

THE COMMUNICATOR

OFFICIAL PUBLICATION OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE ARCHITECTURE, GEOSCIENCE & INTERIOR DESIGN

2010 VOLUME 15, NUMBER 1



Letter from the Chair

KRISTINE KUBES, JD, PUBLIC MEMBER

Gratitude is not only the greatest of virtues, but the parent of all the others.

—Cicero

We are living in times of great vulnerability, with many of us facing formidable challenges professionally, personally, financially. So many of our colleagues and friends are displaced, searching, gathering their energy to re-frame themselves and re-start their careers. The Board has chosen to undertake an ethics initiative in this climate, because our national councils have requested a renewed focus on ethics for emerging professionals through their education, examination, and early years of experience. And for those of us who are established in our careers, this climate and its challenges may cause licensees temptation to stray into grey ethical areas or consider lowering standards to compete. The dialogue on ethics and professionalism is an evaluative conversation that belongs in the fiber of every licensee and every firm. I would invite you to consider that the desire to do the right thing often comes from a place of gratitude and respect for the role one has been given.

At a core level, ethics and professionalism start with the person and spread to the organization. I mention gratitude because licensure is a privilege, not a right. Each of us has worked diligently to earn our status as a licensee or certificate holder. Each of us, in turn, is imputed with knowledge of the rules of professionalism and ethics found in Minn. Rule 1805. Perhaps even more importantly now, the rules serve to protect you and your license from those who do not respect the value of the rules and the laws. For those instances, please remember the complaint process.

Since July, Board members have been speaking throughout the state, raising awareness of the ways that ethics come into play in the firm, on the job, in the classroom, at the exam site, and in the field, to protect the health, safety, and welfare of the citizens and ensure jobs not only done well, but done with

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Notice: This issue will be the last hard-copy of *The Communicator* that will be mailed until the budget issues in the State of Minnesota are resolved. Future newsletters will be published on the Board’s website and a postcard will be mailed indicating when it is available. Watch your mailbox for green postcards from the Board.

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HELP WANTED! RENEW ON TIME!

Your help is participation is desired to help us help you stay out of trouble with the Board!

“What?!?!?!”, you say.

The Board sees a number of situations every year of individuals who have failed to renew their license or certificate on time. The reasons that are offered boil down to some common themes: I forgot; I thought I renewed but I guess I didn't; I moved and forgot to notify the Board so I never got the renewal notice; I thought that my assistant/secretary/wife/boyfriend, etc., handled it.

The result is that depending on how long it takes for the individual to “remember” to renew, the Board may take disciplinary action against the individual. It is against the law to practice architecture, engineering, land surveying, landscape architecture, geology or soil science, or to use the title “Certified Interior Designer” in Minnesota without a current license or certificate.

So, here is where we need your help. And the steps are just 1-2-3 easy!

1. **Sign In** – Go to the Board's website and enter in your license or certificate number AND the last four digits of your social security number.

2. **Verify** that your personal information is correct, enter in your total number of Professional Development Hours (minimum 24), complete the disclosure, and click “renew.” Repeat for additional licenses/certificates.

3. Enter **payment** information using a Visa or MasterCard. The fee is \$132 per license or certificate if renewed prior to July 1, 2010. Once your renewal is processed, print the receipt for your records.

Then, perhaps the most important step in helping us: Please tell every other licensee that you know in your company, in the next office, in your association, on your projects, in your social circles, and in your neighborhood to renew online.

See? That wasn't so hard! And maybe you have prevented someone from falling into this problem that can have long-lasting consequences.

If you happen to find that you do have an expired license, the process and forms for reinstatement can be obtained by calling Andrea Barker at 651-757-1511.

Remember, it is each licensee's or certificate holder's professional responsibility to renew his or her license or certificate on time and to keep the Board informed of any address changes.

Online and paper renewals will be available April 15, 2010.

Mark your calendar!

Modified and reprinted with permission from the Colorado Department of Regulatory Agencies, Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors DORA AES Board Newsletter, June 2009.

THINGS TO KNOW ABOUT YOUR LICENSE/CERTIFICATE RENEWAL

Don't wait for the last day to renew online. Though the website is available 24/7, Board staff are not available to help you with renewal hiccups on weekends or holidays. Additionally, the volume of telephone calls and e-mails is high during renewal time and staff cannot always get back to you immediately. When renewing by mail, your renewal must be **postmarked** on or before June 30, 2010, or it will be considered late, will be returned, and you will be required to pay a late fee.

The online system requires you to enter the total number of new Professional Development Hours (PDH) you have obtained since July 1, 2008 and automatically adds in any carry-over you reported with your last renewal. The system requires that you indicate whether you have had any disciplinary action taken against you since your last renewal and requires you to affirm that you have read the foregoing renewal screens and that any information you have entered is correct. If you do not have a minimum of 24 PDH **completed** when you are filling out your renewal, **do not renew**. Making false statements and padding your Professional Development Hours when renewing your license or certificate will not be tolerated by the Board.

The Board took several different types of continuing education disciplinary action after the 2008-2010 renewal period for the following main reasons: reporting more continuing education than was actually obtained in order to meet the minimum requirement, no documentation of continuing education activities, and not responding to the Board's requests for supporting documentation.

