



MINNESOTA BOARD OF
ARCHITECTURE ■ ENGINEERING ■ LAND SURVEYING
LANDSCAPE ARCHITECTURE ■ GEOSCIENCE ■ INTERIOR DESIGN

BOARD MEMORANDUM

AUGUST 6, 2019

TO: All Board Members
Christopher Kaisershot, Assistant Attorney General

FROM: Meg Parson, Architect, Board Chair

SUBJECT: **AUGUST 6, 2019 BOARD MEETING MINUTES**
Golden Rule Building, Suite 295 (Second Floor)
10:30 AM

The Board held its regularly scheduled meeting on the above-mentioned date, time and location.

1) QUORUM CALL

Meg Parsons, Architect, Chair	Scott Holm, M.Ed., CBO, PM
Paul Vogel, LS, Vice Chair	Denise Kazmierczak, PE
Dave Blume, PE Secretary	Daniel Murphy, PE
Keith Rapp, PG, Treasurer	Jami Neiber, PM
Nirmal Jain, PE, Immediate Past Chair	Teri Rayala, Architect
Daniel Baar, LS	Claudia Reichert, CID
Rachel Dwyer, PM	Scott Robinson, LA
Eric Friske, JD, PM	Melisa Rodriguez, PE
Robert Gunderson, LA	David Stenseth, CPA, PM (Absent)
Darcy Hield, CID	Robert Whitmyer, PSS
Wayne Hilbert, Architect	

OTHERS ATTENDING:

Christopher Kaisershot, Assistant Attorney General

Doreen Johnson, Executive Director

Kay Weiss, Communications Specialist

Matt Kaehler, Investigator

Laurie Nistl, Office and Administrative Specialist Intermediate

Leama Sather, Office and Administrative Specialist Intermediate

Allison Desmond, Office and Administrative Specialist Intermediate

GUESTS: Alan Hancock

2) INTRODUCTIONS AND WELCOME NEW BOARD MEMBERS

3) READING AND APPROVAL OF JUNE 28, 2019 BOARD MEETING MINUTES

MSP: To approve the June 28, 2019 Board meeting minutes.

4) COMPLAINT COMMITTEE REPORT (W. Hilbert, Committee Chair)

A) The Complaint Committee requests a closed session.

MSP: To close the meeting to review disciplinary matters.

5) CLOSED SESSION

A) Disciplinary Matters

MSP: To open the meeting.

- i) In the matter of Cortland Morgan, Architect # 24249, the Board issued a stipulation and order for holding out and practicing as an Architect as a Professional Engineer from July 1, 2018 to April 1, 2019. The order included a censure and reprimand and a \$4,000 civil penalty. **(ATTACH. 5Ai – distributed at meeting.)**
- ii) In the matter of Stuart Grubb, PG # 30051, the Board issued a stipulation and order for holding out and practicing as a Professional Geologist from July 1, 2018 to December 27, 2018. The order included a censure and reprimand and a \$1,500 civil penalty. **(ATTACH. 5Aii – distributed at meeting.)**
Keith Rapp recused himself from the vote.
- iii) In the matter of Jason Gnich, Architect # 51034, the Board issued a stipulation and order for practicing as a Professional Engineer without a license. The order included a censure and reprimand, a \$2,000 civil penalty, and a cease and desist from practicing engineering in Minnesota until he becomes licensed as a Professional Engineer. **(ATTACH. 5Aiii – distributed at meeting.)**

