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

OFFICIAL PUBLICATION



with time with new members, new licensure

requirements, new rules, and new enforcement.

The Board continues to evolve with ideas from the diverse new Board members both professional licensees and public members. The Board staff and I extend a warm welcome to the new Board members; see page 3 for their names and brief biographies. Since our last newsletter, members have also stepped off the Board. I would like thank them for their dedication and wise inputs during their service.

I was elected Board Chair in May 2018. This is a highly diverse Board of seventeen licensed/certified members and five

Letter from the Chair

Nirmal Jain PE

The Board

continues

to change

public members, with a common goal of protecting the health, safety and welfare of the public.

As current Chair, my goals are outreach, credentials and statute changes. The Board is very fortunate to have highly dedicated staff to make this happen.

Outreach

Board members made more than twenty presentations this past year on the importance of licensure, how to become a licensed professional, or how to manage your license to multiple colleges, universities, and professional societies. In 2018, the Board also inaugurated the opening of the NCEES sponsored 'Dream Big' documentary at the Science Museum of Minnesota.

continued on page 12

THE COMMUNICATOR

Vol 23 No 1 Winter 2018/19

CONTENTS

Letter from the Chair	1
Rules adopted/in process update	1, 8
Executive committee elected,	
committees selected	2
New appointments to the Board	3
Email subscription reminder	3
Disciplinary Actions	4
Newly licensed/certified	6
CE audit update	7
Board member news	11
National Council updates	11

CONTACT INFORMATION

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VISIT THE BOARD WEBSITE mn.gov/aelslagid



Rule Updates: Approved, in process, and proposed

A major function of the Board is rulewriting. Revising the rules that govern the Board's work is necessary to ensure that they are clear and effective in the regulation of the professions, meet the current requirements for practice, and will protect the public.

Licensees and certificate holders are responsible for **understanding and abiding** by those rules, and they also have a role in their development.

See pages 8-9 for a summary of the most recently adopted rule changes and to learn more about rule change packages in process and under consideration.

BOARD MEMBERS

Nirmal Jain, PE (2022) **Board Chair** Meg Parsons, Architect (2020) Vice Chair Robert Gunderson, LA (2020) Secretary Paul Vogel, LS (2020) Treasurer Dennis Martenson, PE (2019) Immediate Past Chair

Daniel Baar, LS (2019) Dave Blume, PE (2021) Rachel Dwyer,

Public Member (2021) Eric Friske, Public Member (2021) Terry Groshong, Architect (2019) Darcy Hield, CID (2020) Wayne Hilbert, Architect (2021) Denise Kazmierczak, PE (2022) Daniel Murphy, PE (2020) Scott Robinson, LA (2022) Keith Rapp, PG (2019) Claudia Reichert, CID (2021) David Stenseth, CPA, Public Member (2021)

Robert Whitmyer, PSS (2021)

(Year denotes term expiration)

BOARD STAFF

Doreen Johnson Executive Director Andrea Barker Asst. Executive Director Matt Kaehler Complaints/Firms/ Continuing Education Laurie Nistl Licensing & Exams— Architect/CID/Firms/FE/LA Allison Desmond Licensing & Exams— PE/FSS/PSS/ Leama Sather Licensing & Exams—

FS/PS/FG/PG/PE Sue Lick Licensing & Exams— FE/LA/AR

2019 Executive Committee elected

Committee and Section Chairs Set



The Board members elected their new 2019 executive committee this past May.

Executive Committee

In the photo, from left to right, front to back, are picture:

- Dennis Martensen, PE, Immediate Past Chair
- Nirmal Jain, PE, Chair
- Nininal Jain, PE, Chain
- Meg Parsons, Architect, Vice ChairBob Gunderson, LA, Secretary
- Paul Vogel, LS, Treasurer

That new executive committee appointed new committee and section chairs and defined these groups' membership.

Other Committee Chairs

- Keith Rapp, PG, Complaint
- Dave Blume, PE, Credentialing
- David Stenseth, CPA, Rules Committee

Section Chairs

- Meg Parsons, Architect, ALACID
- Robert Whitmyer, PSS, ELSGEO

Committee assignments for each Board member can be found on the website: <u>mn.gov/aelslagid/board.html</u>.

Thanks to outgoing members Kuretsky, Rooney

The Board gratefully acknowledges two public members whose service ended in 2018.



William Kuretsky (2010-2018) offered a great common sense voice in all the Board's work, particularly during his

many years on the Rules committee, on which he twice served as Chair.

Jody Rooney (2017-2018) provided the sort of intelligent questioning that is invaluable to the Board's professional members. She served

on the Rules committee and also briefly as ELSGEO Section Chair.



2018 Board appointments made

Baar, Kazmierczak, and Robinson join as new members; Jain reappointed

In 2018, former Governor Dayton made his final appointments to the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design. Terms are effective July 23, 2018, and expire January 3, 2022, with the exception of the previously vacated land surveyor seat, which has a term ending in 2019.



Nirmal Jain, PE

Mr. Jain currently serves as Board Chair. He has worked in mechanical engineering since 1968 and has also worked in manufacturing, R & D, and building construction. Mr. Jain is Principal Engineer at the University of Minnesota, overseeing building design and energy optimization programs. He was the construction engineering coordinator for TCF Bank Stadium,

Bell Museum, and many other large buildings on the Twin Cities campus. He is as an adjunct instructor for the University of Minnesota and Dakota County Technical College. On the national level, he has served as an officer of the NCEES Central Zone.



Daniel Baar, LS

Mr. Baar graduated from Lake Superior College in Duluth with an associate degree in civil engineering Technology and from St. Cloud State University with a bachelor's degree in land surveying and mapping science. He became licensed in 2007. Mr. Baar currently works for Ramsey County as the Deputy County Surveyor. Prior to joining Ramsey County in 2009, he

surveyed in the private sector working in rural Minnesota and the Metro Area. Mr. Baar has served on advisory committees for technical degree programs. He has also served as president of the Minnesota Association of County Surveyors (MACS).



Scott Robinson, LA

Mr. Robinson is a licensed Landscape Architect for the Minnesota Department of Transportation in the Office of Environmental Stewardship. He has been with MnDOT for 31 years, and has provided design and technical support on corridor and site development projects throughout Minnesota. He is SWPP certified. He also directs the State Outdoor Advertising

Program and frequently works with the State Scenic Byways Program. He has worked in the Office of Bridges and Structures and Engineering Services at the DNR. Mr. Robinson has bachelor's degrees in geography and environmental design from the University of Minnesota and an associate degree in civil and highway technology.



