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

2012 VOLUME 17, NUMBER 1



Letter from the Chair

LISA HANNI, LAND SURVEYOR

It is an honor to serve as Board Chair this year. We have another busy year ahead of us with re-licensing, continuing education audits, preparing for Computer-Based Testing for Engineers and Surveyors, and continuing legislative activities.

This year was the renewal year for our respective licenses. As of October 1, 2012, the Board staff has processed 16,961 license renewals. We are pleased to say that 91% of the renewals were completed through our online process.

Also this year the Board will be conducting continuing education audits. A licensee should be familiar with the requirements and keeping track of their documentation as they progress through the biennial renewal period (see Minnesota Statutes 326.107 for details). If you are selected to submit your documentation, you will need to submit the information for the years specified and for the previous renewal period if you carried over credits.

The National Council of Examiners for Engineering and Surveying (NCEES) is the source testing agency for all engineering and surveying exams (except the state-specific exam for surveyors). It was decided that beginning in January 2014, they will be offering the Fundamental exams for both professions as a computer-based exam rather than a pencil-and-paper exam. In the future, the professional tests will also transition to computer-based exams. Details are still being worked out. However, what this means is that a candidate will be applying to take the exam during a "window" of time instead of a specific weekend in April or October. The exams will only be offered in a computer-based format at a local Pearson VUE testing site. Please refer to the NCEES website (www.NCEES.org) for more information. As Minnesota coordinates with the National Council, we will provide more information on our website detailing the process.

Just as a side note to all professions, it is important to be aware of your national examining council activities even though you may feel you no longer need contact with them once you are licensed. The work the councils do may potentially have an effect on your reciprocity opportunities. In addition, as a licensee who is mentoring future candidates, it is important to understand what steps candidates need to progress through to reach their career goals.

Last legislative session the Board came very close to getting a number of statutory

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Board Election Results

Congratulations to the new Executive Committee elected on May 4, 2012:

Board Chair: Lisa Hanni, LS

Vice Chair: Carl Peterson, Public Member

Secretary: Bob Seeger, Architect

Treasurer: Marjorie Pitz, LA

Thank you to the outgoing Executive Committee for your hard work!

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BOARD MEMBERS (TERM ENDS)

Lisa Hanni, LS (2015)

BOARD CHAIR

Carl Peterson, CPA, Public Member (2013)

VICE CHAIR

Bob Seeger, Architect (2013)

SECRETARY

Marjorie Pitz, LA (2014)

TREASURER

Lyn Berglund, CID (2016)

Doug Cooley, PE (2014)

Mary Deeg, CID (2013)

David Fisher, CBO, Public Member (2013)

Terry Groshong, Architect (2015)

James Grube, PE (2013)

Robert Gunderson, LA (2016)

Bruce Johnson, PG (2015)

David Krech, PE (2014)

Kristine Kubes, JD, Public Member (2013)

William Kuretsky, JD, Public Member (2015)

David Landecker, LS (2016)

Dennis Martenson, PE (2015)

Paul May, Architect (2016)

Micki Miller, Public Member (2013)

Peter Miller, PSS (2013)

Daniel Murphy, PE (2016)

BOARD STAFF

Doreen Frost

EXECUTIVE DIRECTOR

Lynette DuFresne

INVESTIGATOR

Andrea Barker

RULES COORDINATOR/CONTINUING EDUCATION

Geri Britton

LICENSING & EXAM: ARCHITECT/FS/LS

Margaret Koele

LICENSING & EXAM: PE/SOIL SCIENCE

Vacancy

LICENSING & EXAM: FE/LA/GEOLOGY

Laurie Nistl

CERTIFICATION: CID/PROFESSIONAL FIRMS

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changes approved. We are going to continue our efforts to move a number of items through the process again this year, including two of the twenty-four continuing education hours devoted to ethics training and establishing a clear meaning that the “PE” designation associated with an individual has the meaning of “Professional Engineer,” which is a licensed individual bound by laws of Minnesota.

As a final thought, remember that although our Building Code Officials are certified by a different regulatory board, they also have an important obligation to protect the public health, safety, and welfare. They have the authority to require design professionals involvement in projects, especially if a project incorporates new or emerging technology. For a number of years we have been fortunate to have Building Officials involved as Public Members on our Board. They provide a valuable liaison between the professions.

Minnesota Has a New State Soil

By: Gary Elsner, PSS, MAPSS

“Legislation is like sausage... You never want to know what went in to it.” Anonymous.

After years of waiting in the soil pits and trenches of rural and urban Minnesota, the soil scientists of the Minnesota Association of Professional Soil Scientists (MAPSS) were able to establish an official Minnesota State Soil. This is the story of MAPSS’ efforts to guide (push, pull and pry) the legislation that was passed in 2012.

The effort started when MAPSS formed a State Soil Committee in 1985. The committee was charged with finding a shining example of a soil series worthy of becoming Minnesota’s official state soil. At the MAPSS Annual meeting in 1986, brief presentations were made about six soil series by each soil’s sponsor, including a presentation made by a member dressed as the French Explorer Pierre-Charles Le Sueur (his nominated soil was Le Sueur). Following the presentations, 51 members voted for their choice. The Lester series received 37% of the votes (the majority) and was given final approval as the MAPSS State Soil of Minnesota. Now the goal was “simply” to introduce legislation in February of 1988 to establish the Lester series as the Official Minnesota State Soil.

In a special March 1988 MAPSS Executive Committee (“EC”) meeting, the EC learned that before the legislative session, there was actually considerable interest from key legislators to establish a state soil. However, as the session started, problems arose which would make it difficult to get the state soil approved. MAPSS decided not to introduce the state soil legislation and, instead, to work on promoting “Lester.”

The State Soil promotional efforts were placed on the back burner in the early to mid-1990s, due to the MAPSS Soil Science Licensing effort. In May of 1995, the Minnesota governor signed the Geoscience Licensing legislation. Rule writing and other licensing-related efforts continued through the rest of the decade and Lester remained in cold storage.

At the 2010 MAPSS Annual Meeting, a Perfect Storm was revealed. As luck would have it, several soil related events were converging, including the Soil Science Society of America 75th Anniversary, the 100th Anniversary of the University of Minnesota Department of Soil Water and Climate (DSWC) and the MAPSS 40th Anniversary.

At the 2011 MAPSS Annual Meeting, members, many who were not born during the original nomination of Lester, gave the Perfect Storm Committee (PSC) permission to begin pursuing the various PSC events.

Following the Annual Meeting, the PSC learned that the Smithsonian Soil Exhibit 'Dig-It' was probably coming to the Bell Museum in November of 2012 and it was suggested that MAPSS should pursue designation of Lester as the Minnesota State Soil in conjunction with the coming of Dig-it. The PSC contacted the lobbyist that was used in the soil science licensing effort in the 90s and the lobbyist immediately recognized that all of the soil related events represented a significant case for establishing a state soil by the legislature.

In January, 2012, the PSC was given permission by the Executive Committee to proceed with hiring a lobbyist to pursue the state soil legislation and to find authors for the bill. The Senate heard and passed the bill in committee on March 12, 2012. Unfortunately, the bill did not receive a hearing in the House because we had not made the House committee deadline. The bill was almost certainly dead.

However, our lobbyist and Senate sponsor knew better and conjured legislative magic. Their plan was to amend the state soil language to the Senate version of the Omnibus Agricultural bill. The amendment was proposed and passed on the Senate floor. One Senator commented during testimony on the floor – “maybe now we can stop treating our soil like dirt.” The addition of this language to the Omnibus Agricultural bill gave Lester new life. The state soil language was amended to the House version of the Omnibus Agricultural bill in conference committee (the vote was 10-0).

