

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

In the Matter of Gregory Kimman  
PROFESSIONAL ENGINEER  
License Number 45042

**STIPULATION AND ORDER**

Board File No. 2019-0099

TO: Gregory Kimman, PE  
18192 Riverwood Dr.  
Little Falls, MN 56345

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design ("Board") is authorized pursuant to Minn. Stat. §§ 214.10 and 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 a complaint concerning Gregory Kimman ("Respondent"). The Board's Compliant 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:

1. Jurisdiction. Respondent was first issued a Minnesota Professional Engineer license by the Board on July 19, 2006. 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. At the time of this stipulation and order, Respondent's Minnesota professional engineer license is valid.

b. Respondent began employment at the City of Little Falls, Minnesota (the "City") on May 27, 2014. Respondent had previously worked for his former employer (Company) for 12 years.

c. Respondent maintained a stock-ownership interest in Company while employed by the City.

d. On six different occasions from August 2015 to December 2017, Respondent made recommendations to City personnel to use Company for city projects without disclosing his Company stock ownership. The six projects totaled \$1.4 million worth of work. Prior to his employment with City, from 2011 to May 26, 2014, Company performed approximately \$93,000 worth of work for the City.

e. Respondent did not disclose his stock ownership to the City until after it was independently discovered by the City.

f. From October 2017 to March 2018, Respondent exchanged emails from his City email account with current Company employees indicating he was aware of, tracking, and discussing the increasing value of his Company stocks and/or 401k account.

3. Violations. Respondent admits that the facts specified above constitute violations of, Minn. R. 1805.0200, subs. 1 and 4(C) (2019), and 1805.0900 (2019) and are sufficient grounds for the action specified below pursuant to Minn. Stat. §§ 326.11, subd. 1, 326.111, subd. 4(a)(1), (2) and (3) (2018).

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

a. Stayed Revocation. Respondent's Minnesota professional engineer license is **REVOKED** until June 30, 2024, however, this revocation is **STAYED** so long as Respondent: (1) pays the civil penalty described in paragraph 4(b); (2) completes the professional development hours described in paragraph 4(c); and (3) commits no further violations of any statutes, rules, or orders whose enforcement is entrusted to the Board. If Respondent violates these conditions, the stay shall be automatically lifted and Respondent's license shall be revoked.

b. Civil Penalty. Respondent shall pay a civil penalty of \$30,000 to be paid in two equal payments. The first payment will be due to the Board 60 days after the Board's approval of this stipulation and order. The second payment will be due to the Board on or before April 15, 2021.

c. Professional Development Hours. Respondent must complete one 10-hour ethics course offered by the Murdough Center for Engineering Professionalism. The hours earned will not count toward Respondent's continuing education requirements for renewal. Respondent must submit to the Board proof of completing one 10-hour ethics course offered by the Murdough Center for Engineering Professionalism prior to applying to renew his professional engineer license.

5. Judicial Relief. If Respondent violates this order, the Committee is empowered to bring an action to enforce it in Minnesota district court. If so enforced, Respondent shall pay the Board its costs and reasonable attorney fees.

6. Waiver of Respondent's Rights. For the purpose of this stipulation and order, 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 and to dispute the appropriateness of discipline in a contested-case proceeding pursuant to Minn. Stat. ch. 14 (2018). Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an order requiring the action specified in paragraph 4 herein. Respondent waives the right to any judicial review of this stipulation and order or the attached Board order by appeal, writ of certiorari, or otherwise.

7. Collection. Pursuant to Minn. Stat. § 16D.17 (2018), 90 days after 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 Respondent in district court without further notice or additional proceedings. Pursuant to Minn. Stat. § 16D.13 (2018), ninety days after the Board's approval of this Stipulation and Order, simple interest computed in accordance with that section shall begin to accrue on any unpaid portion of the amounts due under paragraph 4.

8. Board Rejection of Stipulation Order. In the event the Board in its discretion does not approve this stipulation and order, this stipulation shall be null and void and shall not be used for any purpose by either party hereto. If this stipulation and order is not approved and a contested-case proceeding is initiated pursuant to Minn. Stat. ch. 14 (2018), Respondent agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that

the Board has become disqualified due to its review and consideration of this stipulation and order and the record.

9. Record. The stipulation and order, 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 and order.

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. Minn. Stat. § 13.41, subd. 5 (2018). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 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 stipulation and 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. Unrelated Violations. This stipulation and order shall not in any way limit the authority of the Board to proceed against Respondent by appropriate means on the basis of any conduct 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.

12. Entire Agreement. Respondent has read, understood, and agrees to this stipulation and order and is freely and voluntarily signing it. The stipulation and order contains the entire agreement between the parties. 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 was represented by Kelly A. Springer, Esq., in this matter.

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 stipulation and order shall be effective and deemed issued when it is signed by the chair of the Board.

**RESPONDENT**

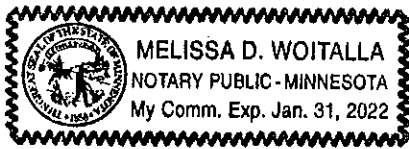
Greg Kim  
Gregory Kimman, PE

Dated: 7/30, 20 20

SUBSCRIBED and sworn to before me on this the 30 day of July, 20 20.

[Signature]  
(Notary Public)

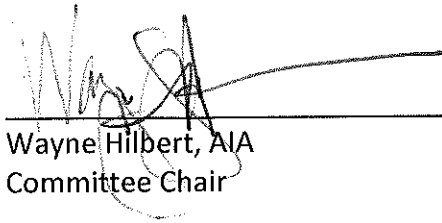
My Commission Expires:  
January 31, 2022



**COMPLAINT COMMITTEE**

\_\_\_\_\_ Dated: \_\_\_\_\_, 20\_\_\_\_\_  
Wayne Hilbert, AIA  
Committee Chair

COMPLAINT COMMITTEE

  
Dated: 8-5, 2020  
Wayne Hilbert, AIA  
Committee Chair

ORDER

Upon consideration of the foregoing Stipulation and Order regarding Gregory Kimman, PE, 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 8 day of August, 2020.

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

By:   
Margaret S. Parsons, FAIA  
Board Chair

STATE OF MINNESOTA  
MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE  
ARCHITECTURE, GEOSCIENCE AND INTERIOR DESIGN  
85 East 7<sup>th</sup> Place, Suite 160  
St. Paul, MN 55101

CERTIFICATE OF SERVICE BY U.S. MAIL

Case Title: Gregory Kimman, PE #45042  
File #2019-0099

I, Holly Salmela, verify by oath or affirmation that on the 7<sup>th</sup> day of August, 2020, at the City of Saint Paul, in the county of Ramsey, in the State of Minnesota, served the Stipulation and Consent Order by depositing a true and correct copy in the United States mail, properly enveloped, with first class postage prepaid and addressed to the following named individual(s) or entities at the address indicated below.

Kelly A. Springer  
Willenbring, Dahl, Wocken & Zimmermann, PLLC  
318 Main St  
PO Box 417  
Cold Springs, MN 56320

  
\_\_\_\_\_  
Holly Salmela