Denise Kazmierczak, PE

Ms. Kazmierczak has been a licensed Professional Engineer since 1997. She graduated from South Dakota State University with a degree in civil engineering in 1990, and obtained a master's degree in Environmental Engineering from the University of Kansas in 1998. She is currently a Principal Environmental Engineer at Wenck Associates, specializing in

air permitting, multimedia compliance management, and oil spill prevention for a variety of industrial facilities. Her career experience includes eight years in the corporate Environmental Management team at Andersen Corporation and ten years as a consultant with Burns & McDonnell. Ms. Kazmierczak is a member of the Air & Waste Management Association.

Don't miss important news: Sign up for Board email, social media

The Board sends a renewal notice by mail as a courtesy and, occasionally, as the volume of information requires, a print newsletter. But these aren't the only means by which you can stay informed.

1. Subscribe to email communications: Enter your email address, then reply to the "confirmation" email you receive. The Board will email you *sparingly*— at most a dozen times a year. When you see an email from the Board, it contains something you will want to know.

2. Follow us on social media: If you are on Twitter, Facebook, or Linkedin, you can find us there, too.



Find social links and email signup at https://mn.gov/aelslagid/subscribe.html

Enforcement Actions

DISCLAIMER: Every effort was made to ensure that the following information is correct; however, it should not be relied upon without verification from the Board office. Note that the names of companies and individuals listed may be similar to those of parties who have not had enforcement actions taken against them. Mr. Lohan had yet to remedy the situation as of October 12, 2017.

Enforcement Action: On October 12, 2017, Mr. Lohan's license was suspended. This suspension remains in effect until the Board receives either validation of the rejected course or supporting documentation satisfactory to the Board that he has completed the minimum number of PDH. Mr. Lohan may not hold out as licensed or offer to perform or perform any services in Minnesota that require licensure as an Architect while his license is suspended. On September 23, 2016, the Board notified Mr. Tomlinson that he had been selected as part of the Board's continuing education audit of PDH. He submitted his response to the audit on October 31, 2016. On December 16, 2016, the Board notified Mr. Tomlinson of the following:

- As provided under Minn. Stat. § 326.107, subds. 2 and 8, the Board rejected a course that he had previously reported. The rejection of this course resulted in Mr. Tomlinson being 14 hours short of the minimum number of PDH.
- Mr. Tomlinson's license would be suspended if he did not substantiate the validity of the rejected course or successfully complete 14 PDH and submit acceptable documentation to the Board by June 14, 2017 (the 180-day cure period provided for in Minn. Stat. § 326.107, subd. 8).

Mr. Tomlinson had yet to remedy the situation as of October 12, 2017.

Enforcement Action: On October 12, 2017, Mr. Tomlinson's license was suspended. This suspension remains in effect until the Board receives either validation of the rejected course or supporting documentation satisfactory to the Board that he has completed the minimum number of PDH. Mr. Tomlinson may not hold out as licensed or offer to perform or perform any services in Minnesota that require licensure as a Professional Geologist while his license is suspended.

In the matter of Richard Mills Graham, PE, License #54960

Facts: Mr. Graham was first licensed in Minnesota on June 29, 2017. He practiced professional engineering as defined in Minn. Stat. § 326.02, subds. 1 and 3 prior to receiving his license when he offered services and held himself out as a Professional Engineer to a hospital in January 2017. Mr. Graham self-reported on June 14, 2017.

Enforcement and disciplinary orders

are public data. You may view orders on the Board website or contact the Board to request copies.

The following are summaries of actions taken since the last newsletter. Full orders are posted at <u>mn.gov/aelslagid/</u> <u>enforcement.html</u>.



In the matter of Dirk Lohan, Architect, License #20526

Facts: Mr. Lohan was first licensed in 1990. On September 6, 2016, he renewed his license. As a licensee, he is required to obtain a minimum number of professional development hours (PDH) as a condition of license renewal.

On September 23, 2016, the Board notified Mr. Lohan that he had been selected as part of the Board's continuing education audit of PDH. He submitted his response to the audit on October 4, 2016. On December 14, 2016, the Board notified Mr. Lohan of the following:

- As provided under Minn. Stat. § 326.107, subds. 2 and 8, the Board rejected two courses that he had previously reported. The rejection of these courses resulted in Mr. Lohan being 2 hours short of the minimum number of PDH.
- Mr. Lohan's license would be suspended if he did not substantiate the validity of the rejected course or successfully complete 2 PDH and submit acceptable documentation to the Board by June 12, 2017 (the 180-day cure period provided for in Minn. Stat. § 326.107, subd. 8).

In the matter of Richard Mandell, Landscape Architect, License #54483

Facts: Mr. Mandell was first licensed on March 17, 2017. He practiced landscape architecture as defined in Minn. Stat. § 326.02, subd. 4(a) prior to receiving his license when he prepared numerous plans for two golf courses during the years 2012 and 2016 respectively.

Enforcement Action: On October 12, 2017, the Board issued a Stipulation and Order. Mr. Mandell was reprimanded for the foregoing conduct and ordered to pay a \$3,000 civil penalty.

In the matter of Erik Tomlinson, PG, License #46739

Facts: Mr. Tomlinson was first licensed in 2008. On July 8, 2016, he renewed his license. As a licensee, he is required to obtain a minimum number of professional development hours (PDH) as a condition of license renewal. **Enforcement Action:** On February 2, 2018, the Board issued a Stipulation and Order. Mr. Graham was reprimanded for the foregoing conduct and ordered to pay a \$1,000 civil penalty.

In the matter of Brian T. Hayden, PG, License #30230

Facts: Mr. Hayden was first licensed in 1998. On June 22, 2016, he renewed his license. As a licensee, he is required to obtain a minimum number of professional development hours (PDH) as a condition of license renewal.

On September 23, 2016, the Board notified Mr. Hayden that he had been selected as part of the Board's continuing education audit of PDH. He submitted his response to the audit on October 27, 2016. On December 9, 2016, the Board notified Mr. Hayden of the following:

- As provided under Minn. Stat. § 326.107, subds. 2 and 8, the Board rejected a course that he had previously reported. The rejection of this course resulted in Mr. Hayden being 22 hours short of the minimum number of PDH.
- Mr. Hayden's license would be suspended if he did not substantiate the validity of the rejected course or successfully complete 22 PDH and submit acceptable documentation to the Board by June 7, 2017 (the 180-day cure period provided for in Minn. Stat. § 326.107, subd. 8).