The House adopted the conference committee report on April 24, 2012 and the Senate did the same later in the day. The members of these committees recognized the importance of soil, where food comes from and where jobs in Minnesota originate. On April 28, 2012, twenty-five years after Lester was selected by the MAPSS membership, Minnesota Governor Mark Dayton signed the bill designating Lester Soil the Minnesota State Soil.

About the Board

The Board was created in 1921 to regulate the practice of the professions under its jurisdiction. But what does that mean? Why are the design professions regulated?

Professions are regulated by the Board in order to protect the public health, safety and welfare. The Board accomplishes this mission by ensuring that those entering the professional practice of architecture, professional engineering, land surveying, landscape architecture, geology, soil science, or those using the title of Certified Interior Designer meet and maintain the qualifications, standards and professionalism required to competently practice their profession in Minnesota. All applicants must meet the minimum education, examination and experience requirements before obtaining a license or certificate and the Board must evaluate each application to ensure those minimum qualifications are met.

The Board's licensees and certificate holders possess the knowledge, skills and abilities that enable them to meet the needs of their clients, the public and their communities. The Board investigates complaints against licensed or certified professionals and/or individuals who are practicing one of the above professions without a license and disciplines individuals who are found to have violated the law.

Licensees and certificate holders are charged with protecting the public. They have been educated, examined and have gained years of experience to do so.

Thank You

Thank you to John Uban, Landscape Architect, and William Arockiasamy, Professional Engineer, for their eight years of service to the Minnesota Board. Both individuals were appointed by Governor Pawlenty in 2004.

During his years on the Board, Mr. Uban served four years on the Rules Committee, including one as Committee Chair, and four years on the Complaint Committee. Mr. Uban was instrumental in re-writing the landscape architect education and experience rules which were adopted in 2011.

Mr. Arockiasamy served for three years on the Rules Committee and five years on the Complaint Committee. He also served one year each as Board Secretary, Vice Chair and Chair. Mr. Arockiasamy provided his expertise on modifications to the engineering licensure rules, a rule project that is currently ongoing.

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.aelslagid.state.mn.us.

Disciplinary Actions:

In the Matter of Gregory Engel Professional Engineer License #23779

On October 14, 2011, the Board issued a Stipulation and Order. Facts: Respondent was first licensed as a Professional Engineer in the State of Minnesota on February 13, 1995. On July 1, 2008, Respondent's Minnesota Professional Engineer license in the State of Minnesota expired. Respondent's 'Application for License/Certificate Reinstatement through 6/30/2012' was processed on February 16, 2011 and effective, January 31, 2011, the date the application was received. Respondent's Minnesota Professional Engineer license is current with an expiration date of June 30, 2012.

On February 11, 2011, Lynette DuFresne, Board Investigator, had a message from Andrea Barker, State Program Administrator/Intermediate, to call the Respondent as he called asking to have his reinstatement fees returned. Lynette DuFresne called the Respondent on February 11, 2011, at approximately 2:08 P.M. Respondent stated to her that nowhere does it say that he has to fill out the Affidavit For Reinstatement form.

Ms. DuFresne asked the Respondent if he had a copy of the Tennessen Warning. Respondent said he had a copy of the Tennessen Warning. Ms. DuFresne then asked the Respondent if he would like it read to him and if he had any questions on the Tennessen Warning before they continued the conversation. Respondent told Ms. DuFresne that he did not have any questions on the Tennessen Warning.

Ms. DuFresne stated his license may not be renewed if he did not sign the Affidavit For Reinstatement. Ms. DuFresne informed the Respondent that everyone is asked to complete the Affidavit For Reinstatement form and asked the Respondent if he had a problem signing it. At the time of this telephone conversation, the Respondent's 'Application for License/Certificate Reinstatement through 6/30/2012' had not been processed and was still showing an expired status on the Board's computer license database. Respondent stated to Lynette DuFresne that he may have inadvertently used PE after his name when his license was

expired and that this was an honest mistake. It was at this point that the Respondent self reported he may have held himself out as a PE. Respondent stated to Ms. DuFresne that he could not sign the affidavit and that he wanted his money back.

During the time Respondent's license was expired (July 1, 2008 until January 31, 2011), Respondent admits that he inadvertently held himself out as a Professional Engineer. In a letter dated March 29, 2011, Respondent stated: "When I joined [REDACTED] in July of 2007, my PE license was up to date. I decided to put PE behind my name on my business cards and on the closing statement in my email. I did this prior to the lapse of my license. When my license lapsed, since I was unaware of the lapse, I continued to use the same business cards. I used them infrequently, mainly when I interviewed candidates looking for jobs at [REDACTED]. As with my business card, my company e-mail signature was set up while my license was enforce (sic) and did include a PE designation. When I discovered that my license had lapsed I stopped using the business cards with PE, I also changed my email closing to remove the PE designation." (The company name was redacted at the request of the Respondent.)

Respondent stated in a letter to the Board on March 29, 2011 and to the Complaint Committee at a conference on August 17, 2011, which Respondent requested, that he felt misled by two (2) Board Staff in telephone conversations that if he did not complete the Affidavit For Reinstatement, his license would not be renewed, but that the license had been renewed on January 31, 2011. A true and correct partial copy of the March 29, 2011 letter signed by the Respondent is on file in the Board office.

Respondent's application was received on January 31, 2011 without the Affidavit For Reinstatement. The Board processed the Respondent's renewal on February 16, 2011 and the 'Application for License/Certificate Reinstatement through 6/30/2012' was effective as of date the application was received, January 31, 2011.

Respondent admitted at the conference with the Committee on August 17, 2011, after the Tennessen warning, that he held himself out on his business cards and on emails during the lapse of his license as he was not aware it was lapsed. Respondent stated that he handed out approximately ten (10) business cards a year.

Enforcement Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$1,000.

**In the Matter of Chad Nolte
Land Surveyor License #48632**

On October 14, 2011 the Board issued a Stipulation and Order. Facts: Respondent was first licensed as a Land Surveyor in the State of Minnesota on December 9, 2010. Respondent's Minnesota Land Surveyor license is current with an expiration date of June 30, 2012.

Respondent issued an invoice on April 28, 2010 for Professional Services he performed for a client related to real property located in Wabasha County, Minnesota. The invoice issued by Respondent states the Professional Services were for: "Field survey for boundary location. Corner Monuments placed/found. Legal description of 16.5' access easement. Points-on-line placed to mark visual line." A true and correct copy of the invoice dated April 28, 2010, with the clients' names, service fees and copy of the cancelled check for payment redacted, is on file in the Board office.

In the same invoice, Respondent's letterhead states: "Nolte's Land Surveying, Land Surveyors, Chad J. Nolte, LS Lic. #S-2905, 17440 County 102, Chatfield, Mn, 55923."

Enforcement Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$1,000.

In the Matter of Shane Granger, Unlicensed

On November 21, 2011, the Board issued a Cease and Desist Order and Notice of Right to Hearing. Facts: Respondent is not currently and never has been licensed by the Board as a Land Surveyor in the State of Minnesota.

In response to a letter from the Board's Investigator, Respondent sent correspondence to the Board in January 2011, stating that since 2005, he and a relative who was licensed by the Board as a Land Surveyor jointly owned and operated a land surveying business in Minnesota, and that Respondent performed field work under his relative's license.

