

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

**In the matter of
Benjamin Lee Delwiche
Architect Number 50935**

**STIPULATION AND CONSENT ORDER
Board File No. 2021-0008**

TO: Benjamin Lee Delwiche
4637 1st Ave. S.
Minneapolis, MN 55419

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 Benjamin Lee Delwiche (“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 Consent 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 June 18, 2013. 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. On June 30, 2018, Respondent's Architect license in the State of Minnesota expired.
- b. On September 1, 2020, Respondent renewed his Architect license.
- c. On the September 1, 2020 renewal, Respondent reported that he had been practicing and holding out as an Architect in the State of Minnesota.
- d. In the letter submitted with the renewal, Respondent stated he was: "unaware that [his] license was not renewed in 2018 and had expired."
- e. Upon learning of the expiration, Respondent notified his employer and removed any company references to himself as an "Architect," including in his email signature block.
- f. Respondent also worked with his employer to discuss all projects that contained his license information and made arrangements to reissue drawings.
- g. Respondent worked on 16 Minnesota projects during his lapse, including, ten apartment buildings, five senior living facilities, and one office remodel.
- h. Respondent took immediate corrective actions upon learning of his license being expired.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02, subds. 1 and 2 (2020) and are sufficient grounds for the

action specified below. Specifically, it is alleged that the Respondent held himself out as an Architect in Minnesota without a license and practiced as an Architect in Minnesota without a license within the meaning of Minnesota Statutes section 326.02, subds. 1 and 2 (2020), during the lapse of his Architect license, between July 1, 2018, and September 1, 2020, by (a) using the title Architect and (b) certifying plan documents for five projects he worked on without a license in Minnesota.

4. Enforcement Action. Respondent and the Committee agree that the Board should issue a Consent 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 Four Thousand Dollars (\$4,000). Respondent shall submit a civil penalty of \$4,000 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent 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 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 Consent 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 Consent Order, interest will begin to accrue on the penalty in accordance with that section.

7. Board Rejection of Stipulation and Consent Order. In the event the Board in its discretion does not approve this Stipulation and Consent Order or a lesser remedy than specified herein, this Stipulation and Consent 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 Consent 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 Consent 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 Consent Order is classified as public data. Minn. Stat. §13.41, subd. 5 (2020). All 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 Consent 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

Benjamin Lee Delwiche
Benjamin Lee Delwiche, Architect

Dated: March 19, 2021

SUBSCRIBED and sworn to before me on
this the 19th day of March, 2021.

Lori Beth Cornwell
(Notary Public)

My Commission Expires:

1/31/2023



COMPLAINT COMMITTEE




Keith Rapp, PG
Committee Chair

Dated: 19 MAY, 2021

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 the enforcement action therein is issued as an Order of this Board this the 19TH day of MAY, 2021.

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

By: 

Margaret S. Parsons, FAIA
Board Chair

PAUL A. VOGEL

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

CERTIFICATE OF SERVICE BY U.S. MAIL

Case Title: Benjamin Delwiche, Architect # 50935
Board File Number 2021-0008

I, Dillon Lang, verifies by oath or affirmation that on the 19th day of May, 2021, at the City of Saint 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 at the address indicated below.

Benjamin Delwiche
4637 1st Ave. S.
Minneapolis, MN 55419



Dillon Lang