Mr. Hayden had yet to remedy the situation as of December 7, 2017.

Enforcement Action: On December 7, 2017, his license was suspended.

On January 2, 2018, Mr. Hayden submitted documentation of the previously rejected PDH hours and the Board determined that documentation was satisfactory.

Order Issued: On February 2, 2018, the Board lifted the suspension of Mr. Hayden's license.

- -

In the matter of Norman Eugene Spires, PE, License #54961

Facts: Mr. Spires was first licensed in Minnesota on June 29, 2017. He practiced professional engineering as defined in Minn. Stat. § 326.02, subds. 1 and 3 prior to receiving his license when he offered services and held himself out as a Professional Engineer to a hospital in March 2017 and sent that hospital a proposal in May 2017.

Enforcement Action: On February 2, 2018, the Board issued a Stipulation and Order. Mr. Spires was reprimanded for the foregoing conduct and ordered to pay a \$1,000 civil penalty.

-

In the Matter of Benjamin S. Allen, Unlicensed

Facts: Mr. Allen is not currently and never has been licensed by the Board as a Professional Engineer, Professional Geologist, or Professional Soil Scientist in the State of Minnesota. He held himself out and practiced as a Professional Engineer, Professional Geologist, and Professional Soil Scientist in Minnesota within the meaning of Minn. Stat. § 326.02, subds. 1, 3, and 3(a) by preparing and signing as a Professional Engineer four Geotechnical Investigation Reports—that also included activities and reports that required a Professional Geologist and a Professional Soil Scientist—for four separate Minnesota localities.

Enforcement Action: On May 17, 2018, the Board issued a Settlement Agreement and Cease and Desist Order. Mr. Allen was ordered to cease and desist holding out and practicing as a Professional Engineer, Professional Geologist, or Professional Soil Scientist in Minnesota until he becomes licensed as such in Minnesota. Mr. Allen was further ordered to pay a \$10,000 civil penalty.

In the Matter of Virginia Marie Carlson, Unlicensed

Facts: Ms. Carlson is not currently and never has been licensed by the Board as an Architect in the State of Minnesota. In 1999 the Board issued Ms. Carlson a Cease and Desist Order for holding out and practicing as an Architect in Minnesota within the meaning of Minn. Stat. § 326.02.

In October 2012, under the firm name "Architecktur, Inc.," Ms. Carlson held out as a licensed architect when she advertised and signed a contract offering a client "architectural design services." She did not disclose to the client that she had been charged in Hennepin County District Court with multiple counts of felony theft by swindle involving an unrelated commercial real estate project. Upon learning she did not have a license and faced felony charges, the client terminated the contract. In 2013 civil and criminal court cases ensued. In January 2015, the civil court sided with the client, stating Ms. Carlson "represented, inter alia, that she was a licensed architect, an AIA Associate and a nationally certified interior designer." The Minnesota appellate courts denied Ms. Carlson's appeal. In April 2015, in the criminal case, Ms. Carlson pleaded guilty to and was convicted of one count of theft by swindle. During her plea hearing she admitted she had called herself an architect, even though she was aware of the Board's 1999 Cease and Desist Order. Ms. Carlson appealed the criminal conviction, but it was affirmed on appeal.

In April 2014, the Board's Complaint Committee ("Committee") received a complaint from Ms. Carlson's client that Ms. Carlson was holding out as an Architect, despite the prior Cease and Desist Order. The Committee opened up an investigation. No agreement was able to be reached with Ms. Carlson.

As required with a disputed case, an Administrative Law Judge (ALJ) held a prehearing on November 27, 2017. On April 23, 2018, the Committee moved for summary disposition. A motion hearing was held on May 15, 2018. On June 13, 2018, the ALJ published an order granting the motion for summary disposition.

On September 13, 2018, Ms. Carlson and the Committee made their arguments before the Board and the Board reviewed the case filings.

Enforcement Action: On September 13, 2018, the Board adopted the ALI's Findings of Fact and Conclusions of Law and issued an Order Granting Summary Disposition. Ms. Carlson was ordered to pay a \$10,000 civil penalty and to reimburse the Board for all the costs charged by the Office of Administrative Hearings regarding this case.

As provided for under Minn. Stat § 16D.17, Ms. Carlson requested a hearing before the Board on the penalties, which was held on October 9, 2018.

Order Issued: On October 9, 2018, the Board issued a Final Civil Penalty Order, affirming the civil penalty and other fee stipulations in the September 13, 2018, order.

- -

In the Matter of Patrick Corrigan, Unlicensed

Facts: Mr. Corrigan is not currently and never has been licensed by the Board as a Professional Soil Scientist in the State of Minnesota. He held himself out and practiced as a Professional Soil Scientist in Minnesota within the

continued on page 10

Newly licensed / certified

The members and staff of the Minnesota Board of AELSLAGID welcomed the following as new licensed or certified professionals between August 1, 2017, and January 31, 2019.* Our congratulations and best wishes. NOTE: This list has been revised for the newsletter's web edition to correct errors and omissions in the print edition.

Architect

Tara Anderson Aaron Ausing Dusty Austin Daniel Aversa Cole Baessler Mark Beattie Benjamin Beery Chloe Bendistis Nickisha Benjamin Andrew Blaisdell Sarah Bloom Bennett Bossert **Christopher Brenny** Isaac Bros Holly Burley Mandel Cameron Matthew Carlson Christopher Carrigan **Constance Chen** Kar-Keat Chong Chris Christofferson Matthew Colianni Andrew Dahlquist Jason Dannenbring Robert Dillon Natalya Egon Anthon Ellis Molly Ellis Melissa Emerson Angela Enroth Zachary Finstrom Megan Freeman **Timothy Fuller** Marissa Geiser Bridget Geissler Heather Goodall Erin Grammas Michael Gray Elizabeth Gutzman Blake Hagen Sangyong Hahn Anne Hake Elizabeth Halstenson Kelly Hanneman Michael Hara Joel Hauck Brita Hauser Michael Healy Amanda Henderson Daniel Hillukka Jessica Horstkotte Jonathan Huffmaster Jessica Johnson Danica Kane Jason Kann Sarah Kern Lindsey Kieffaber Caralyn Kieper Steven Knutson Oleg Kozlovskii Kristine Krueger Katherine Kuisle Kathryn Kuisle Heather Kvanbeck **Christopher Laabs** Eric Lagergren Katharine Leaf Peter Leahy Sara Lee