In his correspondence to the Board, Respondent admits: (a) that he conducted the research, field work and calculations for a boundary survey for one line of a property located in Duluth, Minnesota in August 2010; (b) that as part of his work, Respondent placed wooden stakes with ribbon on the property line and placed irons in the same property; (c) that in conjunction with this work, he made representations to the client that the work would be performed under the license of his relative; and (d) that his relative's Land Surveyor License had lapsed at the time Respondent performed this work. Respondent indicates in his correspondence that his relative voluntarily decided not to renew his license.

Respondent's actions listed above violated Minn. Stat. §§326.02, subd. 1 & 4 and 326.03, subd. 1 (2010).

Order

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minnesota Statutes section 326.111, subdivision 3 (2010), that Respondent Shane Granger shall CEASE AND DESIST from holding himself out as a land surveyor in Minnesota, from practicing land surveying in Minnesota, and from further violations of Minnesota Statutes sections 326.02 through Minnesota Statutes section 326.15 (2010) until such time as he becomes licensed as a Land Surveyor in the State of Minnesota.

**In the Matter of John Hokanson
Professional Engineer License #17297**

On December 2, 2011, the Board issued a Stipulation and Order. Facts: Respondent was first licensed as a Professional Engineer in the State of Minnesota on July 23, 1985. On July 1, 2008, Respondent's Professional Engineer license in the State of Minnesota expired. Respondent reinstated his Minnesota Professional Engineer license on April 19, 2011. Respondent's Minnesota Professional Engineer license is current with an expiration date of June 30, 2012. Respondent's Minnesota Professional Engineer license lapsed from July 1, 2008 until April 19, 2011.

In a letter received on April 18, 2011 by the Board, Respondent admitted that he used the title of 'PE' on his business cards during the lapse of his Minnesota Professional Engineer license. Additionally, Respondent admitted to having signed 'PE' occasionally in emails to his customers as 'John Hokanson, PhD, PE.' A true and correct copy of the letter received on April 18, 2011 is on file in the Board office.

During the time of the lapse of Respondent's Minnesota Professional Engineer license, July 1, 2008 until April 19, 2011, on the website for INSIGHT Simulations LLC, www.insightsimulations.com, Respondent held himself out as a Professional Engineer by using the title of 'John Hokanson, PhD, PE' in conjunction with a Maple Grove, Minnesota address. A true and correct copy of the website for www.insightsimulations.com during the time of the lapse of Respondent's Professional Engineer license is on file in the Board office.

Enforcement Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$1,500.

**In the Matter of Dennis Stanley Nelson
Professional Engineer License #19047**

On December 2, 2011, the Board issued a Stipulation and Order. Facts: Respondent was first licensed as a Professional Engineer in the State of Minnesota on April 21, 1988. On July 16, 2010, Respondent signed the Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012. Respondent's license to practice professional engineering in the State of Minnesota was renewed on July 19, 2010. A true and correct copy of the Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012 is on

file in the Board office as Exhibit A.

In the same Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012, Exhibit A, Respondent replied to the question asked: "Since your last renewal, have you had a license disciplined, denied, surrendered, suspended or revoked?" by checking the 'Yes' box. Respondent provided a copy of a Decision and Order issued by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects on May 25, 2010. Respondent was to report all disciplinary actions taken against him since July 1, 2008 and June 30, 2010 on the Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012.

Respondent falsified or misrepresented information on the renewal application that he affirmed on July 16, 2010 by failing to report that he had been disciplined by the State of Missouri, Settlement Agreement issued on June 15, 2009.

Respondent falsified or misrepresented information on the renewal application that he affirmed on July 16, 2010 by failing to report that he had been disciplined by the State of Wisconsin, Order Suspending a License issued on September 11, 2009.

Respondent falsified or misrepresented information on the renewal application that he affirmed on July 16, 2010 by failing to report that he had been disciplined by the State of North Carolina, Decision and Order, Case No. V2008-050 issued on November 13, 2009.

Respondent's Minnesota Professional Engineering license is current with an expiration date of June 30, 2012.

Enforcement Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$1,500. Within six months (6) of the Board's approval of this Stipulation and Order, Respondent shall successfully complete and submit acceptable documentation thereof to the Board: two (2) hours of a course(s) in professional ethics, which is/are approved in advance by the Complaint Committee. Completion of any courses for the two (2) hours of professional ethics instruction earned within six months (6) of the Board approval of this Stipulation and Order, that are being submitted for the purpose of fulfilling the professional ethics instruction required by this Order shall not count toward any continuing education requirements in the 2012-2014 renewal period or beyond.

In the Matter of Mark Lentz Professional Engineer License #16713

On December 2, 2011, the Board issued a Stipulation and Order. Facts: Respondent was first licensed as a Professional Engineer in the State of Minnesota on July 17, 1984. On July 1, 2002, Respondent's Professional Engineer license in the State of Minnesota expired. Respondent reinstated his Minnesota Professional Engineer license on April 15, 2011. Respondent's Minnesota Professional Engineer

license is current with an expiration date of June 30, 2012. Respondent's Minnesota Professional Engineer license lapsed from July 1, 2002 through April 15, 2011.

Respondent stated in a letter dated May 9, 2011, addressed to the Board, that he was not aware his Minnesota Professional Engineer license had lapsed and that the lapse was inadvertent. Respondent stated that he realized there was a problem with his Minnesota Professional Engineer license on March 23, 2011, and that he immediately notified his client and the Board of the situation and took steps to remedy the lapse.

Respondent held himself out as a Minnesota Professional Engineer by signing the Preliminary Summary of HVAC System Defects report, for the Watertown-Mayer High School, Watertown, Minnesota, dated February 16, 2011, when he used the title 'P.E.' following his name, Mark S. Lentz. A true and correct copy of the February 16, 2011, Preliminary Summary of HVAC System Defects report, for the Watertown-Mayer High School, Watertown, Minnesota, is on file in the Board office as Exhibit A.

Additionally, Respondent held himself out as a Minnesota Professional Engineer on the website: www.lentzengineering.com/about/MarkLentz, dated 3/16/2011, by stating under the LICENSES AND CERTIFICATIONS section, Registered Professional Engineer (PE): Minnesota (16713).

Respondent and Hellmuth & Johnson, PLLC, entered into an agreement on November 10, 2010 on the 'Proposal for Preliminary HVAC System Defect Evaluation, for the Watertown-Mayer High School, Watertown, Minnesota,' where the Respondent was hired by Hellmuth & Johnson, PLLC, to provide engineering services for this project. Respondent signed the agreement as "Mark S. Lentz, P.E., CDT" during the lapse of his Professional Engineer license. Under the 'Scope of Services' section, it states: - "Professional Engineering Services are limited to study services for the purpose of forensic evaluation of probable causes of inadequate performance." The Scope of Services included:

- Study Goals and Objectives
- Modeling
- Investigation of Existing Facilities, Systems or Equipment
- Meetings
- Site Visits
- Deliverables

Under the 'Project Purpose' section in this same proposal it stated: "The purpose of the project is to evaluate the design of the HVAC systems serving the Watertown High School including the adequacy of the air distribution, terminal heating, primary cooling, primary heating and both air-and water-side distribution systems for compliance with applicable codes and standards of professional care." During the lapse of his Minnesota Professional Engineer license, Respondent entered into a contractual agreement to provide professional engineering services.