The Board no longer mails renewal forms to its licensees and certificate holders. In an effort to keep printing and mailing costs to a minimum, the Board sends a postcard to the address on record reminding licensees and certificate holders to renew. Keep an eye out for your reminder, but note that it is your responsibility to ensure that your license or certificate is renewed by the deadline. You do not need the postcard in order to renew. Just go online and do it!

You **MUST** complete 24 PDH and renew your license or certificate by midnight on June 30, 2010 or it will be considered late. No practice or use of professional title is allowed after the deadline until your license or certificate is renewed. Late fees apply beginning July 1, 2010.

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integrity. We have already spoken to numerous societies, schools, and organizations. We are hearing how the topic of ethics and professionalism is making its way into classes, seminars, firm meetings, etc. In many respects, we are well on our way to accomplishing our goals – as ethics and professionalism are becoming more and more a core element of training, practice, and mentoring.

Before closing, I'd like to honor two great mentors and professionals - Harvey Harvala (PE) and Doris Preisendorf Sullivan (FASLA) – who have fulfilled their second and final terms on the Board. A third mentor and dedicated Board member leaving our Board is Mary West (PSS). All three have given tirelessly of their time to licensees not only from Minnesota, but nationally, and have served on their national councils. We are so proud of their contributions and so very thankful for their generosity of spirit and willingness to serve. Until next time, let's all stay grateful.

Watch your Mailbox

Renewal postcards will be sent to each licensee or certificate holder's address on record in the Board office. Postcard reminders to renew will be mailed in May 2010.



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

Renew Online!

MN Board of AELSLAGID 651-296-2388 www.aelslagid.state.mn.us

Disciplinary Actions

Disclaimer: Every effort has been made to ensure that the following enforcement information is correct; however, this information should not be relied upon without verification from the Board office. It should be noted that the names of companies and individuals listed may be similar to the names of parties who have not had enforcement actions taken against them. Disciplinary orders are public data and copies may be obtained by contacting the Board office or by viewing the order on the webpage at www.aelslagid.state.mn.us.

Disciplinary Actions:

In the Matter of Richard Hermans, Professional Engineer License #16727

On July 16, 2009, the Board issued a Stipulation and Order. Facts: Respondent was first licensed to practice professional engineering in the State of Minnesota on July 19, 1984. On June 30, 2006, Respondent's license to practice professional engineering in the State of Minnesota expired. On January 13, 2009, Respondent applied to have his professional engineering license reinstated. A true and correct copy of the January 13, 2009 application for license reinstatement is on file in the Board office. Respondent's professional engineering license was reinstated by the Board on January 13, 2009.

In a letter dated January 8, 2009, Respondent self-reported that he held himself out as a Professional Engineer and practiced professional engineering during the time his license had lapsed/expired. Respondent states: "My license to practice Professional Engineering lapsed on June 30, 2006. Since that time I have continued to use the PE designation after my name on correspondence and on my various business cards. Further, there has been one instance late last winter when I signed a document attesting to the energy performance of a commercial building for the purposes of obtaining an Energy Star designation for that building." A true and correct copy of the January 8, 2009 letter is on file in the Board office.

In a letter dated February 21, 2009, Respondent provides the Board with copies of the first page of an article in the ASHRAE Journal that the Respondent published, and letterhead and business card examples used during the period of time that his license had lapsed/expired. In the same letter, Respondent states: "I stipulate that the enclosed representation of the Statement of Energy Performance was signed by me on or about November 21, 2007 and sent to the EPA. I do not have a copy of the original document." True and correct copies of the February 21, 2009 letter and the

Statement of Energy Performance documentation Respondent stipulates as a representation signed by him on or about November 21, 2007 are on file in the Board office.

Disciplinary Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$3,000.

In the Matter of Rebecca Caudill, Professional Geologist License #30509

On September 18, 2009, the Board issued a Stipulation and Order. Facts: Respondent was first licensed to practice as a professional geologist in the State of Minnesota on November 3, 1998. Respondent's license to practice as a professional geologist in the State of Minnesota is current, with an expiration date of June 30, 2010. Respondent affirmed in the online renewal application on June 2, 2008 at 1:26 PM, sixteen (16) Professional Development Hours (PDH) earned from 7/1/2006 through 6/30/2008. Respondent affirmed twelve (12) carry-over hours from the period of 7/1/2004 through 6/30/2006. Respondent affirmed a total of twenty-eight (28) PDH's for the 2008-2010 renewal period.

In a letter dated August 29, 2008, the Board notified Respondent that she had been selected as part of the Board's biennial audit and was required to provide supporting documentation for at least twenty-four (24) of the twenty-eight (28) PDH's she affirmed for the 2008-2010 renewal period by September 30, 2008. Respondent did not respond to the Board's continuing education audit letter by September 30, 2008. A true and correct copy of the August 29, 2008 letter is on file in the Board office.

In a letter dated October 29, 2008, the Board notified Respondent a second time that she had been selected as a part of the Board's biennial audit and was required to provide supporting documentation for at least twenty-four (24) of the twenty-eight (28) PDH's she affirmed for the 2008-2010 renewal period by December 1, 2008. Respondent did not respond to the Board's second continuing education audit letter by December 1, 2008. A true and correct copy of the October 29, 2008 letter is on file in the Board office.

