

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

THE COMMUNICATOR

2014 VOLUME 19, NUMBER 1



*Letter from the Chair*

CARL PETERSON, CPA, PUBLIC MEMBER

As the new Chair of the Board, a public member and a CPA, I am excited to have the opportunity to work with staff and the other Board members through the upcoming year. As a licensed professional, I know of the importance and pressure of regulation. Having been on this Board for the past 6 years, I recognize that this Board's licensees have many of the same issues as CPAs: continuing education, practice area concerns, code (ours being IRS code) and others. Being regulated, while at times seems onerous to licensees, maintains the value of our professions. With regulation, we keep our professions in higher regard but it does come with responsibility. That responsibility, along with regulation, ensures a stronger profession. As professionals, we must remember our duty to protect the health, safety and welfare of the public.

The Board is starting a new year after a successful legislative session in 2014. You may recall the Board began an initiative in 2010 to pass legislation with two primary objectives. One was to strengthen the practice act by clarifying that the designation of "PE" is only to be used by a licensed Professional Engineer and by updating the definition of the practice of land surveying. The other was to enhance the education of our professional licensees and certificate holders by requiring two (2) out of the 24 professional development hours for each two year cycle to be in the area of ethics. Thanks to the staff and our Board members, this legislation passed without any significant opposition. It was a job well done as we continue to do our part in support of our mission to protect the public's health, safety and welfare.

We will start this year working to improve our effectiveness and future endeavors by participating in a facilitated strategic planning process. Our strategic planning process will begin this summer and help us focus towards the future.

We have had such good leadership during my tenure on the Board from all of the professions. Thanks to Doug Cooley, my predecessor, whose leadership style was instrumental in our success at the legislature and in our Board meetings. We are pleased with the reappointment of two of our Board members, Marjorie Pitz, LA, and David Krech, PE, to a second four-year term and welcome a new member, Nirmal Jain, Professional Engineer. We look forward to working together this fiscal year.

**CONGRATULATIONS**  
to the new Executive Committee elected on May 19, 2014.

Chair: Carl Peterson, CPA  
Vice Chair: Mary Deeg, CID  
Secretary: David Landecker, LS  
Treasurer: Bruce Johnson, PG

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## BOARD MEMBERS (TERM ENDS)

Carl Peterson, CPA, Public Member (2017)  
BOARD CHAIR

Mary Deeg, CID (2017)  
VICE CHAIR

David Landecker, LS (2016)  
SECRETARY

Bruce Johnson, PG (2015)  
TREASURER

Lyn Berglund, CID (2016)

Tanya Digiovanni, Public Member (2017)

David Fisher, CBO, Public Member (2017)

Terry Groshong, Architect (2015)

James Grube, PE (2017)

Robert Gunderson, LA (2016)

Lisa Hanni, LS (2015)

Wayne Hilbert, Architect (2017)

Nirmal Jain, PE (2018)

David Krech, PE (2018)

William Kuretsky, JD, Public Member (2015)

Dennis Martenson, PE (2015)

Paul May, Architect (2016)

Peter Miller, PSS (2017)

Daniel Murphy, PE (2016)

Marjorie Pitz, LA (2018)

John Swanson, Deputy Fire Marshal,  
Public Member (2017)

## BOARD STAFF

**Doreen Frost**  
EXECUTIVE DIRECTOR

**Andrea Barker**  
ASSISTANT EXECUTIVE DIRECTOR

**Lynette DuFresne**  
INVESTIGATOR

**Laurie Nistl**  
LICENSING & EXAM: ARCHITECT/CID/FIRMS

**Katherine Berg**  
LICENSING & EXAM: PROFESSIONAL ENGINEERING

**Cora Lutz**  
LICENSING & EXAM: FS/LS/GEOSCIENCE

**Allison Desmond**  
LICENSING & EXAM: FE/LA

## GOOD INTENTIONS ARE NOT ALWAYS THE BEST CUSTOMER SERVICE WHEN IT COMES TO SURVEYING

By David Landecker, LS

During these wavering economic times, many jurisdictions and organizations serving the public's needs strive to provide the best customer service and solutions to their constituents as possible. Unfortunately, sometimes these good intentions lead them into areas where they do not have the expertise and furthermore require licensure. Intentions to help the public minimize project costs by utilizing staff time and equipment to mark property corners and determine lot lines for purposes of identifying encroachments and for the issuance of building permits are likely not providing a public service and potentially harming the public's health, safety and welfare.

The determination and measuring of the location of property boundaries and corners is never straight forward and involves analysis of numerous pieces of evidence, including existing monumentation, lines of physical occupation, written construction of the deed or plat, intent of the grantor and more. The licensed land surveyor is able to combine that information with their education, experience and knowledge of case law, statutory law and common law to make property boundary determinations. Existing monumentation is only one piece of evidence and one that can often be misleading. For example, sometimes an iron pin that fits the map and general location of the property corner or line has been disturbed by construction and can be off by several feet. Only a licensed land surveyor is qualified to make a thorough analysis and evaluation to correctly place the monument at the property corner or line location. When unlicensed individuals recover or place a monument that proved not to be a property corner marker and the resident constructed their project in reliance upon that erroneous marker, the resident may in fact have a legal claim against the party placing the monument. Obviously, that would not be a desirable situation for any party involved nor provide the customer service experience you were hoping for.

In closing, when the public asks for help in providing property corner locations, direct them to a licensed surveyor. While well intentioned, trying to help the public by finding their property boundaries may potentially add a liability to you, which in the end can cause great damage to the public.

The Board asks that you review the following statute. Only an individual licensed by the Board as a Land Surveyor can engage in the practice of land surveying as defined by Minnesota law.

Recently updated and effective August 1, 2014, Minnesota State Statutes Section 326.02, Subd. 4 defines the practice of land surveying as follows:

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*Land surveying means the application of the principles of mathematics, physical and applied sciences and law to measuring and locating lines, angles, elevations and natural or artificial features in the air, on the surface of the earth, underground and on the beds of bodies of water for the purpose of:*

- (1) determining, monumenting, establishing or reestablishing property boundaries;*
- (2) determining, monumenting, or reestablishing the position for any public land survey system corner or line;*
- (3) planning, designing, and platting of land and subdivisions including the topography, alignment and grades of streets; and*
- (4) preparing and perpetuating maps, record plats, and property descriptions.*

*Any person who offers to perform, holds out as being able to perform, or does perform land surveying for others shall be practicing land surveying.*

*Nothing contained in the provisions of sections 326.02 to 326.15, shall prohibit a licensed professional engineer, architect, landscape architect, or professional geoscientist from doing any work included in the practice of engineering, architecture, landscape architecture, and professional geoscience, if the work does not involve the establishment or reestablishment of property corners, property lines, or public land survey system corner or lines.*

If you are planning any type of construction on property, even just a fence, have your property lines located by a licensed land surveyor. Protect the public from unqualified professionals and/or improper conduct by insuring that individuals performing these tasks are licensed for protecting the health, safety and welfare of the citizens we serve.