- 6) JOINT CREDENTIALING AND RULES COMMITTEE REPORT (C. Reichert and D. Blume, Committee Chairs)
- A) Changes to Rules Following Report of Administrative Law Judge (ALJ) and Chief Administrative Law Judge on R-4449 Rules of Professional Conduct – **(ATTACH. 6A – handed out at meeting).**
- 1) Motion from the Committee, on Rule 1805.0650, Subp. 2 to adopt the language as proposed by the ALJ, and before the period in the last sentence, insert “in determining the appropriate sanction, if any for ~~the~~ a violation”. **MF: Motion failed.**
- 2) Motion from the Board, on Rule 1805.0650, Subp 2 to adopt as follows:
“Subp. 2. Conformance with state and local laws and regulations. When providing professional services, a licensee or certificate holder shall not ~~knowingly~~ violate applicable state and local laws and regulations. Notwithstanding the duty of licensees and certificate holders to follow the law, in proceedings before the Board, the Board shall consider whether a licensee’s or certificate holder’s violation follows from incorrect advice on the meaning of a statute or regulation. In such a circumstance, the Board shall consider the reasonableness of the licensee’s or certificate holder’s reliance on the incorrect advice in determining the appropriate sanction, if any, for the violation.”
MSP: To adopt the language as amended.
- 3) Motion from the Committee, on Rule 1805.0100 and 1805.0300, to adopt the language as proposed by the ALJ.
MP: To adopt the language proposed by the ALJ.

4) Motion from the Committee, on Rule 1805.0200, to adopt the language proposed by the ALJ, as amended, as follows: "Subp. 1a Credit.

In connection with the work for which the licensee or certificate holder is claiming credit, the licensee or certificate holder shall accurately represent his or her own qualifications, education, and scope of responsibility for the ~~particular~~ work. The licensee or certificate holder shall also accurately represent the qualifications, education, and scope of responsibility of any employer, employees, or associates ~~who perform~~ work.

MP: To adopt the language as amended.

- B) Remainder of Joint Credentialing and Rules Committee report carried over.
- 7) ALACID SECTION REPORT (D. Hield, Section Chair)
 - A) Carried over.
- 8) ELSGEO SECTION REPORT (D. Baar, Section Chair)
 - A) Carried over.
- 9) EXECUTIVE COMMITTEE REPORT (M. Parsons, Chair)
 - A) The committee will meet immediately following the Board meeting
- 10) TREASURER'S REPORT (K. Rapp, Treasurer)
 - A) Budget and Revenue Reports – FY19 – Carried Over.
 - B) Budget and Revenue Reports – FY20 – Carried Over.
- 11) EXECUTIVE DIRECTOR REPORT (D. Johnson, Executive Director)
 - A) Legislative Auditor Report Update – Carried Over.
 - B) Staffing Update – Carried Over.
- 12) UNFINISHED BUSINESS
 - A) None

13) NEW BUSINESS

A) Petition for Variance, Applicant A - reviewed and discussed.

MSP: To approve the Petition for Variance.

B) Report of the Chief Administrative Law Judge (ALJ) – R-4449 Rules of Professional Conduct – see action in Joint Credentialing and Rules Committee report.

C) New Licensee Report – Carried Over.

14) PUBLIC COMMENT

A) None

15) ADJOURN

MSP: To adjourn

Approval:



Dave Blume, PE, Board Secretary



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BOARD MEMORANDUM

AUGUST 6, 2019

TO: EXECUTIVE COMMITTEE

Meg Parsons, Architect, Chair
Paul Vogel, LS, Vice Chair
Dave Blume, PE, Secretary
Keith Rapp, PG, Treasurer
Nirmal Jain, PE, Immediate Past Chair

FROM: Meg Parsons, Architect, Chair

SUBJECT: AUGUST 6, 2019, EXECUTIVE COMMITTEE MEETING MINUTES
Golden Rule Building, Board Office, Suite 160
Immediately Following the Board Meeting

- 1) Call to Order
 - A) Others Present:
 - i) Doreen Johnson, Executive Director
- 2) APPROVAL OF JUNE 28, 2019, EXECUTIVE COMMITTEE MEETING MINUTES
MSP: To approve the June 28, 2019 Committee minutes.
- 3) UNFINISHED BUSINESS
 - A) Internal Controls (D. Johnson) – (FYI).
 - B) Office of the Legislative auditor update – Discussed status, on-going.
 - C) Committee Charges – Carried over.
- 4) NEW BUSINESS
 - A) New Member Orientation, September 17, 2019, 9:00-10:30 am – FYI Only.
- 5) ADJOURN