The Board sent an allegation letter to Respondent on March 16, 2009. In a letter dated March 30, 2009 from the Respondent to the Board, Respondent admits: "The facts alleged in your March 16, 2009 letter are true; I failed to respond to the requests for supporting documentation for at least 24 of my reported Professional Development Hours in letters dated August 29, 2008

and October 29, 2008...” Respondent did submit a spreadsheet of her Continuing Education courses for the period of July 1, 2006 to June 30, 2008. True and correct copies of the Board’s March 16, 2009 letter to Respondent and Respondent’s March 30, 2009 letter with attachments are on file in the Board office.

In a letter dated April 1, 2009, the Board notified the Respondent stating: “A list of courses or activities that you participated in is not considered sufficient documentation. Acceptable supporting documentation must include some kind of paperwork showing your participation in a particular course or activity (certificates, registration receipts, copies of presentations, notes, etc.)” Respondent was asked to respond to this letter by April 20, 2009. A true and correct copy of the Board’s April 1, 2009 letter is on file in the Board office.

Respondent had a telephone conversation with the Board’s Investigator, Lynette DuFresne, on April 20, 2009 at 2:26 pm. Respondent stated that she had misread the due date on the April 1, 2009 letter and now it was due that day. Respondent agreed to mail her response by Tuesday, April 21, 2009. The Board has not received any written response to its April 1, 2009 letter. To date, Respondent has not submitted to the Board acceptable documentation of her Professional Development Hours in the form required by Minnesota Statutes section 326.107, subdivision 7 (2008).

Disciplinary Action: Respondent is reprimanded for the foregoing conduct. Respondent’s professional geologist license shall be suspended until Respondent complies with both of the following conditions: (1) Respondent shall submit documentation acceptable to the Board of a minimum of twenty-four (24) Professional Development Hours for the 2008-2010 renewal for continuing education as required by Minnesota Statutes section 326.107, subdivision 7 (2008). To meet the statutory requirement for documentation of these Professional Development Hours, Respondent may submit acceptable documentation for a combination of: (a) Professional Development Hours earned from 7/1/2006 to 6/30/2008; (b) up to twelve (12) Professional Development Hours of carry-over hours earned from 7/1/2004 to 6/30/2006; and (c) Professional Development Hours earned on or after July 1, 2008. Completion of any courses or activities for the Professional Development Hours earned on or after July 1, 2008 that are being submitted for the purpose of fulfilling the twenty-four (24) Professional Development Hours required by this Stipulation and Order shall not count toward any continuing education requirements in the 2010-2012 renewal period or beyond; AND (2) Respondent shall pay to the Board a civil penalty of \$500.

In the Matter of Jason O’Mara, Professional Engineer License #47562

On September 18, 2009, the Board issued a Stipulation and Order. Facts: Respondent was first licensed to practice professional engineering in the State of Minnesota on July 6, 2009. Respondent’s Professional Engineer license is current with an expiration date of June 30, 2010. At the times relevant to the complaint received by the Board, Respondent was a licensed Professional Engineer, Structural, in the State of Iowa, license number 19167, issued on November 20, 2008. A true and correct printout taken from the Iowa Professional Licensing Bureau of Engineers and Land Surveyors website on July 7, 2009 is on file in the Board office.

Before Respondent became licensed in Minnesota, in a report dated April 28, 2009 for the Engineering Certification for Tower and Foundation Design for Proposed Kohlhofer Farms Wind Turbine Projects near Goodhue, Minnesota, Respondent certified and signed the report with his Iowa certification stamp.

In the same report, there was an attachment letter dated April 28, 2009, where the Respondent certified and signed the “Decommissioning Plan for Proposed Kohlhofer Farms Wind Turbine Projects near Goodhue, Minnesota,” with his Iowa certification stamp.

Finally, in the same report, there were attachments where the Respondent certified and signed three (3) structural design drawings identified as S1, S2, and S3 with his Iowa certificate stamp on April 28, 2009. A true and correct copy of the report dated April 28, 2009 along with attachments is on file in the Board office.

Before Respondent became licensed in Minnesota, in a letter dated May 15, 2009, Respondent stated: “Mr. Kohlhofer informed me that he had not been required to obtain certification from a Professional Engineer for previous agricultural structures on his property and he believed that engineering certification would not be required in this case. He asked that I send the drawings, a letter explaining that the design of the foundation system was based on the default “worst case” soil conditions in the International Building Code, and a letter outlining the plan for decommissioning, all with my Iowa P.E. stamp affixed. He assured me that he understood, and that the Goodhue County board (with whom he is acquainted) would understand that my Iowa P.E. is not valid in the state of Minnesota, but he felt that it would add some credibility and assurance for the Goodhue County board if they knew that I am licensed in Iowa. To summarize and clarify: The intention was to try to obtain a permit without engineering certification under an exemption for agricultural structures. The Iowa P.E. stamp was affixed in an effort to add credibility, but with the full understanding that it was not intended to be a

substitute for a Minnesota P.E. If Goodhue County were to rule that P.E. certification is required, we would either wait until I received my Minnesota P.E. to re-submit for permit, or hire an engineer already licensed in Minnesota to oversee the project. I understand now, after having this read back to me, that red flags should have been flying, and I should have refused to stamp the documents with my Iowa stamp. My only defense, I think, is that this was a rookie mistake." A true and correct copy of the May 15, 2009 letter is on file in the Board office.