## STATUTE CHANGES EFFECTIVE AUGUST 1, 2014

The proposed changes to the Board's statutes have passed and will be effective August 1, 2014. These changes have added an ethics component to the continuing education requirements, strengthened the practice act and removed unnecessary language. We hope these changes will bring clarity and security to every one of our fields.

Beginning August 1, 2014, all licensees and certificate holders must dedicate two (2) hours of the required twenty-four (24) professional development hours to professional ethics in order to renew. These two hours must be earned during the biennium to which they are applied and cannot be used toward carryover. For example, to renew your license or certificate in 2016, you must report a minimum of 2 PDH of professional ethics obtained between July 1, 2014 and June 30, 2016. If you earn more than 2 PDH of professional ethics, you may use the hours to complete the twenty-four hour requirement for renewal, but you cannot carry the hours over to the next renewal. You must earn two new PDH in ethics between 2016 and 2018 to renew in 2018.

Continuing education programs and activities with a maximum number of hours that may be applied cannot be used toward carryover. These activities include: professional examination grading or writing, providing professional service to the public which draws upon the licensee's or certificate holder's professional expertise, and patents. For example, if you serve on your city's planning commission providing your professional expertise, you may only claim a total of 10 PDH toward your 24 PDH requirement. Hours served beyond 10 PDH CANNOT be carried over to your next renewal.

Another very important contribution that the Board has made with this legislation is to strengthen the practice act by restricting the use of the title "professional engineer" or the abbreviation "P.E." or "PE" to those individuals who are licensed by the Board as a professional engineer; granting authority to the Board to issue cease and desist orders for the unauthorized use of the titles "architect," "professional engineer," "land surveyor," "landscape architect," "professional geologist" and "professional soil scientist;" and expanding the definition of the practice of land surveying. The new definition of the practice of land surveying includes determining, monumenting, establishing, or reestablishing property boundaries and determining, monumenting, or reestablishing the position for any public land survey system corner or line.

As we all know, it is hard to write legislation and passing this bill was a huge victory for the Board. Thank you to everyone who worked so hard on passing this legislation.

For more information and to read all of the changes to the statute, please visit the Board's website at [www.aelslagid.state.mn.us](http://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 web page at [www.ael-slagid.state.mn.us](http://www.ael-slagid.state.mn.us).*

The following are **summaries** of the facts for disciplinary actions taken since the last newsletter. Full orders can be found on the Board's website.

## **In the Matter of Anthony Winiiecki Professional Engineer License #23128**

### **Facts:**

- Mr. Winiiecki was first licensed as a Professional Engineer in Minnesota in 1994. His license expired on July 1, 2012 and he reinstated his license on March 1, 2013 after he received a "second notice" postcard from the Board stating that he had not renewed his license. He was not aware that his license had lapsed.
- During the period his license was expired, Mr. Winiiecki was employed as a traffic engineer by the Scott County, Minnesota Highway Department. His email signature block, business card and signature block for written correspondence identified him as a PE.
- Mr. Winiiecki provided a list of eleven (11) Minnesota projects that he worked on during the time his license was expired as well as a copy of his position description for the position he held, and still holds, with Scott County, Minnesota. His position with Scott County requires registration as a Professional Engineer.
- Copies of emails, correspondence, reports and documents indicate that in performing his duties as Traffic Engineer for Scott County, Mr. Winiiecki was: (1) exercising his professional judgment relating to public projects wherein the public welfare or the safeguarding of life, health or property is concerned, and (2) performing services for Scott County required the application of his education and training as a professional engineer, all within the meaning of Minn. Stat., section 326.02, subdivision 3. Further, Mr. Winiiecki signed several documents on behalf of the Scott County Engineer, in the signature block for the Scott County Engineer.

- Mr. Winiiecki practiced "professional engineering," within the meaning of Minn. Stat. section 326.02, subd. 3, without a current Minnesota PE license.
- Mr. Winiiecki cooperated fully with the Committee in its investigation of this matter and has taken corrective measures for future renewal periods.

**Enforcement Action:** On October 11, 2013, the Board issued a *Stipulation and Order*. Mr. Winiiecki was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$5,000, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

## **In the Matter of Brian D. Holt Professional Engineer License #21428**

### **Facts:**

- Mr. Holt was first licensed as a Professional Engineer in Minnesota in 1991. His license expired on July 1, 2012 and he reinstated his license on November, 26, 2012.
- Mr. Holt self-reported that he had practiced engineering and represented himself as a Minnesota PE during the time of lapse of his license.
- His email signature block, LinkedIn page and business card identified him as a Minnesota PE.
- Mr. Holt sent approximately 35 emails during the period of lapse that were related to Minnesota PE work. He signed and certified documents for two projects in June 2012, prior to the lapse of his license. He made minor revisions for these two projects and recertified them in July, after his license had lapsed.
- All documents certified by Mr. Holt during the lapse of his license were re-reviewed and recertified by Mr. Holt in December 2012, after his license was reinstated, at no cost to the clients.

**Enforcement Action:** On October 11, 2013, the Board issued a *Stipulation and Order*. Mr. Holt was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$1,500, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

## **In the Matter of Adam C. Niederloh Professional Engineer License #48322**

### **Facts:**

- Mr. Niederloh was first licensed as a Professional Engineer in Minnesota in 2010. His license expired on July 1, 2012 and he reinstated his license on De-

ember 24, 2012.

- Mr. Niederloh self-reported that he held himself out as a PE during the lapse of his license. He stated that he had not signed any documents nor had he actively represented himself as a professional engineer, however, his email signature block and business cards identified him as a PE.