Melissa Lefebvre Rvan Linne David Majchrzak Alison Markowitz Chan Ashley Martel Edward Matney Jennifer McGinnity Abby Meuser-Herr Jason Miskowiec Joseph Mollen

Natalie Wiersma Sarah Wolbert Theodore Wright Professional Engineer Joseph Abramson Anthony Adams

Zachary Blair Adam Blakesley Matthew Blazer Krista Blessing Alexander Boechler Daniel Bogart Travis Boie Nicholas Boldt Redwan Adem Kristopher Venkata Sree Harsha Borchardt Chan Aisola

Jonna Bjelland

Jacob Clark Chad Clemens Jason Clemens Joshua Colas Logan Cook Timothy Cooke Sierra Cowing Braden Cyr **Benjamin Daniels Thomas Danielson** Maxwell Danku

Bradley Fisher Sarah Fitch Erik Fladhammer Jonathon Fleck Alexander Fortman Patrick Fournier Connor Frazier Alexander Fredendall Nicholas Friebel **Richard Fritz**

Gregory Happ Nathan Harwell **Robert Hass** Brigitte Hay Adam Hayow David Hedberg Matthew Heimann **Rachel Heinzen** Michael Heina Samuel Helgeson Stephanie Hellquist



Mary Myers Michael Noonan Timothy Ogren Brett Olds Jennifer Olson Tanner Patrick Jeffrey Pauling Matthew Peick Goran Pujic Jonathan Rozenbergs

Thea Rozenbergs Kyle Sack **Kristen Salkas** Mark Santrach **Gregory Schoer** Thomas Shortall Rvan Siggerud Louis Sirota Meggen Skilling John Steingraeber Scott Steinkamp Jeremy Stock Michael Stueven Jeffrey Swiontkowski Aron Thomas Kyle Thrapp Daniel Torgerson Lukas Van Sistine Denisse Velez Rivera Jonathan Vliet Cecil Webb Brandon Weis Justin Wendt Fiona Wholey

Scott Albares Brian Alexander Ethan Ambroziak Brian Anderson Frvk Anderson Jason Anderson Jay Anderson Krista Anderson Kristofer Anderson Michael Anderson Ryan Anderson Nathan Andrican Kari Andrist Zachary Anunson Michael Arseneau Michael Asmussen Alexander Azpitarte Benjamin Bahr Benjamin Bakk Jeremy Baltes Benjamin Bangasser Patrick Barnhouse Joseph Barthel Jason Bartl Andrew Bartlett Zachary Battaglia Timothy Beaucage Gina Beers Elliot Bell Reid Beniamin Chelsea Bennett Blair Bestor Joseph Betland Kenny Bissoon Daniel Bittinat

Thomas Borowicz Carl Botka Ted Bottleberghe Andrew Boyle Cody Brand Allan Brandt Samuel Brockshus Edwin Brodmarkle Anya Brose Abbie Browen Joseph Brown Ryan Brozek Brent Brubaker Taylor Bruhschwein Jason Burns Elizabeth Burton **Charles Butterworth** Mark Byers **Benjamin Calendine** Aaron Cameron Sivuan Cao Christina Caouette Brett Carlson Cole Carlson John Carlson Daniel Caron Jared Case George Cherucheril Matt Chmielewski Dick Yu Peng Chng John Chock Daniel Chouinard Nathan Christensen Sara Christenson John Christiansen

Wesley Davis Brandon Day Andrew Dehn James DeLara Eric Denton William DeRosa Marie DesHarnais Joseph Deters Caitlyn Deutsch Joseph Diederichs Andrew Dornbush Briana Drake Bradon Drever Cory Duerr Jacob Duppong Norman Dupre, IV Rachael Durham **Riley Dvorak** Louis Egwim Nicholas Ekren Daniel Elemes Kathryn Ellis Andrew Engel **Richard Engel** Emily Erdahl Nicholas Esler Thomas Evans John Fahrendorf David Fayol Rehan Fazal Astrit Fetahi Keith Filarsky Jonah Finkelstein Kevin Fischer Adam Fisher

Christian Froemke Kristine Frydenlund Meghan Funke Karl Gaebler John Gallagher Theresa Gant-Gaines Benton Garske **Timothy Gearns** Shane Geraghty Michael Gerber Benjamin Goemann Alex Goerke Andrew Goiffon Kyle Gow Sean Grand Matthew Greenslit Rachel Gregg Nicholas Grewe Jarod Griffith Jason Grimm Lafe Grimm Ryan Grover Mackenze Grunig Michael Grunst Marcus Gunderson Jacob Guzik Christopher Haak Cameron Hagen Amanuel Haile Kaylyn Haley Kristin Halicki Logan Handyside Bryan Hansen Ian Hanson Zachary Hanson

Greg Helminen Rose Henkel Daniel Herzog Matthew Hildreth Marshall Hilgemann Jeremiah Hill Jon Hilsendager **Carrie Hinners** Ryan Hoefs Chad Hoel Cristina Holzer Chad Homuth Daniel Hormann Daniel Horsch Andrew Hulstein Jacob Humburg Scott Huneke Devon Hunt Jacob Huwe Alexandr Ignatenco Katherine Imholte Kyle Imholte Raihan Irani Toshiya Isomura Ari Jaakola Daniel Jaeger Luke James Brittany Jaramillo Darren Jensen Melynda Jensen Travis Jensen Adam Jessen Jordan Jessen Stephen Joersz