Disciplinary Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$2,000.

In the Matter of Andrew Dahmen, Professional Engineer License #23135

On September 18, 2009, the Board issued a Stipulation and Order. Facts: Respondent was first licensed to practice professional engineering in the State of Minnesota on February 9, 1994. Respondent's license to practice professional engineering in the State of Minnesota is current, with an expiration date of June 30, 2010. Respondent affirmed in the online renewal application on June 19, 2008 at 9:39 AM, twenty-four (24) Professional Development Hours (PDH) earned from 7/1/2006 through 6/30/2008. Respondent affirmed a total of twenty-four (24) PDH's for the 2008-2010 renewal period.

In a letter dated August 20, 2008, the Board notified Respondent that he had been selected as part of the Board's biennial audit and was required to provide supporting documentation for at least twenty-four (24) PDH's that he affirmed for the 2008-2010 renewal period by September 30, 2008. Respondent did not respond to the continuing education audit letter by September 30, 2008. A true and correct copy of the August 29, 2008 letter is on file in the Board office.

In a letter dated October 29, 2008, the Board notified Respondent a second time that he had been selected as part of the Board's biennial audit and was required to provide supporting documentation for at least twenty-four (24) PDH's that he affirmed for the 2008-2010 renewal period by December 1, 2008. Respondent did not respond to the Board's second continuing education audit letter by December 1, 2008. A true and correct copy of the October 29, 2008 letter is on file in the Board office.

In a letter dated March 20, 2009, Respondent states, "I did a poor job of maintaining a hard copy of my records for my files. I do have the agenda for 2006 for which I attended but not for 2007. I have included that back-up with this letter." A true and correct copy of the March 20, 2009 letter is on file in the Board office.

In a letter dated April 1, 2009 to the Respondent, the Board's Investigator, Lynette DuFresne, stated: "I received your response letter on March 30, 2009. Unfortunately, you have not submitted the appropriate supporting documentation. The agenda is not clear on the conference course content." In the same letter, Lynette DuFresne stated: "Acceptable supporting documentation must include some kind of paperwork showing your participation in a particular course or activity (certificates, registration receipts, copies of presentations, notes, etc.). The agenda you submitted does not show the course content for each session." A true and correct copy of the April 1, 2009 letter is on file in the Board office.

In a letter dated April 18, 2009, to the Board, Respondent states: "For the year 2006 I have included a copy of the e-mail confirmation from the billing company. This e-mail was my confirmation that I paid for the conference and included my agenda specific to me. Per your request I have included a detailed description of the courses offered during the conference. I have circled and numbered the sessions that I attended. I am also submitting a copy of the 2007 topic descriptions. Unfortunately I do not have a copy of my e-mail confirmation proving that I paid and went to the conference." In the same letter, Respondent states: "At this point this is all I will be able to provide for back-up for my education credit hours." A true and correct copy of the April 18, 2009 letter is on file in the Board office.

Disciplinary Action: Respondent is reprimanded for the foregoing conduct. Respondent's professional engineering license shall be suspended until Respondent complies with the following conditions: (1) Respondent shall submit documentation acceptable to the Board of a minimum of twenty-four (24) Professional Development Hours for the 2008-2010 renewal for continuing education as required by Minnesota Statutes section 326.107, subdivision 7 (2008). To meet the statutory requirement for documentation of these Professional Development Hours, Respondent may submit acceptable documentation for a combination of: (a) Professional Development Hours earned from 7/1/2006 to 6/30/2008 and (b) Professional Development Hours earned on or after July 1, 2008. Completion of any courses or activities for the Professional Development Hours earned on or after July 1, 2008 that are being submitted for the purpose of fulfilling the twenty-four (24) Professional Development Hours required by this Stipulation and Order shall not count toward any continuing education requirements in the 2010-2012 renewal period or beyond; AND (2) Respondent shall pay to the Board a civil penalty of \$500.

In the Matter of Sanford Stein, Certified Interior Designer, Certificate #C00836

On December 11, 2009, the Board issued a Stipulation and Order. Facts: Respondent was first certified to use the title of Certified Interior Designer in the State of Minnesota on June 16, 1994. On June 30, 2006, Respondent's certificate to use the title of Certified Interior Designer in the State of Minnesota expired. On May 26, 2009, Respondent's certification to use the title of Certified Interior Designer was renewed. Respondent's certification as a Certified Interior Designer is current with an expiration date of June 30, 2010.

On May 22, 2009, during a phone conversation with Lynette DuFresne, Board Investigator, the Respondent self-reported to the Board that his Certified Interior Designer Certificate had expired unintentionally due to an address change with his business. Respondent was not aware that the new business address was not updated with the Board. In a letter dated June 26, 2009 to the Board, the Respondent states: "I am enclosing copies of documents where we utilized the term Certified Interior Designer or the initials C.I.D. during that period of time that I unknowingly was practicing Interior Design in the State of Minnesota after my registration had lapsed." In the same letter, Respondent states: "I have included three (3) sample business cards that have C.I.D. after my name; these are typical of those that were distributed during this period. Additionally, I have enclosed 12 samples of correspondence and signature pages of short form contracts that show C.I.D. after my signature. These are representative of similar letters and contracts of this period but are not represented to be all of the correspondence."