**Enforcement Action:** On October 11, 2013, the Board issued a *Stipulation and Order*. Mr. Niederloh was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$500, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

### **In the Matter of Thomas K. Vagts Professional Engineer License #25112**

#### **Facts:**

- Mr. Vagts was first licensed as a Professional Engineer in Minnesota in 1997. His license expired on July 1, 2012 and he reinstated his license on January 18, 2013.
- Mr. Vagts self-reported that he may have held himself out as a Professional Engineer during the lapse of his license. He stated that he mistakenly let his license lapse and that he represented himself as a professional engineer on his company's website, his LinkedIn account and on his business cards during that time.
- Mr. Vagts' email signature block, business cards and letterhead identified him as a PE.

**Enforcement Action:** On October 11, 2013, the Board issued a *Stipulation and Order*. Mr. Vagts was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$500.00, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

### **In the Matter of Martin D. Bonnell Professional Engineer License #14010**

#### **Facts:**

- Mr. Bonnell was first licensed as a Professional Engineer in Minnesota in 1979. His license is current with an expiration date of June 30, 2014.
- Mr. Bonnell was an employee of Vieau Associates, Inc. ("Vieau Associates") from April 1, 2004 through February 10, 2010 when he was terminated in connection with a Petrofund investigation of Mr. Bonnell's actions during his employment with the company.
- On January 16, 2008, Mr. Bonnell signed a "Proposal-UST Removal Assessment" for "subsequent remedial investigation work" for Valley Oil Company ("Valley Oil"). Valley Oil signed (authorized) the proposal on January 17, 2008, thereby becoming

an official client of Vieau Associates.

- In December 2007, prior to Valley Oil becoming a client of Vieau Associates, Mr. Bonnell offered to and performed professional engineering services for Valley Oil, specifically tank removal and assessment work, including arranging for laboratory testing of samples, using Vieau Associates' name in connection with his work.
- Mr. Bonnell signed original laboratory chain of custody forms on December 3 and 6, 2007, which proved that he was doing field work for Valley Oil. Mr. Bonnell signed as "Project Manager" and identified Vieau Associates' as the customer of Test America, the laboratory testing company used in the project.
- Before Valley Oil became a client of Vieau Associates, Mr. Bonnell sent Valley Oil an invoice for \$2,503.90 on Vieau Associates letterhead directing that payment for petroleum investigation services in December 2007 be made directly to Mr. Bonnell at his home address. The project number and invoice number on the invoice did not correspond with Vieau Associates' time and billing system project and billing records. Mr. Bonnell's time sheet for December 2007 showed no work on this project.
- The invoice was paid by Valley Oil Company on January 25, 2008, by check number 8193, made payable to Martin Bonnell, in the amount of \$2,503.90.
- Mr. Bonnell signed a "General Excavation Report Worksheet" ("Excavation Report") for the Minnesota Pollution Control Agency ("MPCA") on July 14, 2009.
- The Excavation Report stated that Vieau Associates completed the tank removal assessment work, although that work was actually completed by Mr. Bonnell, in moonlighting fashion, prior to Valley Oil becoming a client of Vieau Associates. In doing so, Mr. Bonnell misrepresented who performed the tank removal assessment work for Valley Oil in December 2007 and raised questions regarding insurance coverage and liability exposures to Valley Oil and Vieau Associates for the tank removal work.
- On January 16, 2008, Mr. Bonnell submitted a letter to Valley Oil on Vieau Associates letterhead and included invoices from Test America for the chemical analysis of the underground and above ground storage tanks removal for samples taken on December 3 and 6, 2007. Mr. Bonnell stated in the letter that Vieau Associates had reviewed the Test America invoices and recommended payment.

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- Also on January 16, 2008, Valley Oil was furnished a "Proposal - UST Removal Assessment" for subsequent remedial investigation work, signed by Mr. Bonnell. The tank removal soil test results from December 2007 resulted in discovery of a leak that was reported to the Minnesota Pollution Control Agency (MPCA). The MPCA subsequently directed Valley Oil to complete additional investigation. David Vieau stated that "it makes sense that Bonnell would furnish this Proposal formally from Vieau Associates, since the investigation work would require the company's full resources, including our Petrofund Registration and Petrofund's or the client's requirements for professional and general liability insurance, which as an individual or independent contractor Bonnell did not likely have."
- Mr. Vieau stated that on the Vieau Associates Proposal, Mr. Bonnell incorrectly indicated in the "subject" line that the proposal was for UST Removal Assessment (the work he already completed in moonlighting fashion in December). This suggests he may have sent Valley Oil an "under cover" proposal for the tank removal work earlier, and modified a Word document for the January Proposal.

**Enforcement Action:** On December 6, 2013, the Board issued a *Stipulation and Order*. Mr. Bonnell's Professional Engineer license was revoked and he was ordered to pay to the Board a civil penalty of \$10,000. Mr. Bonnell was ordered to successfully complete 16 hours of course(s) in professional ethics within one year. These 16 hours may not be used as part of any continuing education hours required for reinstatement. Mr. Bonnell agreed to not apply to reinstate his Professional Engineer license for at least two years.

#### **In the Matter of Robert A. Walz, Unlicensed**

On November 25, 2013, the Board issued a *Cease and Desist Order and Notice of Right to Hearing*.

#### **Allegations:**

- Mr. Walz was licensed by the Board as a Professional Engineer in Minnesota on July 27, 1987. His license expired on July 1, 2012. He is not currently licensed by the Board as a Professional Engineer.
- On October 2, 2012, Mr. Walz signed and certified engineering plans, representing that "I am a duly registered professional engineer under the laws of the state of Minnesota" and included his expired MN PE license number, for a project located in Richfield, Minnesota.

- Mr. Walz has not responded to either of the allegation letters sent on November 19, 2012 or February 22, 2013.
- On September 17, 2013, the Board sent two copies of a Notice of Conference to Mr. Walz. The Notice of Conference sent by U.S. Mail has not been returned by the U.S. Post Office. The conference with the Committee was scheduled for November 14, 2013.
- Mr. Walz did not appear at the conference with the Committee on November 14, 2013 and he did not contact the Board prior to the scheduled conference date to request that the conference be rescheduled.
- Mr. Walz's failure to respond to the Board's allegation letters and the Notice of Conference and failure to appear at the November 14, 2013 conference with the Committee constitute failure to cooperate with communications sent by the Board and failure to appear before the Board within the meaning of the Board's rules.
- Mr. Walz's conduct as described violates: MN Stat. section 326.02, subd. 1 and 3; MN Stat. section 326.03, subd. 1 (2012); Minn. Rule 1800.0100 (2013) and Minn Rule 1800.0110 (2013).

