

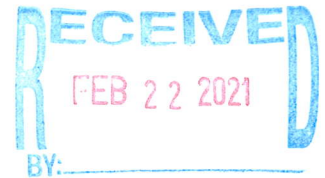


MINNESOTA BOARD OF
ARCHITECTURE ■ ENGINEERING ■ LAND SURVEYING
LANDSCAPE ARCHITECTURE ■ GEOSCIENCE ■ INTERIOR DESIGN

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

February 17, 2021
CONFIDENTIAL

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



Dear Ms. Kubes:

This letter is to notify your client, Charles Marohn, Jr., that the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design's Complaint Committee will hold a conference to discuss the above entitled matter at 11:00 a.m. on March 10, 2021, conducted via Webex (with video). Enclosed please find a copy of a Notice of Conference, which will fully explain the information that will be discussed.

Mr. Marohn's appearance before the Committee is designed to provide him with an opportunity to clarify possible misunderstandings. The conference is also intended to allow Mr. Marohn and the Committee to seek resolution and remedy of the alleged problem without the necessity of instituting a contested-case proceeding. Please note, the Committee may make an electronic record of the conference and anything Mr. Marohn says at the conference may be used as evidence against him by the Committee should the matter proceed to a contested-case proceeding. The Committee's attorney may also be present at the conference.

Please be reminded that under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13 (2020), information given to the Committee as part of an active investigation is classified as confidential. This information will be used by the Committee in evaluating the allegations made against Mr. Marohn. In accordance with the statutes, rules, and professional standards governing legal actions, information received at the conference may, in some circumstances, be disclosed to other persons or entities, including Board members and staff, the staff of the Attorney General, and persons whom they may contact. Should this matter proceed to a contested-case proceeding, information may be disclosed to the Office of Administrative Hearings, to any reviewing court, and could become public. **Accordingly, please ensure Mr. Marohn is advised of-the enclosed Tennessee Warning.**

You may send any documents that you believe will explain your client's position to the investigator Dillon Lang prior to the conference. Should you or your client require additional time to prepare for the conference, or desire to meet in person, please advise me immediately. The Complaint Committee is scheduled to meet on April 15, 2021, tentatively scheduled to be in-person. If Mr. Marohn chooses not to participate in the conference, and the parties are unable to resolve this matter, the Committee may initiate a contested-case hearing before an administrative law judge.

Please confirm your client's attendance at the conference scheduled for **March 10, 2021**, by calling Dillon Lang or myself at (651) 757-1517 no later than Wednesday, March 3, 2021. Upon confirmation, Dillon Lang will email the Webex link.

We appreciate your cooperation in this matter. If you have any questions, you may contact Dillon Lang at 651-757-1510, or the undersigned.

Sincerely,

A handwritten signature in black ink that reads "Doreen Johnson". The signature is written in a cursive, flowing style.

Doreen Johnson
Executive Director

Enclosures: Tennessee Warning
 Notice of Conference

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 Marohn, Jr.,
Professional Engineer No. 40142

NOTICE OF CONFERENCE
Board File 2020-0043

Respondent Charles Marohn, Jr. is hereby notified that pursuant to Minn. Stat. §§ 214.10, subd. 2, and 326.111 (2020), and Minn. R. 1800.0110 (2019), the Complaint Committee of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design will hold a conference with him to discuss the above-entitled matter at 11:00 a.m. on March 10, 2021, conducted via Webex.

ALLEGATIONS

1. On June 30, 2018, Respondent's Minnesota Professional Engineer license in the State of Minnesota expired.
2. 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.
3. On June 17, 2020, Respondent renewed his license.
4. On his renewal forms, Respondent stated he had not represented himself as a Professional Engineer without proper licensure, either verbally or on any printed matter in the State of Minnesota.

JURISDICTION

The Committee is authorized to review complaints against architects, professional engineers, land surveyors, landscape architects, geoscientists, and certified interior designers, and to take disciplinary action whenever appropriate. Minn. Stat. §§ 214.10 and 326.111 (2020).

Marohn holds Professional Engineer, license number 40142, and is therefore subject to the Committee's jurisdiction.

ISSUES

I. Whether Marohn violated Minn. Stat. § 326.02, subd. 1 and 3 (2020), by holding himself out as a Professional Engineer without a valid license.

II. Whether Marohn violated Minn. R. 1805.0200, subp. 1, 2, and 4 (2019), by reporting 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, on his license renewal.

DATA PRACTICES NOTICE

Under the Minnesota Government Data Practices Act, Minnesota Stat. ch. 13 (2020), information given to the Committee as part of an active investigation about an individual licensee is classified as confidential. This information will be used by the Committee in evaluating any complaints made against you. Information received at the conference covered by this notice and in your written response may, in some circumstances, be disclosed to other persons or entities, including Board members and staff, staff of the Attorney General's office, and persons whom they contact. Should this matter proceed to a contested-case hearing, information received at the conference may be introduced at the contested-case hearing, and the entire record concerning the disciplinary proceeding will become public data when there is a public hearing concerning the disciplinary action.

RESULTS OF CONFERENCE

The Committee has made no decision regarding the truth of the allegations. Any one or a combination of the following actions could be taken as a result of the conference:

1. The Committee could dismiss the matter if it determines that the allegations are not true or, if true, the allegations do not warrant or constitute grounds for discipline.
2. You and the Committee could enter into a stipulation permitting the full Board to issue a mutually agreed-upon order or remedy.
3. The Committee could determine that this matter will be satisfactorily resolved only by proceeding to a contested-case proceeding conducted pursuant to the Administrative Procedures Act, Minnesota Statutes Chapter 14 (2020), with the full Board issuing an order following the hearing.

ADDITIONAL NOTICE

You are further notified that you may choose to be, though need not be, represented by an attorney at this conference; that the Committee may record the conference; and that anything you say at the conference may be used by the Committee as evidence against you should the matter proceed to a contested-case proceeding. The Committee's counsel may be present at the conference. The conference is designed to permit the Committee to seek and clarify information, to provide you an opportunity to clarify possible misunderstandings, and to allow you and the Committee to resolve the matter without a contested-case proceeding.

RESPONSE REQUIRED

Please confirm your attendance at the conference by contacting Dillon Lang at 651-757-1510 or dillon.lang@state.mn.us within ten days after the day the Committee mailed this notice to you.

You must submit any request for rescheduling the conference to the Board office within ten days of the day the Committee mailed this notice. You must state the specific reason why


Respondent will be unable to attend the conference. The Committee will determine whether a request for rescheduling shall be granted or denied.

If you do not appear at the conference the Committee may initiate a contested-case hearing before an administrative law judge for purposes of taking disciplinary action against you. Disciplinary action may include, but is not limited to, revocation of your license.

If a reasonable accommodation for a disability is needed in order to participate in the conference, such an accommodation can be made available upon request. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. To arrange an accommodation, contact the Board at, 85 East Seventh Place, Suite 160, Saint Paul, Minnesota 55101, Voice at 651-296-2388 or TDD at 651-297-5353.

Dated: 2-17-21

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



Doreen Johnson
Executive Director

85 East Seventh Place, Suite 160
St. Paul, Minnesota 55101
651- 757-1517