In this same letter dated June 26, 2009 to the Board, the Respondent states: "I have included two copies of my biography which typically accompanies our marketing material. These were distributed to perspective clients during the period in question. It is estimated that approximately 24-30 such brochures were produced and distributed during the period in question." A true and correct copy of the June 26, 2009 letter, with the Respondent's dollar/fee amounts redacted, is on file in the Board office.

In a letter dated July 6, 2009 to the Board, the Respondent states: "In my recent response to the Board dated June 26, 2009 I incorrectly stated that our website (www.steinllc.com) contained no references to my being a Certified Interior Designer. Regrettably, that was incorrect. In fact my Bio (listed under the category ABOUT US) does contain the statement "Sanford is a Certified Interior Designer in the State of Minnesota". This was also the case during that period of time that my certification had unknowing lapsed...sic..." A true and correct copy of the July 6, 2009 letter is on file in the Board office.

Disciplinary Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$500.

OTHER ACTIONS:

In the Matter of Joel Rutherford, Professional Engineer License #21843

On July 28, 2009, the Board rescinded the Order for Suspension issued to Respondent on May 22, 2009. Facts: Following the suspension of Respondent's license on May 22, 2009, the Board received correspondence from Scott County requesting that the Board reinstate Respondent's professional engineering license. The Board reviewed and considered the information.

Action: The Board rescinded the Order for Suspension and ordered that the professional engineering license issued to Respondent in the State of Minnesota is REINSTATED.

In the Matter of Gregory Kipp, Professional Engineer License #26842

On September 29, 2009, the Board rescinded the Order for Suspension issued to Respondent on May 22, 2009. Facts: Following the suspension of Respondent's license on May 22, 2009, the Board received correspondence from Hennepin County Child Support requesting that the Board reinstate Respondent's professional engineering license. The Board reviewed and considered the information.

Action: The Board rescinded the Order for Suspension and ordered that the professional engineering license issued to Respondent in the State of Minnesota is REINSTATED.

Construction Codes

For current Minnesota construction codes, visit the Department of Labor and Industry website at www.dli.mn.gov/Ccld.asp.

OBTAINING PLANS FOR EXISTING BUILDINGS

By David Fisher
Certified Building Official



Obtaining plans to make changes to an existing building can be a challenge. Cities are a great resource to help you find existing commercial building plans as most communities retain and store commercial building plans for the life of the building. When plans are not signed, they are not copyrighted and you should be able to obtain a copy from the municipality. Be careful with these plans, however, and carefully review them for code compliance and accuracy. When plans are signed and sealed they should be more accurate, but they are also copyrighted. This means you may be able to look at the plans, but not obtain a copy.

This is where the challenge comes in. You, as a design professional working for the owner, may need the existing commercial building plans to complete the new drawings for the project you are working on. There are a couple of common ways design professionals deal with this issue.

The first way is to make a request in writing to the design professional, or the design professional's firm, for permission to obtain the plans. Obtaining written permission from the design professional of record, or the firm of record, will allow you to seek permission from a municipality to copy the commercial building plans they have on file. Problems may arise when the design professional of record has passed away, or the firm has gone out of business. In this case, a letter of intent to the city on the use of the plans may be helpful.

The second way is to review the existing commercial building plans at the office in which they are stored and take good notes. Reviewing the plans may prove more difficult than obtaining a copy because you may forget or miss something that was critical on the plan. You may need to return to the municipality and re-examine the plans multiple times which may be both more costly and more time consuming than obtaining a copy of the plans.

So, when making changes to an existing building, use your local municipality. Not only can they help you obtain plans, but they can also answer questions about the existing building. And please help out your fellow design professionals and local code officials who are in need of existing plans. Remember, some day you may be the one looking for the plans.

Public Land Survey Corners

By Lisa Hanni, LS

As we prepare for the upcoming construction season, it is a good time to remind ourselves of our statutory duties as they pertain to the Public Land Survey Corners. To those unfamiliar with the Public Land Survey System (PLSS), suffice it to say that the system was designed to provide the federal government an orderly method in which to survey, describe, and sell land. Land descriptions in Minnesota are based upon the locations of the original government corners which were set between 1847 and 1911.

In 2005, Minnesota Statute 381.12 was amended to require a U.S. Public Land Survey Record (commonly referred to as a Certificate of Location of Government Corner) to be filed or recorded within one year of preserving, restoring, or marking a corner. Prior to the amendment, no time frame was set by statute for the filing of this information and, unfortunately, some certificates have never been filed and available to the public.

According to statute, a corner certificate must be prepared as part of any land survey which includes or requires the perpetuation or restoration of a PLS corner if one of the following conditions exist:

(1) there is no United States public land survey monument record for the corner on file in the office of the county surveyor or the county recorder for the county in which the corner is located; or

(2) the land surveyor who performs the survey accepts a position for the United States public land survey corner which differs from that shown on a United States public land survey monument record filed in the office of the county surveyor where the county maintains a full-time office, or in the office of the county recorder for the county in which the corner is located; or

(3) the witness ties referred to in an existing United States public land survey monument record have been destroyed.