**Order:** Robert A. Walz shall CEASE AND DESIST from holding himself out as a professional engineer in Minnesota, from practicing professional engineering in Minnesota, and from further violations of Minnesota Statutes section 326.02-326.15 until such time as he becomes licensed as a Professional Engineer in Minnesota. Mr. Walz shall pay to the Board a civil penalty of \$2,000.

#### **In the Matter of Thomas Rapson Architect License #19397**

#### **Facts:**

- Mr. Rapson was first licensed as an Architect in Minnesota in 1988. His license expired on July 1, 2012 and he reinstated his license on February 1, 2013.
- Mr. Rapson self-reported to the Board that he held himself out as an Architect during the time of lapse since he believed his license was in good standing.
- He used the title "AIA" on his business cards. To be eligible to be an Architect Member of the American Institute of Architects (AIA), individuals must be licensed as an architect by a United States licensing authority. Mr. Rapson is not licensed as an Architect in any other state.
- During the lapse of his license, Mr. Rapson identified himself in his email signature block and on his website as "Thomas (Toby) Rapson, AIA."

**Enforcement Action:** On December 6, 2013, the Board issued a *Stipulation and Order*. Mr. Rapson was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$500 and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

**In the Matter of James E. Mino  
Professional Engineer License #40066**

**Facts:**

- Mr. Mino was first licensed as a Professional Engineer in Minnesota in 2000. His license expired on July 1, 2012 and he reinstated his license on January 28, 2013.
- Mr. Mino self-reported that he may have held himself out as a PE during the lapse of his license. His business card identified him as a "P.E."
- Mr. Mino was the Owner's Representative for a design-build project. He was not responsible for the design. He signed, as the Owner's Representative, two payment requests and a change order form using his name and the P.E. designation during the time his license was lapsed.

**Enforcement Action:** On February 14, 2014, the Board issued a *Stipulation and Order*. Mr. Mino was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$500, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

**In the Matter of Susan G. Miller  
Professional Engineer License #24731**

**Facts:**

- Ms. Miller was first licensed as a Professional Engineer in Minnesota in 1996. Her license expired on July 1, 2012 and she reinstated her license on February 26, 2013. She stated that she did not know that her license had lapsed until she received the second notice from the Board in February 2013.
- Ms. Miller self-reported that she practiced and held herself out during the lapse of her license by continuing to provide service to Freeborn County as the County Engineer. She signed two sets of plans as the County Engineer during the lapse of her license. The two plans were signed and certified by another Minnesota PE as the "Design Engineer."
- Ms. Miller's business card, email signature block, and signature block on her letters identified her as "Susan G. Miller, P.E., Freeborn County Engineer."
- Ms. Miller provided documents that she signed during the license lapse, including: applications, permits, and reports used for planning, funding,

observation, and administration purposes.

- Ms. Miller practiced "professional engineering," within the meaning of Minn. Stat. section 326.02, subd. 3, without a current Minnesota PE license.
- Ms. Miller was extremely cooperative and forthcoming with the Board, her employer and associates. Immediately upon discovery of the lapse of her license, Ms. Miller took significant corrective actions including notifying state agencies, county agencies and peers of her lapsed license.

**Enforcement Action:** On February 14, 2014, the Board issued a *Stipulation and Order*. Ms. Miller was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$2,500, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

**In the Matter of Adam Rasmussen, Unlicensed**

**Facts:**

- Mr. Rasmussen is not currently and never has been licensed by the Board as an Architect in the State of Minnesota.
- The staff biography on the company website for Eskuche Associates listed Mr. Rasmussen as "Adam Rasmussen, Project Architect" with a Minnesota business address and phone number.
- Mr. Rasmussen stated that this was an error made by the marketing staff which was immediately corrected.

**Enforcement Action:** On February 14, 2014, the Board issued a *Settlement Agreement and Cease and Desist Order*. Mr. Rasmussen was ordered to cease and desist from holding out as an Architect in Minnesota until such time as he becomes licensed as an Architect in the State of Minnesota and to pay to the Board a civil penalty of \$500.

**In the Matter of Eric Ludwig, Unlicensed**

**Facts:**

- Mr. Ludwig is not currently and never has been licensed by the Board as an Architect in Minnesota.
- Mr. Ludwig held himself out as an Architect on the plans for a project located in South St. Paul, MN. The plans stated: "Architect: LNA Architecture & Design, LLC, Contact: Eric Ludwig" and "Drawn By: ME, EJM."
- Mr. Ludwig confirmed to the Board that a licensed architect did not work on this project and admitted that he prepared the drawings for the project. The project was not exempt under Minnesota Rules because the gross square footage (GSF) of the building was 3,150 square feet and one of the

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Occupancy Classifications for the building was 'Institutional.'

- Mr. Ludwig practiced as an Architect by preparing plans for the above-referenced project located in South St. Paul and for projects in Minneapolis, MN and Bloomington, MN.
- The plans for the project in Minneapolis stated: "Drawn By: MEE, EJL." Mr. Ludwig confirmed that a licensed architect did not work on this project and that he prepared the drawing for the project. The project was not exempt under Minnesota Rules because the GSF of the building was approximately 17,300 square feet.
- Mr. Ludwig admitted to preparing plans for the project in Bloomington and confirmed that a licensed architect did not work on the project. The project was not exempt under Minnesota Rules because the GSF of the building was approximately 6,900 square feet and the classification code was 'Mercantile.'
- The following corrective action has been taken:
  - A. Changed the name in all documentation from "LNA Architecture & Design" to "LNA Design."
  - B. Changed the name to "LNA Design" in all social media locations, including Facebook, Twitter and LinkedIn.
  - C. Begun the process of changing the internet domain name from 'www.lnaarch.com' to 'www.lnadesign.com.'

**Enforcement Action:** On February 14, 2014, the Board issued a *Settlement Agreement and Cease and Desist Order*. Mr. Ludwig was ordered to cease and desist from holding himself out as an Architect and from practicing architecture in Minnesota until such time as he becomes licensed as an Architect in Minnesota and to pay to the Board a civil penalty of \$3,000.