Respondent practiced professional engineering in Minnesota during the lapse of his Minnesota Professional Engineer license by signing the Preliminary Summary of HVAC System Defects report, for the Watertown-Mayer High School, Watertown, Minnesota, dated February 16, 2011 (Exhibit A).

Respondent practiced professional engineering during the lapse of his Minnesota Professional Engineer license by attending a 'site inspection' on November 23, 2010 at the ISD 111 - Watertown High School. At the site inspection, Respondent provided technical professional services as defined in Minnesota Statutes 326.02, subdivision 3, 'design or observation of construction for the purpose of assuring compliance with specifications and design.'

Respondent was sent an allegation letter for Board complaint file numbers 2011-0080 and 2011-0081, on March 28, 2011, which included a copy of each Statement of Complaint by the Complainants. In the Statement of Complaint received by the Complainant for Board file number 2011-0081, the Complainant's allegation number 14 stated: "On January 25, 2011, KFI received Lentz's spreadsheets wherein Lentz provides his analysis of the ventilation system at the Project. Copies of those spreadsheets are attached as Attachment 4."

In a letter dated May 9, 2011, Respondent submitted his response to the allegation letters that were sent to him on March 28, 2011, for Board complaint file numbers 2011-0080 and 2011-0081. Respondent replied to each of the allegations in each Statement of Complaint made by the Complainants. In this letter dated May 9, 2011, under the Complaint File Number 2011-0081, Respondent replied to the Statement of Complaint for Board file number 2011-0081, allegation number 14 by stating: "The only spreadsheets provided to the Board's attorney prior to that date were produced to determine if the KFI ventilation rates for two different applications were consistent with either version of the Standard 62.1-2001 calculation procedures. My spreadsheets looked at two different air handling systems with distinctly different calculation requirements. Since we had not determined precisely which method, if either, governed for this particular installation, the requirements of both methods were investigated. The purpose of this effort at that time was to try to determine what ventilation methodology KFI employed and to determine whether the ventilation rates on their construction documents complied with the requirements of Section 1346.0403, Subp.2 of the International Mechanical Code as adopted by Minnesota (see my Attachment 11). My initial calculations indicated a more in depth analysis was needed."

Respondent practiced professional engineering during the lapse of his professional engineering license by providing spreadsheets with his calculations to Karges-Faulconbridge, Inc. (KFI) on his analysis of the ventilation system at the Watertown-Mayer High School, Watertown, Minnesota, as described above.

Enforcement Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$5,000.

In the Matter of Jennifer Levitt Professional Engineer License #43064

On February 3, 2012, the Board issued a Stipulation and Order. Facts: Respondent was first licensed as a Professional Engineer in the State of Minnesota on December 18, 2003. On June 30, 2010, Respondent's Professional Engineer license in the State of Minnesota expired. Respondent self-reported Professional Engineer license lapse in affidavit dated February 14, 2011. Respondent reinstated her Minnesota Professional Engineer license on February 16, 2011. Respondent's Minnesota Professional Engineer license is current with an expiration date of June 30, 2012.

Respondent performed no observation of construction for the purpose of assuring compliance with specifications and design during the lapse of her license. Respondent signed no engineering drawings or specifications during the lapse of her license.

Respondent's Minnesota Professional Engineer license lapsed from July 1, 2010 through February 16, 2011. Respondent admits to holding herself out as a Professional Engineer during the lapse of her license from July 1, 2010 through February 16, 2011. Respondent attached a letter dated February 15, 2011 to her Application for License/Certificate Reinstatement through June 30, 2012, in which Respondent admits to having used the title of 'P.E.' during the lapse of her license.

In a response letter dated April 11, 2011 to the Board, Respondent estimates that ten (10) emails were sent in which she used the title of 'P.E.' following her name and twenty one (21) instances of internal city correspondence. Respondent stated that she does not utilize a standard email signature block on her email correspondence. Additionally, Respondent provided [Exhibits A-G] that are instances of correspondence showing where she used the title 'P.E.' following her name. In this same letter dated April 11, 2011, Respondent states that she typically utilized the title of 'City Engineer' on her correspondence and not Professional Engineer.

On April 28, 2011, Respondent faxed a copy of her current position description as the 'City Engineer' for the City of Cottage Grove, Minnesota, to the Board. Under the MINIMUM REQUIREMENTS in the position description, paragraph A, the position requires a current Minnesota professional engineering license.

Based upon the ESSENTIAL JOB FUNCTIONS as the City Engineer, for the City of Cottage Grove, Minnesota, as stated in the position description, Respondent has practiced professional engineering without a current Minnesota Professional Engineer license from July 1, 2010 through February 16, 2011. Additionally, Respondent practiced professional engineering in the following correspondence

as the City Engineer for the City of Cottage Grove, Minnesota:

1.1. Attached to Respondent's letter dated April 11, 2011 [Exhibit A], Respondent in her capacity as the City Engineer, makes a recommendation to the City Council of the City of Cottage Grove, to approve a grant agreement with the Minnesota Department of Health for activities related to source water protection.

1.2. Attached to Respondent's letter dated April 11, 2011 [Exhibit B], Respondent in her capacity as the City Engineer, makes a recommendation to the City Council of the City of Cottage Grove, to adopt a resolution approving a feasibility report prepared by a licensed engineer with Short Elliott Hendrickson, Inc., ordering the project, authorizing the preparation and acquisitions of land and easements, and authorizing the preparation of plans and specifications for the Ravine Parkway extension project to be prepared by Short Elliott Hendrickson, Inc.

1.3. Attached to Respondent's letter dated April 11, 2011 [Exhibit C], Respondent in her capacity as the City Engineer, makes a recommendation to the City Council of the City of Cottage Grove, to approve a proposal for conducting the Cottage Grove Splash Pad Planning Study to be performed by a Professional Engineer with Bonestroo.

1.4 Attached to Respondent's letter dated April 11, 2011 [Exhibit D], Respondent in her capacity as the City Engineer, sends a Quiet Zone Notification of Establishment to the Associate Administrator for Safety Federal Railroad Administration on behalf of the City of Cottage Grove, Minnesota.

1.5. Attached to Respondent's letter dated April 11, 2011 [Exhibit G], Respondent in her capacity as the City Engineer, sends a letter to residents within the 2011 Pavement Management Area to invite them to a neighborhood meeting regarding the project.

Exhibits are on file in the Board office.

Enforcement Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$5,000.

In the Matter of Chander Nangia Professional Engineer #12273

On February 3, 2012, the Board issued a Stipulation and Order. Facts: Respondent was first licensed as a Professional Engineer in the State of Minnesota on January 14, 1977. On July 1, 2010, Respondent's Minnesota Professional Engineering License in the State of Minnesota expired. Respondent renewed his Minnesota Professional Engineering License online on August 12, 2010 at 11:40

AM. Respondent's Minnesota Professional Engineering License was expired from July 1, 2010 through August 11, 2010.

In a letter dated October 12, 2010, Respondent's attorney stated that the Respondent worked on two Minnesota projects during the time that his Minnesota Professional Engineer license expired:

1. A metal storage building in Thief River Falls; and
2. A metal storage building in East Grand Forks.

The plans, drawings, specification and calculations for these building were included as Exhibits A, B, C, and D in the original complaint. A copy of the original complaint with Exhibits A, B, C, and D were attached to the allegation letter that was sent to the Respondent on September 3, 2010.