The perpetuation of the PLS corners are also

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mentioned in Minnesota Statute 160.15 which states that “Whenever the construction, reconstruction, or maintenance of a public street or highway causes the destruction or obliteration of a known section or quarter-section corner marker or monument, the road authority having jurisdiction over the highway or street shall provide for the permanent marking of the corners and place reference or witness monuments so that the corners can be readily located.”

As stated above, the road authority shall provide for the permanent marking of these corners. It would be beneficial to employ a Land Surveyor prior to any construction work in order to locate possible corner evidence. In 2004, this statute was correctly amended to only allow surveyors to establish the markers or monuments and file the certificate. This change was consistent with the statutory definition of the Practice of Land Surveying (MS 326.02, Subd. 4).

So as you prepare for your projects, do not forget the importance of the Public Land Survey corners. Besides, it’s the law.

We Thought You’d Like to Know...

Q. The Board’s schedule of meetings indicates Section meetings every other month. What do the “Sections” do?

A. The Board is divided into two Sections: the Engineering, Land Surveying and Geoscience (ELSGEO) and the Architect, Landscape Architect, Certified Interior Designer (ALACID). Sections meet every other Board meeting day, prior to the main Board meeting.

The purpose of the Section meetings is to allow the members time for more in-depth discussions about issues surrounding the specific professions and also obtain input from the public members on the Board. Each Section then shares that information by highlighting the discussion at the full Board meeting. Additionally, any decisions (motions) by the Sections are carried forward to the full Board as recommendations that are put to a vote.

When to “Stamp” your Drawings

By: Doug Cooley, Engineer Member; Gary E. Demele, Architect Member; Kristine Kubes, Chair, Public Member

Minnesota Statute § 326.12 requires a licensee or certificate holder to sign, date, and certify “each plan, drawing, specification, plat, report or other document.” Does this requirement apply to all documents created by your office? No, there are some exceptions. And may anyone in your office stamp any drawing? No, only those in direct supervision over the work may certify/stamp/seal the work. So, how do you determine if a document needs to include the certification and who should stamp the work?

Examples of documents that do not need to be certified:

- Intraoffice or Intracompany documents
- Drafts, preliminary, schematic or documents of a design development nature
- Record or “As-Built” drawings prepared by the licensee and submitted to a non-governmental client or company for record purposes

Examples of documents that do need to be certified:

- Drawings submitted to a public agency for review or permitting purposes (each sheet to be submitted must bear signature and certification)
- Project Manual or Specifications and Reports (signature and certification on first page only)
- Plats (signature and certification on first page only)
- Record or “As-Built” drawings prepared by the licensee and submitted to a governmental agency, if required by contract

Who may certify/stamp/seal documents?

- Only the licensed or certified person under whose direct supervision the work was performed
- Only valid licensees or certificate holders

You may not stamp or seal any documents if your license has expired or has been revoked or suspended. In Minnesota, a stamp, printed signature, or electronically-created signature may be used for certification on all types of documents, so long as it creates an accurate depiction of the licensed or certified professional’s actual signature. A licensee may not sign a plan, drawing or document dealing with professional services in which the licensee is not qualified to sign or seal by virtue of education and licensure. The licensee may approve and seal only design documents and surveys that protect the health, safety, and welfare of the public.

Please consult Minnesota Statute § 326.12, subd. 3, for the full statutory language on these issues.

Spotlight on Landscape Architecture

By Doris Preisendorf Sullivan, FASLA

What is landscape architecture and what do Landscape Architects do?

As described on the American Society of Landscape Architect (ASLA) website: “Landscape architecture encompasses the analysis, planning, design, management, and stewardship of the natural and built environments.” Landscape architects plan and design traditional spaces, plan the restoration of natural places disturbed by humans, and undertake preservation planning projects for historic sites and areas. Some of the types of projects tackled by landscape architects include: campuses – corporate and academic; commercial developments; arboreta; site restoration – both natural and historical; resorts; monuments; parks; residential developments; security design; gardens – pleasure, public, private, and therapeutic; transportation corridors; urban design; and water resources. Considering that these projects can vary in size from a few square feet to many acres or square miles, the scope, challenge and the appeal of the profession comes into focus.

As with other professions, a true landscape architect professional can make an extremely complex project look effortless. Complicated sites that accommodate large numbers of residents, employees, the general public, and treasured natural assets are not easy. This is where licensure, and the protection of the public health, safety, and welfare, becomes necessary.

When a project encompasses a watershed or an industrial campus, it is easy to understand that the services of a licensed landscape architect are required. To ensure the protection of the public, the services of a licensed professional are needed to site buildings, layout circulation that accommodates pedestrians and vehicles, provide adequate and logical infrastructure space, and end with a pleasant, ecologically sound place.

However, it is less cut and dried for smaller projects. What if a homeowner just wants help placing trees around the house? In order to determine if a licensed landscape architect must be involved in a project, refer to the list of exemptions found in Minnesota Rules Chapter 1800.5900. This rule describes the elements that must be met for work to be done by an unlicensed person.