#### **In the Matter of Susan Nackers Ludwig Unlicensed**

**Facts:**

- Ms. Ludwig is not currently and never has been licensed by the Board as an Architect in Minnesota.
- Ms. Ludwig provided to the Board plans for a project located in Bloomington, MN. The plans stated: "Susan Nackers Ludwig" and "Revision #1 July 12, 2011." Ms. Ludwig admitted that she prepared the drawings for the project and confirmed that a licensed Architect did not work on this project. The project was not exempt under Minnesota Rules because the GSF of the building was approximately 6,900 square feet and the classification code was 'Mercantile.'

- Ms. Ludwig practiced as an Architect by preparing the plans for the above-referenced project in Bloomington, MN.
- The following corrective action has been taken:
  - A. Changed the name in all documentation from "LNA Architecture & Design" to "LNA Design."
  - B. Changed the name to "LNA Design" in all social media locations, including Facebook, Twitter and LinkedIn.
  - C. Begun the process of changing the internet domain name from 'www.lnaarch.com' to 'www.lnadesign.com.'

**Enforcement Action:** On February 14, 2014, the Board issued a *Settlement Agreement and Cease and Desist Order*. Ms. Ludwig was ordered to cease and desist from practicing architecture in Minnesota until such time as she becomes licensed as an Architect in Minnesota and to pay to the Board a civil penalty of \$1,000.

#### **In the Matter of Jeff Darrell Feece Landscape Architect License #26223**

**Facts:**

- Mr. Feece was first licensed as a Landscape Architect in Minnesota in 1998. His license expired on July 1, 2012 and he reinstated his license on January 24, 2013.
- Mr. Feece self-reported that he may have held himself out as a Landscape Architect during the time his license was expired. His LinkedIn profile referred to himself as a Landscape Architect in Minnesota.
- Mr. Feece provided the Board with plans for one project located in Rochester, MN. He practiced Landscape Architecture when he prepared the plans for this project by locating the seat walls and shade structures. Additionally, he designed the rain gardens on the plans shown with grading clearly indicating his desire to capture and retain water.

**Enforcement Action:** On February 14, 2014, the Board issued a *Stipulation and Order*. Mr. Feece was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$1,000 and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

#### **In the Matter of Eric Wharton Professional Engineer License #41659**

**Facts:**

- Mr. Wharton was first licensed as a Professional Engineer in Minnesota in 2002. His license expired

on July 1, 2012 and he reinstated his license on February 25, 2013.

- Mr. Wharton self-reported that he held himself out as Professional Engineer during the time his license was expired. His email signature block and salutation on letters stated: "Eric Wharton, P.E."
- Mr. Wharton stated that the lapse of his license was inadvertent and unintentional and that upon receiving notice of the lapse, he immediately sought reinstatement of his license.

**Enforcement Action:** On February 14, 2014, the Board issued a *Stipulation and Order*. Mr. Wharton was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$1,000 and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

#### **In the Matter of Dennis L. Batty Architect License #12130**

**Facts:**

- Mr. Batty was first license as an Architect in Minnesota in 1976. His license expired on June 30, 2012 and he reinstated his license on February 25, 2013.
- Mr. Batty self-reported that he was unaware that his license was expired as he did not receive the initial notice of renewal that was sent out in May/June 2012 and that he had just received the second notice in February 2013.
- Mr. Batty provided copies of plans he prepared for a Minnesota project during the lapse. He signed and certified plans as a Minnesota Architect for a two-page code review update on September 26, 2012.

**Enforcement Action:** On March 21, 2014, the Board issued a *Stipulation and Order*. Mr. Batty was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$1,000 and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

#### **In the Matter of Phillip Jay Rader Architect License #41379**

**Facts:**

- Mr. Rader was first licensed as an Architect in Minnesota in 2001. His license expired on July 1, 2012 and he reinstated his license on March 28, 2013.
- During the time his license was lapsed, Mr. Rader's business card and letterhead, both with Minnesota addresses, identified him as "Phil Rader, Architect." Mr. Rader held himself out as an Architect by using the title of 'Architect' while his license was expired.
- Mr. Rader provided the Board with plans/prelim-

inary drawings he was asked to prepare for a restaurant project located in Minneapolis, MN. He stated: "Although I did prepare preliminary drawings for the project, the clients did not move forward with the project." Mr. Rader practiced Architecture without a license in Minnesota by preparing plans for the restaurant project while his license was expired.

**Enforcement Action:** On March 21, 2014, the Board issued a *Stipulation and Order*. Mr. Rader was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$3,000, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

#### **In the Matter of Matthew Krontorad Architect License #48542**

**Facts:**

- Mr. Krontorad was first license as an Architect in Minnesota in 2010. His license expired on July 1, 2012 and he reinstated his license on March 1, 2013.
- Mr. Krontorad provided the Board with a construction set drawing he prepared and signed as a Minnesota Architect for a project located in St. Paul, MN during the time his license was lapsed. Mr. Krontorad practiced Architecture without a Minnesota license by preparing the plans for this project.
- Mr. Krontorad also provided the Board with a set of construction documents for a project located in Rice, MN. He signed and certified plans for this project during the time his license was lapsed.

**Enforcement Action:** On March 21, 2014, the Board issued a *Stipulation and Order*. Mr. Krontorad was reprimanded for the foregoing conduct, order to pay to the Board a civil penalty of \$3,000, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

#### **In the Matter of Michael S. Schweyen Professional Engineer License #40091**

**Facts:**

- Mr. Schweyen was first licensed as a Professional Engineer in Minnesota in 2000. His license expired on July 1, 2012 and he reinstated his license on March 29, 2013.
- During the time his license was expired, Mr. Schweyen was employed as a "District Traffic Engineer" by the MN Department of Transportation. He is still employed in that capacity.
- Mr. Schweyen's business card identified him as: "Michael S. Schweyen, P.E., P.T.O.E., District Traffic Engineer." He stated that he rarely uses his

business card, does not carry them with him and did not know if he handed them out to anyone while his license was expired.

- Mr. Schweyen provided the Board with plan sets/sheets for thirteen (13) State projects that he signed during the lapse of his license.
- Mr. Schweyen's official position description requires registration as a Professional Engineer.
- Mr. Schweyen practiced "professional engineering" without a license, within the meaning of MN Statutes section 326.02, subdivision 3.
- Mr. Schweyen stated that the lapse of his license was inadvertent and unintentional. He took special corrective actions and was very cooperative with the Board.

