



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

Kristine A. Kubes
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275 Market Street, Suite 566
Minneapolis, MN 55405



April 20, 2021
CONFIDENTIAL

**RE: Charles L. Marohn Jr., Professional Engineer No. 40142
File No. 2020-0043**

Dear Ms. Kubes:

Thank you and Mr. Marohn for the counteroffer received by the Board on March 23, 2021. The Complaint Committee carefully reviewed your correspondence and proposed revisions to the proposed Stipulation and Order.

The Committee believes the previously revised proposed Stipulation and Order, sent to you after the conference, represents a fair and reasonable resolution of this matter. Accordingly, the Committee has declined to close the file or incorporate your requested changes into the proposed Stipulation and Order.

Enclosed you will find a copy of the previously proposed Stipulation and Order. Please advise your client that this enclosure is the final settlement offer of the Complaint Committee.

If the proposed Stipulation and Order is acceptable to your client, please return the entire original document bearing his signature, to the Board on or before **May 11, 2021**. The Committee will recommend that the Board accept and issue the Stipulation and Order at its first available Board meeting. When this matter comes before the Board, it does have the option of rejecting the Stipulation and Order; however, doing so would be rather unusual. If the Board accepts the Stipulation and Order, the Board Chair will sign the document and we will send you a copy of the fully executed Stipulation and Order for your client's files.

Should your client choose that the proposed Stipulation and Order is still not agreeable, please let me know as soon as possible, and no later than May 11, 2021. The Committee has authorized this matter to proceed to a contested case proceeding with the Office of Administrative Hearings, should a resolution not be reached.

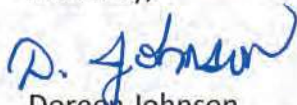
Charles Marohn, Jr.

April 20, 2021

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Thank you for your client's attention in this matter. If you have any questions, please contact me at 651-757-1517.

Sincerely,



Doreen Johnson
Executive Director

Enclosures: Tennessee Warning
Proposed Stipulation and Order

Minnesota Board of Architecture, Engineering, Land Surveying,
Landscape Architecture, Geoscience, and Interior Design

TENNESSEN WARNING

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design (the "Board") is seeking information from you that may be considered private or confidential under the Minnesota Government Data Practices Act. Minnesota Statutes section 13.04 (2) requires the Board to notify you of the following matters before you are asked to supply any private or confidential information about yourself.

1. This information is being collected as part of an investigation into your conduct, and the information you supply to the Board may be used to determine whether you have violated any statutes or rules enforced or administered by the Board.
2. If you hold a valid license or certificate issued by the Board, or are an applicant for a license or certificate, you are required to respond to Board communications, appear before the Board and to cooperate with the investigations of the Board according to Minnesota Rules 1800.0100 and 1800.0110. However, if you choose to not voluntarily cooperate, the Board may subpoena you to obtain the information it is seeking. You are advised that you are not required to incriminate yourself in any possible criminal investigation and you may exercise your constitutional right to refuse to supply any information on grounds that you might incriminate yourself.
3. If you supply the information requested and it shows a violation of any of the statutes or rules enforced by the Board, then you may be subject to legal action by the Board.
4. If you choose to not supply the Board with any requested information, whether or not that choice is based on your constitutional right to refuse to supply the Board with the requested information, then the Board has the right to base its decision whether to pursue action against you based on the other information which is available to the Board.
5. You are advised that the information that you supply will be accessible to staff of the Board and the Office of the Attorney General. It may be released to other persons and/or governmental entities who have statutory authority to review the information, investigate specific conduct and/or take appropriate legal action, including but not limited to law enforcement agencies, courts and other regulatory agencies. If the Board institutes a formal disciplinary action against you, then your name and the information you supply could become public.

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

**In the matter of
Charles L. Marohn, Jr.
Professional Engineer Number 40142**

**STIPULATION AND ORDER
Board File No. 2020-0043**

TO: Charles L. Marohn, Jr.
616 W 4th Street
Brainerd, MN 56401

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Stat. §§ 214.10 and 326.111 (2020) to review complaints against architects, professional engineers, land surveyors, landscape architects, geoscientists, and certified interior designers, and to take disciplinary action whenever appropriate.

The Board received information concerning Charles L. Marohn ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that these matters may now be resolved by this Stipulation and Order.

STIPULATION

It is hereby stipulated and agreed by Respondent and the Committee that without trial or adjudication of any issue of fact or law and without any evidence or admission by any party with respect to any such issue:

1. Jurisdiction. Respondent was first issued a Professional Engineer license by the Board on February 8, 2000. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.