Bradley Johnson

Eric Johnson James Johnson Michael Johnson Tyler Johnson **Bryn Johnston** Chad Jorgenson Benjamin Juhnke Michael Juliff Shane Jurek Bryan Kaemingk **Richard Kakach** Wesley Karras Jeremy Kauffman James Keenan Aaron Kellas Serena Keller **Richie Kennedv** Ethan Ketelsen Elliot Keves Amanda Kieffer Taehyoung Kim Daniel Kinney Benjamin Klaus Thomas Klevan John Klingel Michael Koepp Mark Koivisto Philip Koktan Michael Kondziolka Samuel Konieczny Kelly Kostecki Daniel Kraft Tyler Krage Taylor Krolak Michael Kronzer Erin Krug Mary Krull Brett Kubly Joshua Kuennen Gregory Kufahl Scott Kuhlman Kyle Kuhn Danielle Kukowski Samuel Kulberg Kevin Lachowitzer Devin Laine David Langmo Levi Langseth Casey Larsen Elizabeth Larsen Lance Larsen Jordan Larson Christian Lawien Ann Lawson James Lawson Thomas Lawton Dustin Leduc Molly Lefebyre Colin Leonard Michael Leonard Allison Lindbeck Zachary Lingl Adam Literski Tiffany Lui Matthew Madson Robert Malecha Joseph Malyuk Brian Mathys Kshitij Maurya Kelly McCann

Newsletter of the MINNESOTA BOARD OF AELSLAGID

Mark McCord Simon McCormack Kellen McCoshen Patrick McGregor Peter Meinz Jacob Melbostad Jeremy Melauist Hyder Memon **Brandon Mensing** James Mersereau Cody Meschke Denis Mikulic Andrew Morgan Gage Morgan Dustin Moriarty Noah Morrison Adam Mueller Kenneth Mueller Frank Muhvich, Jr Sean Murphy Eric Musil Sean Myhre Alexandra Nadeau Jonathon Nagel Josephine Namatovu Eric Nauman Rvan Navis Nathaniel Nazareno Eric Nelson Paul Nelson Steven Nelson Michael Nelson-Ostrowski Patrick Notch Danielle Nygren Paul Nyombi Terri Odegaard Tanner Oldenburger Joshua Olson Kory Olson

Nathan Olson

Ahmed Omer

Michael Opansky

Jordan Ornguist

Nathan Overby Evan Owens Samuel Paitich Joshua Palmateer Ilir Paloja Miao Pan Amy Patterson Randy Paul **Brittany Pentek** Benjamin Perkey Matthew Perpich **Gustave Perron Bradley Peters** Abram Peterson Melissa Phillips Lauren Piepho Rvan Pierce Bryan Pitterle Kirsten Plath Mark Plemel Anthony Pohl Dmitrii Pokhil Nathan Poole Sara Post Logan Quiggle Blair Raisanen Mario Ratnarai Alex Raymond Thomas Rehwaldt Tyler Reisetter Alexander Repucci Joseph Rezac Luke Reznecheck Veronica Richfield Brandon Rieckman Adam Roberts Mitchell Robinson Justin Robinson-Hudson Andrew Rockweiler Jacob Roier Robb Roy Mark Ruda

Seetharama Rudraraiu Charles Ruemping, II Patrick Rumpza Brady Rutman Eric Ryan Juan Salguero Mendizabal Morgan Salo Andrew Samberg Javier Sanchez Unda Luke Sandstrom Cecilio Santana Cornejo William Sawyer Wesley Schlichting Paul Schmidgall Matthew Schmitt Zachary Schmitz Joseph Schramm Matthew Schulz **Benjamin Schwaller** Jeremy Schwarze Sarah Schweiger **Kevin Scott** Justin Sebens Max Seitz Nicholas Semeja Joseph Senkvr Elsayed Shamekh Michael Shannon Michael Sheehan Jeffrey Sieberg **Timothy Simmons** Mandeep Singh Justin Sirjord Christina Skalko Megan Smaby Cory Smith Kevin Smith Matthew Smith Samuel Smith Tyler Smith Kyle Snyder

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Nelson Vang Beny Vazquez Zapata Raul Velasquez Brian Villa Andrea Walkush Kelsey Waltz Kali Wang **Keary Wass** Brady Wateland Zachary Webber Ian Weber Gian-Marco Weidmer Joseph Weiss Edward Welch Charles Welsh Matthew Wessale Carter Wetmore Brett Weybright Christopher Whelan Nicole Wilson Lauren Wimler Ramya Winstead Brendan Wolohan Grant Wolter Eric Yang Ye Yao Jaime Yeh Tyler Yngsdal Deborah Yoon Vit Zaiss John Zawadsky Yang Zhang Hai Zhong Kyle Zibrowski William Zidon Zachary Ziemke Adam Zwak Land Surveyor Christopher Babcock

Devin Ball

Jared Festler

Tyler Dahlheimer

Christopher Foley **Brock Friermood** Keith Jakober **Kyle Johnson Kyle Sprague** Landscape Architect Jonathan Blaseg **Rachel Burand** Mitchell Cookas John Dempsey

Mark Flicker Michael Goergen Stephen Himmerich Elizabeth Hixson Waniing Ji Michael Keenan Alexandria Krzmarzick Tiffani Navratil Hannan Emily Neuenschwander Margaret Robinson Joseph Scheffler Derek Seifert Professional

Geologist

Michael Fischer, Jr

Darin Albrecht Vanessa Baratta Nicholas Evans Casy Fath Corrie Floyd **Thomas Hahne** Stephen Johnson Christopher Knox Marian Kramer Trevor Mevers Christina Morrison Daniel Rangitsch Colin Riddick

Jennifer Rose John Woodside

Professional Soil Scientist Wayne Cymbaluk

Matthew Summers **Certified Interior**

Designer Cole Baessler Jamey Berg Melany Biorkman Greg Bohl Tiffany Bourassa Holly Burley Jennifer Bussey Abigail Carlson Kar-Keat Chong Jessica Curtis **Fllen Dickson** Robert Dillon Ross Fherlein Samantha Epping Carol Erklouts Shawnna Figgins **Emily Flemming** Leanne Freed Michelle Gallagher Lauren Goodling Rebekka Graham **Bradley Haroldson** Ann Hintze Christopher Hogan Carrie Johnson Kelli Johnson Kelli Kemp Courtney Kleckner Angela Knodel Amy Kotchevar Lindsey Kroen Cindv Kruse Rebecca Kundysek Margaret Lafferty

Carissa Lepisto Pouliot Kelly Link Erin Maleska Kelly Martinez Veronica McCracken Mindy Michael Lynsey Mogck Kathryn Myhre Melissa Nice Carl Olson Debra Parrott Maria Rehlander Mary Shaffer Brooke Smalley Thorlief Stangebye Nathaniel Steuerwald Kelsev Sullivan Mandi Tauferner Stephanie Thompson Sarah Tracey Schwalbach Laura Waller Erin Young

* This list reflects only those receiving their first (initial) license or certificate. Every effort has been made to make this list correct per the dates specified; however it is not definitive. You can confirm license/ certificate status via the AELSLAGID website roster.