**Enforcement Action:** On March 21, 2014, the Board issued a *Stipulation and Order*. Mr. Schweyen was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$4,000, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

**In the Matter of Satya Garg  
Professional Engineer License #10139**

**Facts:**

- Mr. Garg was first licensed as a Professional Engineer in Minnesota in 1972. His license expired on July 1, 2012 and he reinstated his license on March 11, 2013.
- During the time his license was expired, Mr. Garg's business card identified him as a Minnesota P.E.

**OTHER ACTIONS:**

Pursuant to Minnesota Statutes section 270C.72, subdivision 1 (2012), the Board must suspend a professional license if the license holder owes delinquent state taxes, penalties, or interest, and the Minnesota Commissioner of Revenue so notifies the Board.

**Order:** Respondent's license shall be SUSPENDED pursuant to Minnesota Statutes section 270C.72, subdivision 1 (2012). During the period of suspension Respondent shall not offer to perform or perform any services in this state that require licensure as a(n) [Profession], including holding himself or herself out to the public as a(n) [Profession]. During the period of suspension, Respondent shall remove the designation of being a licensed [Profession] from all Respondent's advertisements, business cards, business forms and signage. The suspension shall take effect immediately and shall remain in effect until the Board receives a Clearance Certificate from the MN Department of Revenue. If a Clearance Certificate is received, the Board shall then issue an Order to rescind this suspension of Respondent's license.

In the Matter of	Profession	Date Board received letter from the MN Dept. of Revenue	Reason for Suspension	Date of Board Order Suspending License
Kevin J. Holmstrom #24391	Professional Engineer	October 3, 2013	Has not filed tax returns	October 7, 2013
Hakim Abid #49034	Professional Engineer	October 16, 2013	Has not filed tax returns	October 17, 2013
Greg W. Erickson #23995	Professional Engineer	November 14, 2013	Overdue tax liability	November 18, 2013
John Gavin Dwyer #43166	Architect	April 24, 2014	Overdue liability	April 28, 2014

**Order:** Pursuant to Minnesota Statutes section 270C.72, and 326.111, subdivision 4 (2012), and Revenue Notice #96-01, the suspension of Respondent's [Profession] license is LIFTED.

In the Matter of	Profession	Date Board received Clearance Certificate	Date of Board Order Lifting Suspension
Brian D. Huotari #48463	Land Surveyor	November 20, 2013	November 29, 2013
Greg W. Erickson #23995	Professional Engineer	January 2, 2014	January 7, 2014
John Gavin Dwyer #43166	Architect	May 14, 2014	May 19, 2014

The company website identified him as a "Professional Mechanical and Electrical Engineer in Minnesota."

**Enforcement Action:** On March 21, 2014, the Board issued a *Stipulation and Order*. Mr. Garg was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$1,000, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

**In the Matter of Paul E. Maurer  
Architect License #18462**

**Facts:**

- Mr. Maurer was first licensed as an Architect in Minnesota in 1987. His license expired on July 1, 2012 and he reinstated his license on May 6, 2013.
- Mr. Maurer self-reported that he may have held himself out as an Architect and practiced architecture on a project in Fairmont, MN during the time his license was expired. He stated that he was not aware that his license had lapsed and was brought to his attention by a building code official after he submitted plans for a project.
- He signed and certified plans for two nonexempt projects located in Fairmont, MN. He also revised the plans for both projects during the time his license was expired.
- Mr. Maurer provided copies of approximately six (6) nonexempt Minnesota projects for which he signed and certified plans during the time his license was expired.

**Enforcement Action:** On March 21, 2014, the Board issued a *Stipulation and Order*. Mr. Maurer was reprimanded for the foregoing conduct, order to pay to the Board a civil penalty of \$5,500, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

**In the Matter of Lucas T. Davis  
Professional Engineer License #47057**

**Facts:**

- Mr. Davis was first licensed as a Professional Engineer in Minnesota in 2009. His license expired on July 1, 2012 and he reinstated his licensed on June 11, 2013.
- Mr. Davis self-reported that he did not realize that his license had lapsed and that he had been practicing continuously while his license was expired.
- Mr. Davis's email signature block identified him as: "Lucas T. Davis, P.E."
- Mr. Davis provided to the Board a listing of all Minnesota projects that he worked on while his license was expired. He also provided a copy of bid-

ding documents he signed and certified as a Minnesota P.E. for a project located in Bayport, MN.

- The Committee met with Mr. Davis and determined that based on the evidence presented, the lapse of his P.E. license was due to his unique and extreme personal extenuating circumstances and hardship.

**Enforcement Action:** On May 19, 2014, the Board issued a *Stipulation and Order*. Mr. Davis was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$500, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

**In the Matter of Mark T. Harris  
Architect License #46384**

**Facts:**

- Mr. Harris was first licensed as an Architect in Minnesota in 2008. His license expired on July 1, 2012 and he reinstated his license on March 13, 2013.
- During the time his license was expired, Mr. Harris held himself out as an Architect on his LinkedIn page. Additionally, Mr. Harris's business card and email signature block identified him as a "Managing Architect."

**Enforcement Action:** On May 19, 2014, the Board issued a *Stipulation and Order*. Mr. Harris was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$500, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

**In the Matter of Layne Otteson  
Professional Engineer License #42079**

**Facts:**

- Mr. Otteson was first licensed as a Professional Engineer in Minnesota in 2002. His license expired on July 1, 2012 and he reinstated his license on January 15, 2013.
- Mr. Otteson self-reported that he may have held himself out and/or practiced as a professional engineer during the time his license was expired. He distributed business cards with the P.E. designation after his name, wrote emails and letters using the designation of P.E. after his name, and signed and certified a feasibility report as a Professional Engineer for a street rehabilitation project in Fridley.
- Mr. Otteson is the Assistant Public Works Director and Assistant City Engineer for the City of Fridley.
- The Committee met with Mr. Otteson and

# Responsible Charge

By Daniel E. Murphy, PE

Safeguarding the life, health, and property, and to promote the public welfare of the citizens of Minnesota is one of the most significant responsibilities the Board oversees (326.02). Minnesota Statutes 326.02 – 326.15 and Minnesota Rules 1800 and 1805 describe the key responsibilities of those licensed or certified by this Board as architects, engineers, surveyors, landscape architects, geoscientists and interior designers.