Respondent held himself out as a Minnesota Professional Engineer and practiced engineering in Minnesota by signing and certifying plans for:

1. A Metal Storage Building' project located in East Grand Forks, Minnesota on July 13, 2010.
2. A Metal Storage Building' project located in Thief River Falls, Minnesota on July 13, 2010.

Respondent falsified information in the online license renewal application he affirmed on August 12, 2010. Respondent renewed and affirmed the Board's 2012 renewal application online on August 12, 2010 at 11:40 AM. In order to continue the online renewal process, it asks the licensee, "Since July 1, 2008, have you had a license disciplined, denied, surrendered, suspended or revoked?" There is a button to check 'yes' or 'no' to this question. Directly below this question it asks the licensee, "I swear or affirm that I have read the foregoing renewal application and continuing education reporting screens and that the statements are true and complete." The next step to complete is a box to click that states, "I accept." Additionally it states, "(You must check this box to continue)." Respondent clicked on the box to continue as his Professional Engineer license was renewed on August 12, 2010. If Respondent had selected 'yes' to the question, "Since July 1, 2008, have you had a license disciplined, denied, surrendered, suspended or revoked," the system would not have let him continue and would have given him the error message: "You cannot renewal your license online if you had a license disciplined, denied, surrendered, suspended or revoked. Please contact Lynette DuFresne at 651-757-1510 for assistance...[sic] ..."

Respondent did not report orders related to his licenses that were issued by the following jurisdictions between July 1, 2008 and June 30, 2010 that are within the scope of the online renewal application question quoted above:

1. North Carolina – order issued on September 11, 2008

2. Wisconsin – order issued on April 23, 2009
3. Ohio – order issued on October 21, 2009
4. Louisiana – order issued on March 8, 2010

In a letter dated April 18, 2011, Respondent's attorney stated that the Respondent reviewed his records and the following are the orders issued by licensing authorities during the time period July 1, 2008, through June 30, 2010:

1. North Carolina: Order, September 11, 2008
2. Ohio Order, October 21, 2009
3. Louisiana: Order March 8, 2010
4. Wisconsin Order, April 23, 2009

Exhibits are on file in the Board office.

Enforcement Action: Respondent is reprimanded for the foregoing conduct. Respondent's professional engineering license shall be surrendered. Upon receipt of the Board's Order approving this Stipulation, Respondent shall deliver his professional engineering license to the Board office within five (5) business days. Respondent shall not reapply for licensure in this State as a Professional Engineer.

In the Matter of Jason M. Seaverson Professional Engineer #43547

On February 3, 2012, the Board issued a Stipulation and Order. Facts: Respondent was first licensed as a Professional Engineer in the State of Minnesota on July 15, 2004. On June 30, 2010, Respondent's Minnesota Professional Engineer license in the State of Minnesota expired. On September 19, 2011, Respondent reinstated his Minnesota Professional Engineer license. Respondent's Minnesota Professional Engineer license is current with an expiration date of June 30, 2012.

Respondent held himself out as a Professional Engineer and practiced professional engineering during the time when his Minnesota Professional Engineer license had expired, by preparing, signing, and certifying the Structural Analysis Report for a '300 foot FWT Self Supported Tower' located in Wanamingo, Minnesota. A true and correct copy of the Structural Analysis Report prepared, signed and certified by the Respondent for a '300 foot FWT Self Supported Tower' located in Wanamingo, Minnesota, is on file in the Board office.

Enforcement Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$1,500.

In the Matter of Len Lilyholm, Unlicensed

On April 5, 2012, the Board issued a Settlement Agreement and Cease and Desist Order. Facts: Respondent is not currently and never has been licensed by the Board as an Architect in the State of Minnesota.

Respondent signed a Residential Building Permit Application with the City of Edina on or about October 15, 2010.

In the section called Designer Information, Respondent checked the box for Architect instead of the box for Designer.

Respondent provided the Board with plans that showed on two separate occasions, where the Respondent used the title block of Len Lilyholm – Architect, 4376 Thielen Ave, Edina, MN, on plans for two residential homes located in Edina, Minnesota.

Enforcement Action: Respondent shall cease and desist from holding himself out as an Architect in Minnesota until such time as he becomes licensed as an Architect in the State of Minnesota.

In the Matter of Gary Caskey Professional Land Surveyor #43502

On June 7, 2012, the Board issued a Stipulation and Order. Facts: Respondent was first licensed as a Land Surveyor in the State of Minnesota on July 7, 2004. On July 1, 2010, Respondent's Minnesota license to practice land surveying in the State of Minnesota expired. On July 28, 2011, Respondent's Minnesota Land Surveyor license was reinstated. As of the date of this Stipulation and Order, Respondent's Minnesota Land Surveyor license status is current with an expiration date of June 30, 2012.

Respondent's Minnesota Land Surveyor license lapsed from July 1, 2010 until July 28, 2011. On June 27, 2011, Respondent self reported that he did not realize his Land Surveyor license had lapsed and that he had used the title of 'LS' during the time his license had lapsed. In a letter dated August 28, 2011, Respondent states that during the lapse of his license, the following wording was on his business card for Gowan Construction: "Gary Caskey, RLS ND, MN, WY". Respondent provided a business card from Kadrmas Lee & Jackson which he used beginning in March 2011, on which it states: Gary Caskey, LS, Registered in: ND, MN, WY.

In his letter dated August 28, 2011, Respondent states that he worked for McGowan Construction from March 2010 to March 2011, and the only two (2) things he did for Gowan Construction in Minnesota was to stake and grade the extension of two (2) concrete pads for beet storage.

In a letter dated September 6, 2011, Respondent states that he worked on two (2) different jobs in Minnesota for Gowan Construction. Both projects were the expansion of beet storage pads, one in Crookston and one in Stephen, Minnesota.

Respondent filed four (4) 'Certificate of Location of Government Corner' documents with Clearwater County, Minnesota on September 1, 2011. The four (4) corners were located at:

- k.1 East ¼ Corner of Section 26, Township 149, Range 37, 5th P.M., signed and certified by the Respondent on April 20, 2011.
- k.2 Southwest Corner of Section 26, Township 149, Range 37, 5th P.M., signed and certified by the

Respondent on April 19, 2011.
k.3 Southeast Corner of Section 26, Township 149, Range 37, 5th P.M, signed and certified by the Respondent on April 20, 2011.
k.4 West ¼ Corner of Section 26, Township 149, Range 37, 5th P.M., signed and certified on April 19, 2011.

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

In the Matter of Timothy J. Griffin Architect License #26070

On June 7, 2012, the Board issued a Stipulation and Order. Facts: Respondent was first licensed as an Architect in the State of Minnesota on July 27, 1998. On July 1, 2002, Respondent's Minnesota Architect license expired. Respondent reinstated his Minnesota Architect's license on January 5, 2012. Respondent's Minnesota Architect's license is current with an expiration date of June 30, 2012.

Respondent's Minnesota Architect license lapsed from July 1, 2002 until January 5, 2012, approximately 9 ½ years. During the lapse of the Respondent's Minnesota Architect license, in connection with his name, Respondent used the title of "AIA" on the website of his employer, www.riverfrontcorporation.com, and on his business card for Saint Paul Riverfront Corporation.

Respondent requested a conference with the Complaint Committee and met with the Committee, accompanied by his attorney, Daniel Tyson, Esq., on April 25, 2012. During the conference, Respondent admitted to his use of the title "AIA" in connection with his name on the website of his employer, www.riverfrontcorporation.com, and on his business card for Saint Paul Riverfront Corporation during the lapse of his Minnesota Architect license.

According to the AIA website, 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.