2018 continuing education audit results

Statute 326.107 requires license and certificate holders to complete continuing education (also called professional development hours or PDH).

When renewing, everyone must affirm that they have completed 24 PDH, which includes 2 ethics PDH. Up to a maximum 12 non-ethics PDH can be carried forward from the prior renewal period, but the 2 ethics PDH must be earned in the current period. Right now, the "current period" means no earlier than 7/1/2018 and no later than 6/30/2020 or the date you renew for 2020-2022, whichever comes first.

Statute 326.107 describes the criteria a program or activity must meet to be considered qualifying continuing education. It describes your recordkeeping responsibilities and the consequence of noncompliance with CE requirements.

This statute also grants the Board the authority to conduct audits to determine compliance. In 2018, the Board conducted an audit of nearly 200 individuals. While most (over 80%) satisfied audit review, that left a high percentage that required "cure" by the individual. Disciplinary actions taken by the Board against such individuals included requiring PDH to rectify deficiencies and assessing civil penalties. In instances when the licensee/certificate holder did not comply with Board instructions regarding cure, their license/certificate



was suspended. All disciplinary actions can be found on the Board website; the most recent actions are summaries in this newsletter.

While the Board generally performs a higher number of audits during the renewal season, the Board actually can and does perform audits at any time. Everyone is encouraged to review Statute 326.107, a link to which can be found on the Board's web page that discusses continuing education: http://mn.gov/ aelslagid/continuinged.html.

Adopted and Proposed Rules Update

A major responsibility of the Board is to write rules that ensure individuals licensed or certified by the Board are qualified by current standards to practice their professions. The rules also must allow the Board to fulfill its mission to protect the health, safety and welfare of the public.

The Board has a standing committee that regularly undertakes the task of reviewing Board rules. That committee has been active over the past several months, with one rule package adopted, effective August 13, 2018, and three other packages at various stages in the rulemaking process.

Rulemaking is a formal process, with many required steps and reviews by multiple parties before adoption and implementation. For more on that process, visit the Board's rulemaking page: <u>https://mn.gov/aelslagid/</u> <u>rulemaking.html</u>. If you would like the Board to add you to its rulemaking mailing list and receive updates as they become available, please e-mail Andrea Barker: andrea.barker@state.mn.us.

Rule Packages in Process

Rules Relating to Exam Registration (R-4547)

The proposed rule modifications would allow applicants for the Architect Registration Examination and the Fundamentals of Engineering examination to apply directly to their respective national councils to take the examination. Applicants would apply to the Board for licensure as an architect or certification as an Engineer-In-Training after passing the examination.

As of this newsletter's publication, this proposed rule package is in the final review steps prior to formal adoption.

Rules Governing Engineering Experience and Geoscience Education and Experience (R-04579)

The Board has published a Request for Comments in the December 24, 2018, State Register, one of the early steps in the rule adoption process. The rule amendments now out for comment would:

- allow individuals to take the Principles and Practice of Engineering examination before completion of the experience requirement if the applicant so chooses;
- define "one year" of experience for licensure as a professional engineer;
- clarify the requirements for waiver of the fundamentals of geology and fundamentals of soil science examination;
- clarify the number of credits that must be completed if an applicant would like

to take the fundamentals of geology or fundamentals of soil science examination before completing the education requirement;

- reduce the experience requirement for licensure as a professional geologist (PG) or professional soil scientist (PSS) from five years to four years;
- remove the requirement for a degree with a geology major for those seeking licensure as a PG and replace with the requirement to obtain 40 semester credits in geology subjects; and
- clarify the subject areas for coursework required to meet the education requirement for licensure as a PSS.

Rules of Professional Conduct (R-04449)

The Board will publish in the April 1, 2019, State Register a Dual Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received. All licensees and certificate holders are being sent a postcard notice.

The Board is considering rule amendments to update and clarify Chapter 1805 (known as the Rules of Professional Conduct) and add certificate holders to those required to abide by the rules.

Go to the Board's rulemaking page (https://mn.gov/aelslagid/ rulemaking.html) to read the proposed rule in its entirety, see the Dual Notice, and learn how to comment.

Rule Package Adopted on August 13, 2018

The rule changes that became effective in August make clarifications and improvements throughout MN Rules Chapter 1800.

The most significant impacts are to education and experience requirements, requirements and responsibilities regarding certification and signature on plans, and the addition of rule sections describing reinstatement, comity/reciprocal licensure, and temporary permits.

This article highlights some of those changes; however, remember that it is your responsibility as a licensee or certificate holder to understand and comply with all rules and statutes governing your license/ certificate. These are publicly accessible in their official version on the website of the Office of the Revisor, available via this shortened URL: <u>http://bit.ly/MNRules1800</u>.

EXAMINEE CONDUCT

Those sitting for an exam will now face consequences for not complying



with published examination policies and procedures or proctor instruction. Examinees

all have access in advance to these policies, which exist to protect the integrity of the examinations.

See MN Rule 1800.0130 (http://bit.ly/ AELSLAGID-examconduct).

EDUCATION AND EXPERIENCE

All the professions except certified interior design had updates to their education and experience requirements for licensure.



These updates ranged from clarifying required coursework to having foreign education evaluated by a third-party service to the calculation of experience hours gained prior to graduation. Many changes merely clarify language or reflect current exam administration; but examinees and applicants may consider some significant. The Board encourages such interested parties to review the current rules for any changes that might effect them.

REINSTATEMENT AND COMITY APPLICATIONS



The revised rules make no fundamental change to either procedure (applying by comity/reciprocity for a license or applying for reinstatement), however the "how to"s of those processes had been somewhat scattered

throughout rule. The revised rules gather those requirements and describe them in more detail. See:

- Comity: MN Rule 1800.0850 (<u>http://bit.ly/AELSLAGID-comity</u>)
- Reinstatement: MN Rule 1800.0400 Subp. 4 and 5 (<u>http://bit.ly/AELSLAGID-reinstate</u>)

CERTIFICATION AND SIGNATURE ON PLANS

Some key changes to this section of rule include: • "Drawings" and "other docu-

ments that require a signature"



- are added to those items that must be certified and signed (matches MN Statutes 326.12 subd. 3). The nature of some of those documents is further defined.
- Certifications and signatures may now be electronic, facsimile or digital (as well as physical).

