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

In the matter of
Kevin Kent Timmerman
Architect No. 40387

TO: Kevin Kent Timmerman
5th Avenue Design Services
504 5th Ave S
LaCrosse WI 54601

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Stat. §§ 214.10 and 326.111 (2020) 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 Kevin Kent Timmerman ("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 an Architect license by the Board on July 17, 2000. Respondent is subject to the jurisdiction of the Board with respect to the matters
2. Facts. This Stipulation is based upon the following facts:

a. On May 10, 2019, architectural and structural engineering plans were submitted to a city for a 32-unit, 2 floor apartment building with a lower level garage.

b. The architectural and structural engineering plans were prepared by Respondent.

c. The title sheet of the architectural plans was signed by Respondent and all other architectural and structural engineering plans were left unsigned.

d. The plans were rejected, and the city requested the architectural plans be signed by an architect and the structural engineering plans be signed by a professional engineer.

e. On June 10, 2019, the architectural and structural engineering plans were all signed by Respondent.

f. Respondent is not currently and never has been licensed by the Board as a Professional Engineer in the State of Minnesota and cannot sign engineering plans.

g. Additionally, when signing the architectural plans, Respondent did not comply with Minnesota Rule 1800.4200 in regards to the certification language.

h. On June 12, 2019, Respondent contacted a professional engineer to provide structural engineering services related to this project.
i. On July 3, 2019, the professional engineer contacted by Respondent signed structural engineering plans for the project.

3. **Violations.** Respondent admits that the facts specified above constitute violations of Minnesota Statutes sections 326.02, subds. 1 and 3, and 326.12 subd. 3 (2020), Minnesota Rules 1800.4200, 1805.0650 subps. 1 and 3, and 1805.0900 (2019), and are sufficient grounds for the action specified below. Specifically, the Respondent practiced without a license as a Professional Engineer by signing structural engineering plans, and not using the proper type of certification.

4. **Enforcement Action.** Respondent and the Committee agree that the Board should issue an Order in accordance with the following terms:
   
   a. **Censure and Reprimand.** Respondent is censure and reprimanded.
   
   b. **Civil Penalty.** Respondent shall pay to the Board a civil penalty of Three Thousand Dollars ($3,000). Respondent shall submit a civil penalty of $3,000 by check to the Board within sixty (60) days of the Board’s approval of this Stipulation and Order.
   
   c. Respondent shall complete two (2) ethics hours in addition to the regularly required ethics requirement under Minn. Stat. § 326.107 subd. 1 (c).
   
   d. Respondent shall agree to cease all unlicensed practice of Professional Engineering.

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 Minn. Stat. ch. 14 (2020), 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 Minn. Stat. § 16D.17 (2020), ninety 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 the Respondent in district court without
further notice or additional proceedings. Pursuant to Minn. Stat. § 16D.13 (2020), ninety days
after the Board’s approval of this Stipulation and Order, interest will begin to accrue on the
penalty in accordance with that section.

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 Minn. Stat. ch. 14 (2020), 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.** Upon issuance by the Board, this Stipulation and Order is classified as public data. Minn. Stat. § 13.41, subd. 5 (2020). All other documents in the record shall maintain the data classification to which they are entitled under Minn. Stat. ch. 13 (2020). Documents shall not become public merely because they are referenced herein. The Board will post a copy of this order on its website. The Board will also send a summary to the national discipline data bank pertaining to the practice of Architecture.

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 Respondent may choose to be represented by legal counsel in this matter. Respondent has either had the opportunity to consult with counsel or hereby knowingly waives 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.
MINNESOTA BOARD OF
ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE
ARCHITECTURE,
GEOSCIENCE AND INTERIOR DESIGN

COMPLAINT COMMITTEE

ORDER

Dated: September 14, 2021

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 the enforcement action therein is issued as an Order of this Board this the 18th day of November, 2021.

Eric Friske, JD
Committee Chair

COMPLAINT COMMITTEE

RESPONDENT

Dated: September 3, 2021

SUBSCRIBED and sworn to before me on this the 3rd day of September, 2021.

My Commission Expires: January 7th, 2025

By: Vogel, LS

By: Melissa Rodriguez, PE

Acting Board Chair
CERTIFICATE OF SERVICE BY U.S. MAIL

Case Title: Kevin Timmerman, Architect No. 40387
File # 2020-0052

I, Dillon Lang, verify by oath or affirmation that on the 19th day of November, 2021, at the City of St. Paul, in the county of Ramsey, in the State of Minnesota, served the Stipulation and 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.

Mark Bloomquist
Meagher + Geer, P.L.L.P.
33 South Sixth Street, Suite 4400
Minneapolis, MN 55402

Dillon Lang