Respondent stated at the conference with the Committee on April 25, 2012, that he was not licensed as an Architect by any other state between December 31, 2002 and January 5, 2012 and that he was not aware that he needed to be licensed as an Architect in order to use the title of AIA. He advised the Committee that he was a licensed Architect in the State of Illinois when he became a member of the AIA. He advised the Committee that he continued to pay AIA dues and participate in AIA functions from January 2, 2003 to the reinstatement of his Minnesota license. He also advised that his Illinois license lapsed as of December 31, 2002.

Enforcement Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$2,500.

In the Matter of Mark Holmberg Professional Engineer License #13667

On September 14, 2012, the Board issued a Stipulation and Order Facts: Respondent was first licensed as a Professional Engineer in the State of Minnesota on February 22, 1979. On July 1, 2006, Respondent's Minnesota Professional Engineer license expired. On February 11, 2010, the Board received the Respondent's Application for license/certificate reinstatement for the licensing period of July 1, 2006 through June 30, 2010. The Board renewed his Minnesota Professional Engineer license on February 11, 2010. At the time of the reinstatement on February 11, 2010, the expiration date was June 30, 2010. With the Respondent's Application for license/certificate reinstatement received by the Board on February 11, 2010, was an Affidavit for Reinstatement.

Attached to the Application for license/certificate reinstatement received by the Board on February 11, 2010, Respondent submitted a letter dated February 10, 2010. Respondent stated: "I have not signed the attached affidavit for reinstatement because I am not sure that I comply with item #4 in that I have been using a business card with the initials P.E. after my name during the expiration period. Otherwise, I can agree with all other requirements #1,2,3,5 on the affidavit."

On May 18, 2010, the Respondent faxed a copy of his business card to Investigator, Lynette DuFresne. The business card for the Respondent states: "Mark H. Holmberg, P.E." The address on the Respondent's business card is 250 Marquette Avenue, Suite 700, Minneapolis, Minnesota.

Respondent's license to practice professional engineering in the State of Minnesota is now current with an expiration date of June 30, 2012.

Enforcement Action: Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$1,000.

Other Actions:

In the Matter of Paul C. Wallick Professional Engineer License #40151

On March 21, 2012, the Board issued an Order for Suspension of Professional Engineering License No. 40151. Facts: On March 21, 2012, the Board received a Notice to Suspend Occupational or Professional License(s) from Hennepin County Child Support, which advised the Board that Respondent is in arrears in court-ordered child support or maintenance payments or both in the amount equal to or greater than three times his total monthly support and maintenance payments.

Action: IT IS HEREBY ORDERED that Respondent's professional engineering license in the State of Minnesota is SUSPENDED pursuant to Minnesota Statutes section 214.101 (2010). During the period of suspension, Respondent shall not offer to perform or perform any services in this state that require licensure as a Professional Engineer,

including holding himself out to the public as a Professional Engineer.

IT IS FURTHER ORDERED that during the period of suspension, Respondent shall remove the designation of being a licensed Professional Engineer from all Respondent's advertisements, business cards, business forms, and signage.

IT IS FURTHER ORDERED that the suspension shall take effect immediately and shall remain in effect until the Board receives notification from the agency that referred the matter to the Board confirming that Respondent is not in arrears in either child support or maintenance payments or confirming that Respondent is in compliance with a written payment plan regarding both current support and arrearages. Pursuant to Minnesota Statutes section 214.101 (2010), the suspension shall only be lifted by a subsequent order of the Board which is based upon receipt of this notification.

**In the Matter of Sharon A. Kosmalski
Professional Engineer License #46361**

On March 31, 2012, the Board issued an Order for Revocation of Professional Engineer. Facts: On March 30, 2012, the Board received a Notice of License Revocation from the Minnesota Department of Revenue, which advised the Board that Respondent has an overdue liability. Under Minnesota Statutes section 270C.72 (2010), the Board must revoke Respondent's license.

Action: IT IS HEREBY ORDERED that Respondent's license shall be REVOKED pursuant to Minnesota Statutes section 270C.72, subdivision 1 (2010). During the period of revocation Respondent shall not offer to perform or perform any services in this state that require licensure as an engineer, including holding herself out to the public as an engineer.

IT IS FURTHER ORDERED that during the period of revocation, Respondent shall remove the designation of being a licensed engineer from all Respondent's advertisements, business cards, business forms, and signage.

IT IS FURTHER ORDERED that the revocation shall take effect immediately and shall remain in effect until the Board receives a Clearance Certificate from the Minnesota Department of Revenue indicating that Respondent does not owe the State any uncontested delinquent taxes, penalties, or interest and has filed all required returns. If a Clearance Certificate is received, the Board shall then issue an Order to rescind this revocation of Respondent's license.

**In the Matter of Sharon A. Kosmalski
Professional Engineer License #46361**

On April 5, 2012, the Board issued an Order. Facts: On March 30, 2012, the Board received a Notice of License Revocation from the Minnesota Department of Revenue, which advised that Sharon A. Kosmalski ("Respondent")

had an overdue liability. On March 31, 2012, the Board issued an Order for Revocation of Professional Engineer License ("Revocation Order"), which revoked Respondent's Professional Engineer license (Board File No. 2012-0046).

On March 18, 1996, the Department of Revenue issued Revenue Notice #96-01, which states, in part, as follows:

The term revoke, generally implies that the license has been terminated in such a way that the licensee may not be reinstated, or may be reinstated only after a period of time. For purposes of Minn. Stat. § 270.72, the Department of Revenue deems the term revoke to mean that the taxpayers license will be suspended until the tax obligation has been satisfied and the tax clearance certificate has been issued.

This Order is in the public interest.

Action: NOW, THEREFORE, IT IS ORDERED that, pursuant to Minnesota Statutes section 270C.72, and 326.111, subdivision 4 (2010), and Revenue Notice #96-01, as follows:

- A. The Revocation Order, dated March 31, 2012, is hereby VACATED;
- B. Respondent's Professional Engineer License, No. 46361, is SUSPENDED effective March 31, 2012.

**In the Matter of Paul C. Wallick
Professional Engineer License #40151**

On April 16, 2012, the Board issued an Order to Rescind Suspension of Professional Engineer License No. 40151. Facts: On March 21, 2012, the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") suspended the license of Paul C. Wallick ("Respondent"), based upon the Board's receipt of notification from Hennepin County Child Support that Respondent was not in compliance with a court order for child support and based upon Minnesota Statutes section 518A.66, the Board was to suspend the professional engineering license for the Respondent.

On April 11, 2012, the Board received a notice from Hennepin County Child Support that Respondent had complied with the court order, or payment agreement for child support and/or maintenance payments and that the Board was to reinstate his professional engineering license.

Action: IT IS HEREBY ORDERED that the Order For Suspension of Professional Engineering License No. 40151 issued to Respondent on March 21, 2012 is hereby RESCINDED and shall have no further force and effect.

**In the Matter of Neil Weber
Architect License #11325**

On June 14, 2012, the Board issued an Order for Suspension of Architect's License No. 11325. Facts: On June 13, 2012, the Board received a letter of License



In Memorium

Revocation/Suspension from the Minnesota Department of Revenue, which advised the Board that Respondent has an outstanding tax liability. Under Minnesota Statutes section 270C.72 (2010), the Board must suspend Respondent's license.

Order: IT IS HEREBY ORDERED that Respondent's license shall be SUSPENDED pursuant to Minnesota Statutes section 270C.72, subdivision 1 (2010). During the period of suspension Respondent shall not offer to perform or perform any services in this state that require licensure as an Architect, including holding himself out to the public as an Architect.