Licensure of Landscape Architects in Minnesota

When licensure of landscape architects became a requirement in Minnesota in 1976, the law was written to allow professionals who were already practicing the profession to grandfather into licensure. Licensure could be granted

under a complicated set of conditions that specified requirements for varying amounts of experience dependent upon particular types of education. These conditions are currently still a part of the Minnesota Statutes and Rules.

As the years have passed, the varying combinations of education and experience needed for grandfathering has become less and less relevant to those seeking initial licensure now. The process is underway to revise the landscape architect licensure education and experience qualifications. The current rules, with a fairly intricate combination of educational backgrounds paired with varying amounts of professional experience required for licensure, will be simplified to reflect the current types of professional degrees that are available. To be added to the Board’s rulemaking mailing list and receive updates throughout the process, you may e-mail your mailing address and request to Andrea Barker (andrea.barker@state.mn.us), Rules Coordinator, in the Board office. Updates are also posted on the Board’s web site as they become available.

Student Research Project

This fall, the Board was approached by Dr. Morris Kleiner of the Humphrey Institute at the University of Minnesota to be the “client” for his senior economic class. The students were required to research and analyze the public policy, legal and economic issues, history, and impacts surrounding regulation versus non-regulation, specifically focusing on Interior Design. Interior Design was chosen because there is currently a bill in the Minnesota Legislature to move Certified Interior Design from a Title Act to a Practice Act and there is a trend across the country to regulate Interior Design.

The students compiled data from the different states with regulation of Interior Design and interviewed the Board’s Executive Director, legislators and leaders from the pertinent professional societies. The students then analyzed their data and presented their paper to the Board on December 11, 2009. The Board and public attendees were able to comment on the students’ research, ask questions and offer suggestions for consideration of additional factors in their research.

Participants included: Adrienne Alexander, Chris Henjum, Jeremy Jones, Meg Luger-Nikolai, Aaron Rosenberger, and Caro Smith.

Board Member Achievements

Carl Peterson, CPA, Public Member, has been named co-chair of the 2010 Minnesota Business Ethics Award (MBEA) steering committee. The purpose of the MBEA is to raise the standards for business ethics in Minnesota. More information about this award can be found at www.mnethicsaward.org. Mr. Peterson has served on the Minnesota Board since May 2009.

Kristine Kubes, JD, Public Member, has been appointed to serve on the National Council of Architect Registration Boards' (NCARB) Professional Conduct Committee. Ms. Kubes has served on the Minnesota Board since 2005 and is currently the Board's Chair.

Michael Kunz, PG, Former Board Member, has been elected President of the National Association of State Boards of Geology (ASBOG®) for 2010. Mr. Kunz has been serving on the ASBOG Executive Committee since 2007 and served on the Minnesota Board for eight years from 1999 to 2007.

The ASBOG mission is to serve as a connective link among the individual state geologic registration licensing boards for the planning and preparation of uniform procedures and the coordination of geologic protective measures for the general public. There are currently 30 Member Boards (29 states and 1 US Territory-Puerto Rico) that are part of the ASBOG organization. Tennessee is the most recent addition, becoming a State Member Board in 2009.

Much of today's geological practice affects the health, safety and welfare of the public, the environment, and the economy and feasibility of engineered works. One of ASBOG's principal services is the development of standardized written examinations for determining qualifications of applicants seeking licensure as professional geologists. The examinations, both the fundamental (FG) and practice (PG), are valid measures of competency related to the practice of the profession. For more information on ASBOG please visit www.asbog.org.

Todd Wichman, ASLA, Former Board Member, has been selected to join the American Society of Landscape Architects' (ASLA) Council of Fellows. Mr. Wichman is one of only 33 landscape architects selected nationally to join the council this year. It is the most prestigious recognition awarded within the profession and is based on professional excellence and outstanding accomplishments over a sustained period of time. Mr. Wichman served on the Minnesota Board for four years from 1995 to 1999.

Procedure Changes

The Board no longer prints and mails **replacement license/certificate cards**. You will receive a card with your initial licensure/certification and after you renew. Verification of current license/certificate can be found on the Board's website. You may still order duplicate professional wall certificates for a fee of \$25.

The Board no longer prints and mails In-Training wall certificates. In-training certificate numbers will still be sent via letter.

Online **renewals** for July 1, 2010 through June 30, 2012 will be available from April 15, 2010 through December 31, 2010. In May, the Board will send a postcard to the current address on record of all licensees and certificate holders reminding them to renew prior to June 30, 2010. The last day to renew online will be December 31, 2010. If you haven't renewed your license or certificate by then, you will need to download a paper renewal form to complete and submit along with any required supporting documentation.

Searchable Roster: Check it Out

The Board has a new, searchable roster of licensees and certificate holders. To find the status of a license or certificate, individuals may now enter in a license number or last name. The new roster will have the most up-to-date licensure information available. New licensees and certificate holders will no longer need to wait to have their name added to the static roster list.

Also, check out the Board's newly re-designed webpage.