The theme of responsible charge is an important concept that is found throughout the laws and rules that govern these professions. Practice as a licensed or certified professional is a privilege granted by the Board to those with the required academic achievement, qualifying experience, and "...who is of good moral character and repute (326.10)." Implied within the laws and rules is that professional practice shall always combine technical expertise with a high level of integrity and ethical behavior.

So what defines responsible charge? From the laws and rules we have the following:

## 1800.4200 - Certification and Signature on Plans

"...direct supervision...is construed to mean the person whose professional skill and judgment are embodied in the document signed and who assumes responsibility for the accuracy and adequacy thereof."

"...the professional responsible for the preparation of..."

"...that the work was performed according to recognized and acceptable engineering standards and practice."

## 1805.1600 - Responsible Charge and Direct Supervision

"A person in responsible charge...means the person that determines design policy, including technical aspects, advises with the client, superintends subordinates during the course of the work..."

"...in general, the person whose professional skill and judgment are embodied in the plans, designs and advice involved in the work."

"A person in direct supervision of work directs the work of other licensees, interns, draftspeople, technicians and clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised."

The complexities of modern design and delivery create challenges for the designer of record. Contemporary contract types, such as construction manager at risk, design build and integrated project delivery that schedule bidding documents to be issued by phase, delegated design requiring delayed submittals, and specialized component design, in contrast to overall system performance, can confuse responsibilities. Sharing of design responsibilities is becoming more common. Thanks to the convenience of digital connectivity offered by the internet, design teams can be located in different offices, cities, and countries.

A practical example is represented by a recent peer review our firm was engaged to perform on a new parking facility at an east coast city. The multiple-level parking ramp was designed using precast concrete materials including double tees, ledger beams, walls, and columns. The foundations systems were designed to be supported by conventional spread footings using bearing pressures recommended by the project's geotechnical engineer.

Our scope of work included reviewing the technical approach, structural calculations, and constructibility of the new facility. These contract documents noted that the responsibility of the engineer of record extended only to the tops of footings and piers that were designed to support the precast concrete members designed by others. The contract documents also specified that the precast concrete portion of the project was to be designed by the precast manufacturer's licensed professional engineer. The precast engineer defined their responsibilities on their documents as extending to components only and not to the entire system. This is a relatively common definition of professional responsibility in the United States.

The significant discovery in this review is that there was not a licensed professional engineer in responsible charge of the over-all structure. This inadvertent situation was quickly remedied by the key stakeholders of the project but is illustrative of the challenges faced by design professionals on complex projects

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using progressive forms of delivery.

Those who have the duty of responsible charge need to be vigilant throughout the process of design and construction to be certain there is adequate over-lap and coordination at the interface between scopes of work.

Professional leadership implied within the definition of responsible charge is essential for successful project outcomes and to be in compliance with the laws and rules of this Board.

## Code Official CORNER

### FOAM PLASTIC AS INTERIOR FINISH



**By John Swanson**  
**Deputy Fire Marshal**

The fire at the Station Nightclub on February 20, 2003 in West Warwick, Rhode Island was one of the deadliest fires in American history. Pyrotechnics used during a performance started acoustical foam on fire, and the blaze spread quickly throughout the building, making the space untenable. One hundred people lost their lives in the fire and another 230 were injured.

Since the Station Nightclub fire, model building-and-fire codes have established additional, more stringent requirements for foam materials used as interior finish. International Code changes also include a mandate for assembly occupancies to have main exit doors that account for 50 percent of required egress from the space, and a requirement for crowd managers to assist with evacuation and early fire department notification.

Code officials and designers may find it challenging to understand, and distinguish between, several different testing criteria outlined in the interior finish and decoration requirements in the model codes (Chapter 8 of the Minn. State Building/Fire Codes). References to ASTM E84, Steiner Tunnel Test, NFPA 286, NFPA 265, NFPA 701 and others can be confusing to designers and code officials who must correctly apply code requirements. Misapplication of these test standards can have serious consequences.

Use of foam plastic materials as interior finish has increased significantly in recent years due to its excellent sound-deadening characteristics and the cushioning it provides to protect from injury. However, foam products used as interior finish often do not comply with all the building and fire code requirements. Foam frequently complies with a Class A flame-spread rating when tested to ASTM E84, but both building and fire codes have additional requirements for foam plastics used as interior finish.

Foam receives high marks on the ASTM E84 test primarily because the product melts in the test chamber, leaving no test sample to burn. In “real world” applications, though, this is a huge problem because building occupants do not want melting plastic falling on them as they exit a burning building. The International Fire Code and the International Building Code allow exposed foam plastic as interior finish if it complies with the appropriate flame-spread rating from Table 803.3 and one of the following standards; NFPA 286, FM 4880, UL 1040 or UL 1715. These large-scale fire tests differ from ASTM E84 because they try to address the proposed end-use configuration and application. It is important for code officials and designers to know that many of the foam plastics on the market comply with only ASTM E84 and not to these other standards.

Designers and code officials share a common goal of ensuring the safest possible environment for all occupants of a building. Our society has seen too many devastating fires involving noncompliant interior finishes that have caused hundreds of preventable deaths and injuries. By working together to ensure that interior finishes comply with building and fire codes, code officials and designers can create a safer building — one in which the odds of surviving a fire increase.

# CONTINUING EDUCATION - THE AUDIT PROCESS

**A**s licensed and certified professionals in Minnesota you should be aware that you are required to complete 24 professional development hours (PDH's) of continuing education every two years prior to renewal. What you may be less familiar with is the continuing education audit process. Listed below is the general timeline and description of what takes place if you are selected for the biennial audit:

\* Early Fall - Approximately 1-2% of licensees and certificate holders that renewed this year are notified that they have been randomly selected to provide verification of the professional development hours they reported when they last renewed.

\* The Board will provide a Continuing Education Reporting Form for each individual to list the date of each activity, sponsoring organization, description of course/activity and the number of hours the course or activity was worth.

\* The Reporting Form must be returned to the Board office within 30 days with documentation supporting each course/activity listed. The documentation must verify the date attended, subject of the activity, number of PDH the activity was worth, and can include any other pertinent documentation (handouts, registration receipts, etc.) showing attendance and/or completion of the course or activity.

\* The Credentialing Committee will review the documentation submitted and will determine if the indi-

vidual has met the minimum continuing education requirement. Those that have met the requirement are sent a letter confirming compliance. If the Committee determines the individual has failed to document the minimum requirement, the licensee or certificate holder is sent a letter outlining the deficiency and must send additional documentation to support the original hours claimed or complete and submit new hours to meet the continuing education requirements.