IT IS FURTHER ORDERED that during the period of suspension, Respondent shall remove the designation of being a licensed architect from all Respondent's advertisements, business cards, business forms, and signage.

IT IS FURTHER ORDERED that the suspension shall take effect immediately and shall remain in effect until the Board receives a Tax Clearance Certificate from the Minnesota Department of Revenue indicating that Respondent does not owe the State any uncontested delinquent taxes, penalties, or interest and has filed all required returns. If a Tax Clearance Certificate is received, the Board shall then issue an Order to rescind this suspension of Respondent's license.

In the Matter of Neil Weber Architect License #11325

On June 27, 2012, the Board issued an Order to Rescind Suspension of Architect's License No. 11325. Facts: On June 14, 2012, the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") revoked/suspended the license of Neil Weber ("Respondent"), based upon the Board's receipt of notification from the Minnesota Department of Revenue ("Department") that Respondent owed delinquent taxes, penalties or interest.

On June 26, 2012, the Board received a notice from the Department that Respondent had been issued a clearance certificate under the authority of Minnesota Statutes section 270C.72 (2010). The Department informed the Board that Respondent does not owe the State of Minnesota any uncontested delinquent taxes, penalties or interest and has filed all required forms.

Action: IT IS HEREBY ORDERED that the License Suspension Order issued to Respondent on June 14, 2012 is hereby RESCINDED and shall have no further force and effect.

Lowell Torseth, long time Executive Secretary of the Board, passed away on February 22, 2012, at the age of 84. Mr. Torseth grew up on a farm near Bay City, Wisconsin, and graduated from Red Wing High School in 1945. He was immediately drafted into the U.S. Army, graduated from the U.S. Military Academy at West Point in 1951, and began a distinguished career that included assignments at various posts around the world. After retiring from the Army in 1969, he served for more than 20 years as the Executive Secretary of the Board.



Mr. Torseth was a gentle, unpretentious man, a generous provider for his family, a devoted husband and a supportive, nurturing father. He had a strong interest in politics and world affairs, and was a lifelong fan of the Baltimore Orioles.



Billie Lawton, former public member of the Board, passed away on April 24, 2012, at the age of 86. Ms. Lawton received her undergraduate and post-graduate degrees from the University of Minnesota where she served for many years as the Director of Pre-Major Advising Programs in the College of Liberal Arts. She served eight years on the Board, including six years as Chair of the Complaint Committee. She embodied the motto of the Phi Beta Kappa Society into which she was inducted at a time when few women were so honored, "Love of learning is the guide of life."

Ms. Lawton was a kind woman with far-ranging intellect, a devoted mother and wife, consummate cook, hostess and world traveler with an unerring sense of style and decorum.

Congratulations

Marjorie Pitz, LA, received the Council of Landscape Architectural Registration Boards' (CLARB) President's Award in September 2012. Ms. Pitz received this award as recognition of her outstanding efforts in sharing information with Minnesota citizens about how the licensed practice of landscape architecture promotes welfare and well-being. She used CLARB's "Definition of Welfare" research to develop a custom presentation demonstrating the positive impact of landscape architecture on public welfare. Her presentation was well-received and shared with members of CLARB as an example of how the welfare research could be used. Her initiative helped spur CLARB members from other licensure boards to share this information locally. The Executive Summary of CLARB's research can be found on the Board's website at www.aelslagid.state.mn.us. Ms. Pitz was appointed to the Minnesota Board in 2010.





DOCUMENT MARK UP

By David Fisher
Certified Building Official

In some jurisdictions it is not uncommon for a building official to redline a document or plan that has been submitted for permitting with changes that need to be made to comply with the building code. However, by law, building officials cannot alter plans that have been prepared by a design professional licensed or certified by the Board. When a building official reviews a plan or document signed by a licensed design professional and determines that changes need to be made, the building official may write a correction letter explaining the required modifications. The building official may redline the plans requesting corrections for code compliance. Typically these documents are required to be revised and resubmitted by the design professional. However, the building official is required to approve the construction documents in writing or by a stamp, stating “Reviewed for Code Compliance.” This must include the date and be signed by the building official or an authorized representative.

Minn. Stat. section 326.03, subdivision 1 states that “No person, except an architect, engineer, land surveyor, landscape architect, geoscientist or certified interior designer licensed or certified as provided for in sections 326.02-326.15 shall practice architecture, professional engineering, land surveying, landscape architecture, or professional geoscience, or use the title certified interior designer, respectively, in the preparation of plans, specifications, reports, plats or other architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design documents, or in the observation of architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design projects. In preparation of such documents, reasonable care shall be given to compliance with applicable laws, ordinances, and building codes relating to design.”

Building officials are not licensed or certified as design professionals under MN Statutes sections 326.02-326.15 and therefore cannot prepare the plans, specifications, reports, plats, etc. for a project requiring a licensed professional. The Building Official is designated by the municipality according to MN Statutes section 16b.65. The duties and powers of the building official are to enforce the code, render inter-

pretations of the code and adopt policies & procedures. Minn. Stat. section 326.12, subdivision 3 states that “Each plan, drawing, specification, plat, report, or other document which under sections 326.02 to 326.15 is prepared by a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, licensed geoscientist, or certified interior designer, must bear the signature of the license or certified person preparing it, or the signature of the licensed or certified person under whose direct supervision it was prepared. Each signature shall be accompanied by a certification that the signer is licensed or certified under sections 326.02 to 326.15, by the person’s license or certificate number, and by the date on which the signature was affixed.” This certification may be electronic with an electronic signature.

A licensee signs, certifies and dates their documents assuring the public that the document was prepared by a licensed professional. The signature becomes a permanent part of the document in accordance with MN Rule 1800.4200, subp. 5. If the document is marked up by someone other than the licensed professional who originally signed and certified the document, there is no way for anyone looking at the documents to know that the changes were not made by that design professional. The certification and signature remain permanent and the markups to the document could easily be construed to have been made prior to the certification and signature thus putting the public at risk.

MN Rule 1800.4200 states that the certification and signature on documents is that of the “person whose professional skill and judgment are embodied in the document signed, and who assumes responsibility for the accuracy and adequacy thereof.”

The licensee is responsible for the accuracy and adequacy of the document. Changes to the document are also the licensee’s responsibility, therefore only the licensee (or someone working under the direct supervision of the licensee) whose signature appears on the document may make changes to the document.

Meet the New Board



Dennis R. Martenson
Professional Engineer

Mr. Martenson has been a licensed Professional Engineer since 1971. He is a registered Professional Engineer in five states (Arizona, Minnesota, Nevada, South Dakota and Wisconsin). He is also a member of the American Society of Civil Engineers (ASCE), American Water Works Association (AWWA), Central States Water Environment Association (CSWEA), and Water Environment Federation (WEF). He has achieved specialty certification as a Water Supply and Wastewater Engineer (WW) by the American Academy of Environmental Engineers (AAEE) and holds a Class B Wastewater Treatment Plant Operator certificate as issued by the Minnesota Pollution Control Agency (MPCA).

Mr. Martenson has been very active in the professional associations to which he is a member and was elected to be the President of ASCE in 2005-06. He is currently a member of the ASCE Committee on Professional Conduct. He has been an adjunct professor at the University of Minnesota in the Department of Civil Engineering since 2004.