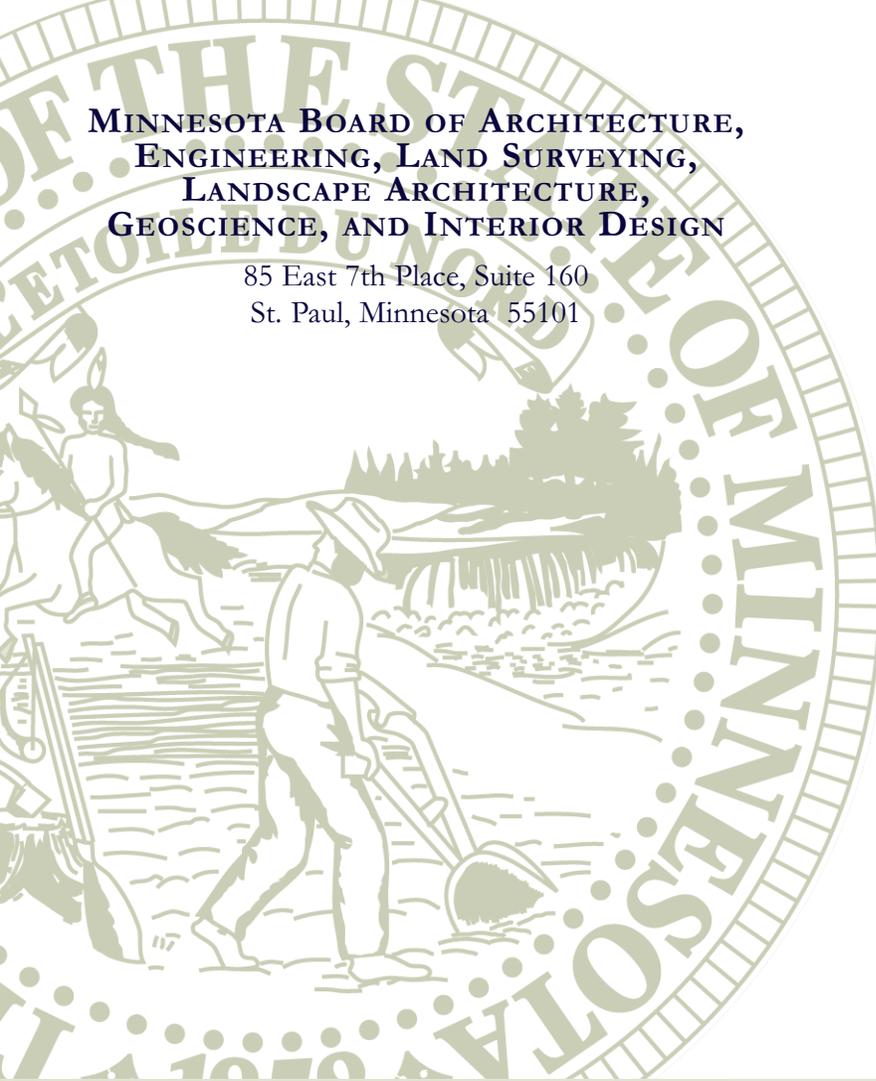
www.aelslagid.state.mn.us

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*Upcoming
Events*

MARCH	15	8:00AM - 10:00AM	CREDENTIALING COMMITTEE (SUITE 160)
		8:00AM - 10:00AM	RULES COMMITTEE (SUITE 295)
		10:00AM - 12:00PM	BOARD MEETING (SUITE 295)
		12:00PM	EXECUTIVE COMMITTEE (SUITE 160)
	TBD	12:30PM	COMPLAINT COMMITTEE (SUITE 160)
APRIL	TBD	12:30PM	COMPLAINT COMMITTEE (SUITE 160)
FULL BOARD AND COMMITTEE MEETINGS WILL NOT BE HELD THIS MONTH.			
MAY	3	8:00AM - 10:00AM	ALACID SECTION MEETING (SUITE 160)
		8:00AM - 10:00AM	ELSGEO SECTION MEETING (SUITE 295)
		10:00AM - 12:00PM	BOARD MEETING (SUITE 295)
		12:00PM	EXECUTIVE COMMITTEE (SUITE 160)
	TBD	12:30PM	COMPLAINT COMMITTEE (SUITE 160)
JUNE	10	8:00AM - 10:00AM	CREDENTIALING COMMITTEE (SUITE 160)
		8:00AM - 10:00AM	RULES COMMITTEE (SUITE 295)
		10:00AM - 12:00PM	BOARD MEETING (SUITE 295)
		12:00PM	EXECUTIVE COMMITTEE (SUITE 160)
	TBD	12:30PM	COMPLAINT COMMITTEE (SUITE 160)
JULY	22	8:00AM - 10:00AM	ALACID SECTION MEETING (SUITE 160)
		8:00AM - 10:00AM	ELSGEO SECTION MEETING (SUITE 295)
		10:00AM - 12:00PM	BOARD MEETING (SUITE 295)
		12:00PM	EXECUTIVE COMMITTEE (SUITE 160)
	TBD	12:30PM	COMPLAINT COMMITTEE (SUITE 160)
AUGUST	23	8:00AM - 10:00AM	CREDENTIALING COMMITTEE (SUITE 160)
		8:00AM - 10:00AM	RULES COMMITTEE (SUITE 295)
		10:00AM - 12:00PM	BOARD MEETING (SUITE 295)
		12:00PM	EXECUTIVE COMMITTEE (SUITE 160)
	TBD	12:30PM	COMPLAINT COMMITTEE (SUITE 160)