Read the entire section to be sure you understand these revised requirements. See MN Rules 1800.4200 (<u>http://bit.ly/AELSLAGID-signplans</u>).

TEMPORARY PERMIT

60 0 0 0 0 DAYS

Why? Urgent need for approval to practice in order to accept/undertake a particular

project in Minnesota. However, does not allow one to undertake any additional projects/work.

How?

What?

non-renewable,

single-project permit.

60-day,

Complete and **send together** the temporary permit application, comity application, and **both fees**. The Board must be sent

all required supporting documentation before the applications will be reviewed.





Who? Five professions are eligible:

Permit applicants must be a) licensed



or certified in a jurisdiction recognized by the Board and b) qualified for licensure by comity/ EEE.



NCARB Council Record reflecting Minnesota licensure requirements and no disciplinary action? Does your NCEES Council Record list you as an MLE (Model Law Engineer)? Such comity applicants are already expedited. You won't really see a benefit should you apply for a temporary permit.

NO SOLICITING WITHOUT PRIOR NOTIFICATION

Did you know that those licensed in another jurisdiction but not in Minnesota may not solicit work in Minnesota without first notifying the Board in writing? They are further required to deliver a copy of that notice to every potential client for whom they are seeking to provide services, and they must apply for licensure/ certification within ten days if selected as the design professional for a project in this state.

Requesting a temporary permit neither negates nor replaces this notice to the Board.

See MN Statute 326.13, clause (2) for details (<u>http://bit.ly/MN326-13</u>).



Enforcement Actions

continued from page 10

meaning of Minn. Stat. § 326.02, subd. 3(a) by preparing and signing four preliminary plat drawings for four housing developments.

Enforcement Actions: On December 6, 2018, the Board issued a Stipulation and Consent and Cease and Desist Order. Mr. Corrigan was ordered to cease and desist holding out and practicing as a Professional Soil Scientist in Minnesota until he becomes licensed as such in Minnesota. Mr. Corrigan was further ordered to pay a \$4,000 civil penalty.

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In the matter of Joan Floura, Landscape Architect, License #53055

Facts: Ms. Floura was first licensed in 2015. On April 25, 2018, she renewed her license. As a licensee, she is required to obtain a minimum number of professional development hours (PDH) as a condition of license renewal.

On May 8, 2018, the Board notified Ms. Floura that she had been selected as part of the Board's continuing education audit of PDH. She submitted her response to the audit on May 29, 2018. On May 31, 2018, the Board notified Ms. Floura that the documentation she provided did not indicate she had earned the required two ethics PDH between July 1, 2016, and June 30, 2018, as she had affirmed on her renewal. The Board requested she respond by June 22, 2018, with this missing documentation. On July 6, 2018, Ms. Floura acknowledged she could not substantiate the hours, but provided documentation that on July 3, 2018, she did complete four ethics PDH.

Enforcement Action: On December 6, 2018, the Board issued a Stipulation and Order. Ms. Floura was reprimanded for the foregoing conduct and ordered to pay a \$500 civil penalty.

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In the matter of Jeremy Woitaszewski, Architect License #1943

Facts: Mr. Woitaszewski was first licensed in 2014. The Board received a complaint that Mr. Woitaszewski engaged in deceptive or dishonest acts by not properly crediting the work of his former employer and fellow coworkers and not properly crediting images used on his professional website. These actions are a violation of Minn. Stat. § 326.111 subd. 4(1)-(2) and Minn. Rules 1805.0200 subp. 4c. Enforcement Action: On December 6, 2018, the Board issued a Stipulation and Order. Mr. Woitaszewski was reprimanded for the foregoing conduct and ordered to pay a \$1,000 civil penalty. Further, he is required to complete two additional PDH related to professional ethics.

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In the matter of Roger Blair, PE, License #54027

Facts: Mr. Blair was first licensed in 2016. On November 16, 2017, he was disciplined by the Texas Board of Professional Engineers for, among other violations, signing and sealing seven engineering design sheets for designs over which he did not have responsible charge. A third party subsequently reviewed the project and issued, signed, and sealed a Certificate of Merit attesting that Mr. Blair's engineering design for the project was materially deficient. Based on the significance and extent of the deficiencies, The California Board determined that Mr. Blair neglected to practice engineering in an honest, ethical, professional, and diligent manner and thus jeopardized the welfare of the public.

Mr. Blair acknowledged that he failed to notify the Minnesota Board of this disciplinary action within the time period specified in Minn. Rules 1800.0120 Subpart 1(D). Mr. Blair's Texas PE license is currently on probation.

Enforcement Action: On February 1, 2019, the Board issued a Stipulation and Order. Mr. Blair was reprimanded for the foregoing conduct and his license suspended until he provides proof he has satisfied all conditions place on his Texas PE license by the Texas Board, or 180 days after the execution of this order, whichever is later. He must also undergo audit of his continuing education for the renewal period July 1, 2018, to June 30, 2020. Further, he was ordered to pay a \$500 civil penalty.

In the matter of Vincent Duet, Architect, License #52815

Facts: Mr. Duet was first licensed in 2015. On May 2, 2018, he renewed his license. As a licensee, he is required to obtain a minimum number of professional development hours (PDH) as a condition of license renewal.

On May 8 2018, the Board notified Mr. Duet that he had been selected as part of the Board's continuing education audit of PDH.

He submitted his response to the audit on June 4, 2018. On June 28, 2018, the Board notified Mr. Duet that the documentation he provided did not indicate he had earned the required two ethics PDH. On July 20, 2018, Mr. Duet acknowledged he could not substantiate the hours, but provided documentation that on July 19, 2018, he did complete two ethics PDH.

Enforcement Action: On February 1, 2019, the Board issued a Stipulation and Order. Mr. Duet was reprimanded for the foregoing conduct and ordered to pay a \$1,000 civil penalty. Further, he is required to complete two additional PDH related to professional ethics.

In the matter of Dilip Khatri, PE, License #46449

Facts: Mr. Khatri was first licensed in Minnesota in 2008. On January 6, 2017, he was disciplined by the California Board regulating professional engineers for negligence, misrepresentation, and other acts in that state.