2. Facts. This Stipulation is based upon the following facts:

- a. On June 30, 2018, Respondent's Minnesota Professional Engineer license in the State of Minnesota expired.
- b. On March 5, 2020, the Board received notice that the Respondent had been using the term Professional Engineer and the initials "P.E." or "PE" on his website, in publications, and in biographies for speaking engagements, during the June 30, 2018 to March 5, 2020 timeframe.
- c. On June 17, 2020, Respondent renewed his license.
- d. On his renewal forms, Respondent stated that he had not represented himself as a professional engineer without proper licensure, either verbally or on any printed matter in the State of Minnesota.

3. Violations. Respondent admits that the facts specified above constitute practicing professional engineering by holding himself out as a professional engineer without a valid license in violation of Minn. Stat. § 326.02, subds. 1, 3 (2020), constitutes making an untruthful statement on his license-renewal application in violation of Minn. R. 1805.0200, subps. 1(B) and 2 (2019), and constitutes engaging in conduct involving misrepresentation by claiming to be a licensed professional engineer while his license was expired and making a false statement on his license-renewal application, in violation of Minn. R. 1805.0200, subp. 4(C) (misrepresentation) (2019). Respondent agrees these violations are sufficient grounds for the action specified below.

4. Enforcement Action. Respondent and the Committee agree that the Board should issue an Order in accordance with the following terms:

- a. Reprimand. Respondent is reprimanded.

- b. Civil Penalty. Respondent shall pay to the Board a civil penalty of Five Hundred Dollars (\$500). Respondent shall submit a civil penalty of \$500 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.
- c. Respondent shall complete two (2) ethics hours in addition to the regularly required ethics requirement under Minn. Stat. § 326.107 subd. 1 (c). These hours shall not count towards the hours required for Respondent's license renewal.

5. Waiver of Respondent's Rights. For the purpose of this Stipulation, Respondent waives all procedures and proceedings before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the allegations against Respondent, to dispute the appropriateness of discipline in a contested-case proceeding pursuant to Minn. Stat. ch. 14 (2020), and to dispute the civil penalty imposed by this Agreement. Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order containing the enforcement action specified in paragraph 4 herein. Respondent waives the right to any judicial review of the Order by appeal, writ of certiorari, or otherwise.

6. Collection. Pursuant to Minn. Stat. § 16D.17 (2020), ninety days after the Board's approval of this Stipulation and Order, the Board may file and enforce any unpaid portion of the civil penalty imposed by this Order as a judgment against the Respondent in district court without further notice or additional proceedings. Pursuant to Minn. Stat. § 16D.13 (2020), ninety days after the Board's approval of this Stipulation and Order, interest will begin to accrue on the

penalty in accordance with that section.

7. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this Stipulation and Order or a lesser remedy than specified herein, this Stipulation and Order shall be null and void and shall not be used for any purpose by either party hereto. If this Stipulation is not approved and a contested-case proceeding is initiated pursuant to Minn. Stat. ch. 14 (2020), Respondent agrees not to object to the Board's initiation of the proceedings and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Stipulation and the record.

8. Unrelated Violations. This settlement shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested-case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before or after the date of this Stipulation and Order and which is not directly related to the specific facts and circumstances set forth herein.

9. Record. The Stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the Order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this Stipulation.

10. Data Classification. Upon issuance by the Board, this Stipulation and Order is classified as public data. Minn. Stat. §13.41, subd. 5 (2020). All other documents in the record shall maintain the data classification to which they are entitled under Minn. Stat. ch. 13 (2020). Documents shall not, become public merely because they are referenced herein. The Board will post a copy of this order on its website. The Board will also send a summary to the national

discipline data bank pertaining to the practice of professional engineering.

11. Entire Agreement. Respondent has read, understood, and agreed to this Stipulation and is freely and voluntarily signing it. The Stipulation contains the entire agreement between the parties hereto relating to the allegations referenced herein. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

12. Counsel. Respondent is aware that Respondent may choose to be represented by legal counsel in this matter. Respondent has either had the opportunity to consult with counsel or hereby knowingly waives legal representation.

13. Service. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed by the Chair of the Board.

RESPONDENT

Charles L. Marohn, Jr., PE

Dated: _____, 2021

SUBSCRIBED and sworn to before me on
this the ____ day of _____, 2021.

(Notary Public)

My Commission Expires:

COMPLAINT COMMITTEE

Keith Rapp, PG
Committee Chair

Dated: _____, 2021

ORDER

Upon consideration of the foregoing Stipulation and Order and based upon all the files, records, and proceedings herein, all terms of the Stipulation and Order are approved and adopted and the enforcement action therein is issued as an Order of this Board this the _____ day of _____, 2021.

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

By: _____

Board Chair