Mr. Martenson is a graduate of the University of Minnesota with two degrees (BCE – 1967 and MSCE – 1968). His career has spanned forty years and has included experience in industry, regional wastewater authority and five consulting engineering firms. He has been self-employed for the past six years working for a wide range of clients, including two of the consulting engineering firms where he was previously employed.

Mr. Martenson spends his free time with his six grandchildren and his hobbies of golf, reading, volunteering and woodworking. He and his wife reside in Medina, Minnesota.

BOARD MEMBER OPENINGS

The terms of eight of our Board members are expiring in January 2013. If you are interested in applying for any of the following positions, please download the application from the Minnesota Secretary of State website at www.sos.state.mn.us or contact the Board office at 651-296-2388.

Architect
Professional Engineer
Professional Soil Scientist
Certified Interior Designer
Public Member (4)



Daniel Murphy
Professional Engineer

Mr. Murphy is President and a senior principal of Meyer Borgman Johnson. He received his Bachelor of Science degree in civil engineering from the University of Minnesota in 1974, the same year he joined the firm, becoming a principal member of the firm's leadership in 1982. His 38 years of experience as a structural engineer reflects a broad range of design systems, materials and delivery methods, with specializations in post-tensioned concrete structures, phased multiple-bid projects, fast-track projects and unique structures with complex architectural features. He led the structural team on the McNamara Alumni Center at the University of Minnesota, a geode-like structure, designed by architect Antoine Predock, consisting of 1700 disparately-angled structural steel joints and connections, overlaid with a granite façade, and employing 3D digital documentation delivery prior to its standardization in the industry. The project won a national award given by the American Institute of Structural Steel.

As a design partner, Mr. Murphy works with team members from the earliest stages of a project to ensure best value and architectural integrity that is fully supported by the structural design. He has led structural engineering efforts on projects throughout the United States and internationally, in the United Arab Emirates and Scotland. More than 40 of his projects have won awards. In 2006, he was the recipient of a Special Award given by the American Institute of Architects Minnesota, honoring him for his "significant contribution to the built environment," as a structural engineer.

Mr. Murphy serves as a member of the State of Minnesota Structural Advisory Committee for Building Codes and Standards. He is also a member of the board of directors for the American Council of Engineering Companies Minnesota. His passion for structural engineering has led him to become a board member of ACE Mentor Program of America, a national organization helping youth discover their own passion for careers in architecture, construction and engineering.

Mr. Murphy is versed in a broad range of market segments, including education, parking structures, recreation facilities, performance venues, residential facilities, advanced technology structures and medical facilities. His most recent projects include Abbott Northwestern Heart Hospital, University of Minnesota Amplatz Children's Hospital and the Minnesota Orchestra Hall Renovation.

Members



Robert Gunderson
Landscape Architect

Mr. Gunderson is vice president of SGA Group, Inc., a firm he co-founded with Graham Sones, in early 2011. The firm works in target areas of environmental restoration, “green” infrastructure planning, parks and recreation development, urban land use studies, civic space design, and historic landscape architecture (HALS). Prior to this, he was a partner and director of site development at ATS&R-Minneapolis, and was also employed at Sanders, Wacker, Bergly-St. Paul, and BRW-Minneapolis. He has over 30 years of experience as a landscape architect, with an emphasis on ecological planning and design, construction technology, sustainable site planning and irrigation system design.

Bob received his undergraduate education at Iowa State University and his graduate degree from the University of Pennsylvania, both in landscape architecture. Bob is a registered Landscape Architect in Minnesota, and holds national certification with the Council of Landscape Architectural Registration Boards (CLARB).

Mr. Gunderson has been an adjunct professor in the Landscape Architecture Department at the University of Minnesota-College of Design since 1991. He has taught landscape architecture studio and technology courses, performed applied research, and served on university faculty consultative committees.

Mr. Gunderson has served 27 years in the Army Reserve as a commissioned military officer. He has deployed twice, as Company Commander, into the Iraq, Kuwait, and Afghanistan theaters of operation, during 2004-2005 and 2010. He was awarded the Bronze Star Medal, Meritorious Service Medal and the Combat Action Badge.

Re-appointments



Lyn Berglund
Certified Interior Designer

Ms. Berglund has been a Certified Interior Designer in Minnesota since 1995 and is currently employed as the Director of Interior Design with Mohagen/Hansen Architectural Group, a design firm located in Wayzata.

She is the past Chair and current member of the Architect, Landscape Architect, Certified Interior Design Section of the Board and currently serves on the Rules Committee.

David Landecker
Professional Land Surveyor



Mr. Landecker has been a licensed Land Surveyor in Minnesota since 1985 and is currently employed with Ulteig, a multi-discipline engineering and surveying consultant firm with several office locations throughout the Midwest. At Ulteig, he serves as a Senior Land Surveyor and Market Leader for their northern Minnesota and North Dakota service areas. He currently resides in Moorhead, Minnesota.

Mr. Landecker is a member of the Engineer, Land Surveyor, Geoscience Section of the Board and also serves as the Land Surveyor member of the Complaint Committee.

On a national level, Mr. Landecker is a member of the National Council of Examiners for Engineering and Surveying (NCEES). He also serves as a member of the Awards Committee for the NCEES Central Zone. On a state level, he is an active member and past president of the Minnesota Society of Professional Surveyors (MSPS).



Paul May
Architect

Mr. May has been a licensed Architect in Minnesota since 1989 and is currently employed with Miller Dunwiddie Architecture in Minneapolis. His focused specialty is in programming, planning and design of faith-based and educational projects. He has received numerous state and national awards for design and planning work.

Mr. May is currently the Chair of the Architect, Landscape Architect, Certified Interior Design Section of the Board and serves on the Credentialing Committee.

On a national level, Mr. May has been a member of the ARE Programming Planning and Practice Committee since 2009 and is currently serving his second year as Chair of that committee. He has also been a member of the NCARB Practice Analysis Task Force since 2011 and an NCARB member of the National Architectural Accreditation Board site visit teams since 2010.

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

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WHAT DOES A BOARD MEMBER DO?

Appointment to the Board, whether as a member of a profession or as a public member, requires you to fulfill a commitment to protect the health, safety and welfare of the public. A Board member's primary concern is to determine that the practice of the professions is properly regulated and the public is appropriately protected. This is paramount and takes precedence over all other considerations and concerns. The Board is not concerned with matters related to advancing the professions.

As a whole, Board responsibilities include:

- Setting minimum qualifications for licensure.
- Establishing and administering a fair and uniform enforcement policy.
- Setting policy and procedures for the Board, its committees, task forces, and staff.
- Recommending statute and rule changes as needed.
- Disseminating information about the Board's services and activities and the rules and regulations governing the professions

Individual Board member responsibilities include:

- Attendance at Board meetings (approximately 7 times per year).

- Participation on Board committees and task forces.
- Review applications for examination and licensure to ensure that the minimum education, examination and experience requirements have been met.
- Review "recommended reading" necessary to participate effectively in Board business (Board Member Manual, Biennial Report, board and committee agendas and attachments, statutes and rules, and other related material.
- Act as a representative of the Board to communicate information to the professional and educational communities.
- Participate in meetings of the National Councils.

Board member positions are voluntary and non-salaried. However, most are eligible for per diem reimbursements for carrying out Board-sanctioned activities and for mileage, parking and meal reimbursement for travel in compliance with State of Minnesota guidelines.

If you are interested in serving on the Board, or if you would like more information, please contact the Board office at 651-296-2388.