

**STATE OF MINNESOTA**

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

In the Matter of the Petition to Reinstate the  
Revoked Professional Engineer License of  
Mark A. Deady, No. 21375

**ORDER**

TO: Mark Andrew Deady  
4505 Park Avenue  
Minneapolis, MN 55407

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design is a State agency with the authority to license and regulate professional engineers.

On February 12, 2020, the Board received an application from Petitioner Mark A. Deady to reinstate his revoked professional engineer license. Deady supplemented his reinstatement application on March 10, 2020. Based on all the files, records, and proceedings herein, the Board issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Deady became licensed as a professional engineer in Minnesota on June 3, 1991. Deady allowed his license to expire on July 1, 2000. Deady's license remained expired until he reinstated it on June 6, 2011.

2. On February 11, 2013, the Board revoked Deady's license pursuant to a Stipulation and Order. Deady consented to revocation because he (a) knowingly held himself out and practiced in Minnesota as a professional engineer without an active license from July 2000 until June 2011; (b) made materially false statements and submitted materially false information on his reinstatement application when he falsely attested that he did not represent

himself or practice as a professional engineer from July 2000 to June 2011; and (c) engaged in conduct involving dishonesty and deceit and conduct that adversely reflected on his fitness to practice as a professional engineer. Paragraph 4(d) of the Stipulation and Order further provided that Deady's license "will be reinstated" after four years if he was in full compliance with all agreed upon terms and conditions. The Stipulation and Order is attached and incorporated by reference.

3. On February 12, 2020, Deady applied to reinstate his revoked license. Deady's reinstatement application is attached and incorporated by reference.

4. Paragraph 4(b) of the Stipulation and Order Deady to pay a \$40,000 civil penalty in accordance with a scheduled payment plan. Deady ultimately paid the full penalty amount, albeit only after the obligation was sent to collections and not in accordance with the scheduled payment plan.

5. Paragraph 4(c) of the Stipulation and Order required Deady to successfully complete 16 ethics hours—approved in advance by the Board's complaint committee—within one year. Deady did not successfully complete any of the 16 ethics hours by February 11, 2014, or otherwise seek advance approval from the complaint committee for any of the course hours he intended to take.

6. Paragraph 4(d) of the Stipulation and Order required Deady to submit documentation as part of any reinstatement application establishing that, in addition to the 16 ethics hours required by ¶ 4(c), he had taken all required professional development hours through the proposed date of reinstatement. As part of his initial reinstatement application, Deady submitted course completion certificates for 49 PDH he took between March 2016 and February 2020.

7. On March 3, 2020, the Board staff called Deady about his failure to comply with ¶ 4(c). Deady claimed that he had misread the Stipulation and Order, admitted that he had not previously submitted any course hours of professional ethics in compliance with ¶ 4(c), and reported that he would attempt to take additional PDH in advance of the March 12 meeting at which the Board was scheduled to consider the matter.

8. On March 10, Deady amended his reinstatement application to reflect that he wished to apply 16 out of 30 ethics course hours from a course entitled *Basic Level Study of Engineering Ethics* (8/16/19) to the ethics hours required by ¶ 4(c) and apply the remaining 14 hours to the PDH required by ¶ 4(d). Deady continued to list a 16 hour course entitled *Project Management Professional (PMP) Exam Prep* (2/7/20); a 2 hour course entitled *The Ethics of Engineering* (5/16/16); a 1 hour course entitled *Essential Elements of a Professional Service Agreement* (6/14/16). Deady further reported that he had since completed 16 of a 23 hours on an online course entitled *Project Management Institute* between March 3 and 10 and that he intended to complete the course. Deady thus reported that he had completed 16 ethics course hours and 49 PDH at the time the Board considered his reinstatement application. Deady's March 10 letter and supplemental materials are attached and incorporated by reference.

9. Any Finding of Fact herein, which should more properly be deemed a Conclusion of Law, is hereby adopted as such.

#### CONCLUSIONS OF LAW

1. The Board has discretion to reinstate a revoked license or certificate and to impose any other conditions, including reexamination in whole or in part. Minn. Stat. § 326.111, subd. 7.

2. Deady failed to comply with the terms and conditions of the Stipulation and Order, among other reasons, because he failed to complete 16 course hours of professional ethics

by February 2014 as required by ¶ 4(c) or to pay the civil penalty in accordance with the payment plan established by ¶ 4(b).

3. The Stipulation and Order further required Deady to document compliance with all PDH required by law if he sought reinstatement. *See also* Minn. Stat. § 326.10, subd. 9 (2018). As such, Deady was required to establish at least 48 qualified PDHs in addition to the 16 ethics hours required by the order. *See id* § 326.326.107(b) (requiring 24 PDH every two years).

4. Even if 16 of the hours for the course entitled *Basic Level Study of Engineering Ethics* (8/16/19) were applied to the ethics hours required by ¶ 4(c), the course was completed more than 5 years after the hours were due.

5. Further, the 16 hour course entitled *Project Management Professional (PMP) Exam Prep* does not qualify as PDH because it does not comply with Minn. Stat. § 326.107, subd. 2.

6. Deady no longer qualifies for reinstatement under ¶ 4(d) of the Stipulation and Order because he failed to comply with all the terms and conditions of the agreement. As such, any reinstatement of Deady's license is a matter of the Board's discretion pursuant to Minn. Stat. § 326.111, subd. 7.

7. Any Conclusion of Law herein, which should more properly be deemed a Finding of Fact, is hereby adopted as such.

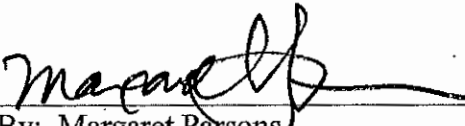
#### ORDER

Upon consideration of the foregoing Facts and Findings and Conclusions of Law, and based upon all the files, records, and proceedings herein, the Board hereby conditionally grants Deady's application for reinstatement subject to the following conditions, which are needed to protect the public health safety or the environment:

- A. Deady's license shall be reinstated upon the his submission of satisfactory proof to the Board that he has completed an additional qualifying 16 PDH.
- B. Deady shall further comply with all PDH required to renew his license by June 30 and, moreover, none of the PDH completed to date and none of the additional 16 PDH required in ¶ A for reinstatement may be used as part of the renewal process.

Dated this 12 day of March, 20  .

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

  
By: Margaret Parsons  
Board Chair

AFFIDAVIT OF SERVICE BY MAIL

**RE: In the matter of Mark Deady**  
Professional Engineer  
**License Number 21375**

STATE OF MINNESOTA        )  
  ) ss.  
COUNTY OF RAMSEY        )

Peng Her, being first duly sworn, deposes and says:


That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 19<sup>th</sup> day of March, 2020, he served the attached **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 addressed to:

Mark A. Deady  
4505 Park Avenue  
Minneapolis, MN 55407



Peng Her

Subscribed and sworn to before me on  
this the 19<sup>th</sup> day of March, 2020.

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