The Minnesota Board received notice of the disciplinary action from the California Board on August 23, 2018. The Board also learned that Mr. Khatri was disciplined in Idaho, Kentucky, North Carolina, Missouri, Colorado, and Hawaii, where he also holds licenses, for failing to report to those states, as required by their rules/statutes, the disciplinary action in California.

Mr. Khatri acknowledged that he failed to notify the Minnesota Board of these disciplinary actions within the time period specified in Minnesota Rule 1800.0120 Subpart 1(D). Mr. Khatri has fulfilled the requirements of the California disciplinary order and his license there has been fully restored.

Enforcement Action: On February 1, 2019, the Board issued a Stipulation and Order. Mr. Khatri was reprimanded for the foregoing conduct and ordered to pay a \$500 civil penalty.

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Updates from the National Councils

Architecture

Of interest to those seeing reciprocal licensure: NCARB has reduced the transmittal fee from \$400 to \$385.

NCARB released their 2018 Annual *Report* and *NCARB By the Numbers*. They note that over 6,700 licensure candidates completed the AXP in 2017, the second highest number on record. The number of licensed architects also rose in 2017. Diversity among candidates is improving with 45% of new AXP candidates identifying as minority and one of every three new architects being female. Comparing Minnesota candidate performance to the national average, Minnesota was in the top 5 for exam pass rate. The time Minnesota candidates take to complete the ARE was slightly ahead of the national average, but the time to complete the AXP was slightly below average.

ARE 4.0 retired June 30, 2018. ARE 5.0 is now being administered. An updated (October 2018) *ARE 5.0 Handbook* is available on the Board's website: <u>https://mn.gov/aelslagid/news/</u> <u>ARE5-Handbook.pdf</u>.

Engineering

NCEES has new exam specification for PE Control Systems, starting October 2019. The specifications can be downloaded from the Board's "Professional Engineering" webpage.

Computer-based (CBT) PE exam transition:

- Nuclear and Petroleum are now single-date October CBT exams.
- October 2019 is the last paperbased exam before Fire Protection becomes a single-date October CBT exam in 2020.
- Industrial and Systems will not be offered again until October 2020 and then as a single-date CBT exam.
- Chemical and Environmental are now year-round CBT exams.
- In April 2020, the Mechanical exams will become year-round CBT.

Land Surveying

NCEES published new Principles and Practice of Surveying (PS) exam specification that became effective as of January 2019. They can be downloaded from the Board's "Land Surveying" webpage: https://mn.gov/aelslagid/ landsurveying.html.

Geoscience

At the ASBOG Annual Meeting in October, significant progress was reported on developing a national database for disciplinary action, a motion Minnesota presented at the 2017 Annual Meeting. The Council of Examiners Annual Workshop was held directly following the meeting. Among the tasks accomplished as part of the work necessary to maintain a viable and defensible national exam program was the finalization of the spring 2019 FG and PG exams.

Certified Interior Design

Former AELSLAGID board member Caren Martin is currently serving on the board of CIDQ and is President Elect for 2019.

NCIDQ exam candidates can now receive preliminary test results immediately for the FX and PX portions of the exam, with final scores arriving in 6-8 weeks.

CIDQ issued its 2018 Annual Report, available at this shortened URL: http://bit.ly/2018CIDQ.



Hilbert NCARB Region 4 Vice Chair

Board member Wayne Hilbert, Architect, was elected Vice Chair, Region 4, for the National Council of Architectural Registration Boards (NCARB), of which the Minnesota State Board

is a member. Mr. Hilbert's year-long term began July 1, 2018. As Vice Chair, he will preside in the absence of the Chair and will also serve on the executive committee of the region and help establish regional policy. Previously, Hilbert served as Region 4 Treasurer.

Serving as Vice Chair is seen as a first step in advancing to higher local and eventually national leadership roles. Region 4 has been instrumental in molding national leadership.



Gunderson Elected CLARB Secretary

Robert Gunderson, LA, current Minnesota Board Secretary, was elected to a two-year term (2018–2020) as Secretary of the Board of Directors for the Council of Landscape Archi-

tectural Registration Boards (CLARB). The Minnesota Board is a member of CLARB.

Gunderson has previously served CLARB on its Nominations Committee (2015-2017) and as an invited speaker at the 2013 and 2016 CLARB Annual Meetings. He has previously served the Minnesota Board as Vice Chair.

MINNESOTA

BOARD OF ARCHITECTURE = ENGINEERING LAND SURVEYING = LANDSCAPE ARCHITECTURE GEOSCIENCE = INTERIOR DESIGN

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RETURN SERVICE REQUESTED

Chair letter

continued from page 1

Credentials

The Board continues to monitor for continuing education fulfillment by randomly auditing renewal applicants. In 2018, about two percent of those renewing were audited. Licensees and certificate holders with disciplinary action since the prior renewal period and Board members were also included in the audit. You can read more about the audit on page 7.

Statutes and Rules Changes

During 2018 the Board implemented a new rules package relating to education and experience and streamlining the reinstatement process. You can find details on pages 8-9.

The Board is currently working on preparing a statute change proposal for 2020 regarding the minimum age of an applicant for licensure or certification (currently, 25) and a two-year period following license expiration during which the Board may take enforcement action for statute or rules violations.

Technology

The Board is making strides to keep up with the latest technologies for online interfacing and safeguarding of personal data files. The Board already has online renewals. We have now begun developing online initial license applications. Stay tuned for more on that.

If you have yet to visit the Board's updated, easy-to-navigate website (mn.gov/aelslagid), I invite you to familiarize yourself with it. While there, I recommend you sign up to receive email communications from the Board (approximately one email per month). The website and the email service are very good ways to keep up with key Board news.

Calendar of Meetings April - September

APRIL

12 Complaint Committee* - 8:00 am

16 Committees/Sections/Board - 8:00 am TBD Complaint Committee*

JUNE

28 Committees/Sections/Board - 8:00 am TBD Complaint Committee*

JULY TBD Complaint Committee*

AUGUST

6 Committees/Sections/Board - 8:00 am
SEPTEMBER

SEPTEMBER

24 Committees/Sections/Board - 8:00 am TBD Complaint Committee*

Please consult the Board website for any changes to meeting dates or times.

* Board meetings are open to the public, with the exception of Disciplinary/Complaint meetings or discussions as prescribed by Minnesota Statutes 13D.01 and Chapter 14.