$2,500 administrative penalty.

d. Respondent was issued a Consent Decree by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors on October 13, 2017 for failing to report the California Board’s disciplinary action on his online application. The Kentucky Board’s Consent Decree included a two year probationary period and a \$1,000 administrative fine.

e. Respondent was issued a Decision and Order by the North Carolina Board of Examiners for Engineers and Surveyors effective January 4, 2018 for failing to report the California Board’s disciplinary action. The North Carolina Board’s Decision and Order revoked Mr. Khatri’s license, “stayed provided California does not activate the revocation during the two-and-a-half

year probation conditions effective on January 6, 2017.”

f. Respondent was issued a Settlement Agreement by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects effective March 3, 2018 as “the conduct would also violate [Missouri] Sections 327.441.2(5), incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by [Missouri] Chapter 327 and (13), violation of a professional trust, and thus be cause for discipline of his Missouri license under the terms of [Missouri] Section 327.441.2(6).” The Missouri Board’s Settlement Agreement included a probation period of one year.

g. Respondent was issued a Settlement Agreement by the Hawaii Board for Professional Engineers, Architects, Surveyors, and Landscape Architects effective August 6, 2018 for failing to report the California Board’s disciplinary action within thirty days, as required by Hawaii Revised Statutes § 436B-19(13). The Hawaii Board’s Settlement Agreement included a \$1,000 administrative fine.

h. Respondent was issued a Stipulation and final Agency Order by the Colorado Board of Licensure for Architects, Professional Engineers, and professional Land Surveyors effective August 8, 2018 for failing to report the disciplinary actions taken by the California Board, Idaho Board, Kentucky Board, and the North Carolina Board within 45 days as required by Colorado Revised Statutes 12-25-108. The Colorado Board’s Order included a \$2,500 fine plus an

additional surcharge of fifteen percent the fine (\$375) for a total fine of \$2,875.00 as well as a Letter of Admonition.

i. The Board received notice on August 23, 2018 from the California Board for Professional Engineers, Land Surveyors, and Geologists that Respondent's Petition for Early Termination had been approved effective August 22, 2018. The notice stated Respondent's probation in California has been terminated and his license fully restored.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.111 subdivision 4(a) (6) & (7) (2016) and are sufficient grounds for the action specified below. Specifically, it is alleged that Respondent did not inform the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design of the Stipulated Settlement and Disciplinary Order issued by the California Board of Professional Engineers, Land Surveyors, and Geologists within the ten (10) day period as required by Minnesota Rule 1800.0120 subpart 1 D.

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) by check within sixty (60) days of the Board's approval of this Stipulation and Order.

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 (2016), 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 (2016), 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 judgment 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 section 13.41, subdivision 5 (2016). 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 (2016). 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 professional 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. 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

Dilip Khatri
Dilip Khatri, PE

Dated: November 27, 2018

SUBSCRIBED and sworn to before me on
this the 27 day of NOVEMBER, 2018.



[Signature]
(Notary Public)

My Commission Expires:

March 22, 2022

COMPLAINT COMMITTEE

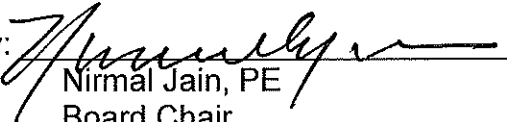
[Signature]
Keith Rapp, PG
Committee Chair

Dated: 14-DECEMBER, 2018

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, 20 2019.

MINNESOTA BOARD OF
ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE
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By: 
Nirmal Jain, PE
Board Chair