Licensees and certificate holders who do not respond or do not provide supporting documentation for their proof of continuing education in response to an audit letter may be referred to the Complaint Committee to pursue possible disciplinary action.

The Board's website contains the following information about continuing education:

1. Statutory Requirements
2. Continuing Education Assessment Form - helps determine if a particular course or activity meets the requirements for continuing education
3. Continuing Education Documenting Form - a log form to track your continuing education
4. Continuing Education Record Checklist - a helpful list of what is required to verify continuing education hours claimed.

More information can be found on the Board's website at [www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us) and questions can be directed to Lynette DuFresne at 651-757-1510.

## Current Licenses and Certificates

Below is the number of current licensees and certificate holders in Minnesota. The chart shows the number of individuals with mailing addresses within the state versus those in another state or country.

Profession	Minnesota Address	Non-MN Address	Total
Architect	1,804	1,368	3,172
Professional Engineer	6,756	5,319	12,075
Land Surveyor	471	107	578
Landscape Architect	291	83	374
Professional Geologist	402	120	522
Professional Soil Scientist	58	9	67
Certified Interior Designer	574	60	634
<b>TOTAL</b>	<b>10,356</b>	<b>7,066</b>	<b>17,422</b>

# Board Member Appointments

Congratulations to the Board members appointed by Governor Dayton on June 30, 2014.



**David Krech, Professional Engineer  
Duluth, MN**

Mr. Krech was originally appointed in 2010. He has served on the Credentialing Committee, ELSGEO Section and the Complaint Committee. He served one year as Board Treasurer and he is currently serving as Chair of the Complaint Committee.

Mr. Krech has lived in Duluth with his wife Yvette and their three children since 1972. In 1984 he co-founded Krech and Ojard Engineers and Architects, where he was a senior partner for 24 years. He also co-founded North Shore Track Services, a railway construction company, and has served on the Board of the Duluth Builders Exchange and St. Ann's Home. He is a Life Member of ASCE. Retired since 2011, Dave and Yvette now split their time between Duluth and Iron River, Wisconsin. They enjoy travel, skiing, biking, golf, and fishing.

**Marjorie Pitz, Landscape Architect  
St. Paul, MN**



Over the past four years, Ms. Pitz has served on the Credentialing Committee, Rules Committee, Complaint Committee and on the ALACID Section. She also served as Board Treasurer for one year. Ms. Pitz has been very active on a national level on the topic of regulating the protection of the public welfare.

"I am excited for reappointment to the AELSLAGID Board, and will continue to work at state and national levels on licensure issues. Years ago the national Council of Landscape Architectural Registration Boards (CLARB) began exploring the significance of public welfare, and I have shared and applied this research to Minnesota. The protection of health and safety are carefully regulated, but the protection of welfare is nebulous and poorly understood. Landscape Architects play a major role in community wellbeing, and I look forward to continuing my exploration with CLARB to explore licensure's role in regulating public welfare as a means to strengthen communities. The protection of public wellbeing by all our licensed professions is an issue I am eager to discuss as the Board develops a strategic plan in the coming year."



**Nirmal Jain, Professional Engineer  
Maple Grove, MN**

Mr. Jain has worked in the mechanical engineering field since 1968. He has worked in the manufacturing, research and development and building construction areas. He is currently working at the University of MN as a Principal Engineer overseeing the building designs and the energy optimization programs. He was the construction engineering coordinator for the TCF Stadium and many other large buildings on the Twin Cities campus. He is also an adjunct instructor for the U of M Construction Management degree program.

Mr. Jain enjoys the outdoors, especially the Minnesota Boundary Waters, and has been active in the Twin Cities non-profit foundations.

## Thank You!

Thank you to **Doug Cooley**, Professional Engineer, for his eight years of service to the State of Minnesota! The work of the Board could not be done without the hard work and dedication of our volunteer Board members.

Best wishes in all your future endeavors. You will be missed.

## BOARD MEMBER OPENINGS

Board members are appointed by the Governor to four year terms and may serve a maximum of two terms. If you are interested in applying for a position, please download the application from the Minnesota Secretary of State website at [www.sos.state.mn.us](http://www.sos.state.mn.us) or contact the Board office at 651-296-2388.

The following positions will be up for appointment in January 2015:

- Architect (1)
- Professional Engineer (1)
- Land Surveyor (1)
- Professional Geologist (1)
- Public Member (1)

Applications are accepted at any time.

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

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determined that based on the evidence presented, the lapse of Mr. Otteson's license was due to his personal extenuating circumstances.

**Enforcement Action:** On May 19, 2014, the Board issued a *Stipulation and Order*. Mr. Otteson was reprimanded for the foregoing conduct, ordered to pay to the Board a civil penalty of \$4,000, and ordered to cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

#### **In the Matter of Peter Eskuche, Unlicensed**

On April 4, 2014, the Board issued a *Cease and Desist Order and Notice of Right to Hearing*.

#### **Allegations:**

- Mr. Eskuche is not currently and never has been licensed as an Architect in Minnesota. He is licensed as an Architect in Wisconsin.
- Mr. Eskuche submitted an *Application for Licensure by Comity for Architecture* to the Minnesota Board in February 2013. He listed his 'Present Position' as

"CEO & Principle Architect" with a Minnesota business address.

- The company website for Eskuche Associates lists him as "Peter Eskuche, AIA, Principle Architect" with a Minnesota address.
- Mr. Eskuche provided the Board with drawings, identified as 'Revised Bid Set,' he prepared for a proposed non-exempt project in Plymouth, MN.
- Mr. Eskuche's conduct violated MN Statutes section 326.02, subdivision 1 and 2 (2012). Specifically, it is alleged that he held himself out as an Architect and practiced architecture in Minnesota without a license by (a) using the title of 'Principle Architect' in conjunction with a Minnesota business address, and (b) by preparing the plans identified as 'Revised Bid Set' for a proposed non-exempt project located in Plymouth, MN.

**Order:** Peter Eskuche shall CEASE AND DESIST from holding himself out as an Architect in Minnesota, from practicing architecture in Minnesota, and from further violations of Minnesota Statutes sections 326.02 - 326.15 (2012) until such time as he becomes licensed as an Architect in Minnesota.