



June 3, 2021

Charles Marohn
616 West 4th Street
Brainerd, MN 56401

Re: In the Matter of the Professional Engineer License of Charles Marohn
Board File No. 2020-0043
OAH File No. 60-1006-37594

Dear Mr. Marohn:

On behalf of the Complaint Committee of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design, I enclose and serve upon you a copy of the Notice and Order for Prehearing Conference in the above-entitled matter, along with my Notice of Appearance.

You are scheduled to appear for a prehearing conference by telephone on July 1, 2021, at 9:30 a.m., before Administrative Law Judge James LaFave. You must call 1-888-742-5095 and enter conference code: 454 161 2416# at the appointed time.

Please have your attorney direct all further communications on this matter to my attention.

Sincerely,

/s/Allen Cook Barr
ALLEN COOK BARR
Assistant Attorney General

(651) 757-1487 (Voice)
(651) 297-1235 (Fax)

allen.barr@ag.state.mn.us

*Attorney for the Complaint Committee of the
Minnesota Board of Architecture,
Engineering, Land Surveying, Landscape
Architecture, Geoscience and Interior Design*

Enclosures

cc: Doreen Johnson (via email) (w/encs.)
William Mohrman, Esq.

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE
ARCHITECTURE, GEOSCIENCE AND INTERIOR DESIGN

In the Matter of the Professional Engineer
License of Charles Marohn

**NOTICE AND ORDER FOR
PREHEARING CONFERENCE**

TO: Charles Marohn
616 W. 4th St.
Brainerd, MN 56401

William Mohrman, Esq.
Mohrman, Kaardal & Erickson, P.A.
150 S. 5th St., Ste. 3100
Minneapolis, MN 55402

Respondent Charles Marohn is hereby notified that the Complaint Committee of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design has initiated this action to determine whether Marohn committed the violations alleged below, subjecting him to disciplinary action and sanctions, including revocation, suspension, censure, or the imposition of civil penalties.¹

It is hereby ordered that a telephonic prehearing conference will be held at 9:30 A.M. on July 1, 2021, at which time the parties are directed to call 1-888-742-5095 and enter conference code 454 161 2416#.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Administrative Law Judge James LaFave. Judge LaFave's legal assistant, Michelle Severson, may be reached at michelle.severson@state.mn.us or 651-361-7874. All mail sent to the

¹ The Committee is aware that on May 18, Marohn sued the entire Board based on potential discipline. Complaint, *Marohn v. Minn. Bd. Arch., Eng'g, Land Surveying, Landscape Arch., Geoscience, & Interior Design*, No. 0:21-cv-01241 (D. Minn. May 18, 2021). This notice is not in response to that lawsuit. Rather, the Committee notified him on May 10 that this action would proceed if he did not respond to the Committee's most recent settlement proposal by May 18.

Administrative Law Judge assigned to this matter should be directed to P. O. Box 64620, St. Paul, MN 55164-0620.

The purpose of the prehearing conference includes establishing the hearing date and location, setting scheduling deadlines in advance of the hearing for conducting discovery and exchanging exhibit and witness lists, simplifying the issues to be determined, considering whether an interpreter or other accommodation is needed, and, if possible, reaching a settlement without the necessity for further hearing. Minn. R. 1400.6500 (2019).

The hearing, which may be scheduled at the prehearing conference, will be conducted under the contested-case procedures set out in Minn. Stat. ch. 14 (2020), Minn. R. ch. 1400 (2019), and Minn. Stat. §§ 214.10 and 326.111 (2020). Copies of these materials or are available at <https://www.revisor.mn.gov> or may be purchased from the Minnesota Book Store, telephone 651-297-3000.

The attorney handling this case for the Committee is Assistant Attorney General Allen Cook Barr, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2134, allen.barr@ag.state.mn.us or 651-757-1487. Mr. Barr may be contacted to discuss discovery or informal disposition of this matter.

ALLEGATIONS

1. The Board issued Marohn a professional engineer license in February 2000.
2. In June 2018, Marohn's license expired after he failed to renew it.
3. In June 2020, the Board renewed Marohn's license after he filed renewal applications for the 2018-2020 and 2020-2022 periods.
4. While his license was expired, Marohn continued to hold himself out as a licensed professional engineer online, in print, and at public-speaking events.

prior to the scheduled date. A copy of the request must be served on the other party. conference, the request must be made in writing to the Administrative Law Judge at least five days

2. If any party has good cause for requesting a delay of the hearing or any prehearing

suspension, censure, or the imposition of civil penalties.

be accepted as true, and that you may be subject to discipline by the Board, including revocation,

finding that you are in default, that the Committee's allegations contained in the Allegations may

hearing, or failure to comply with any order of the Administrative Law Judge, may result in a

1. Your failure to appear at the prehearing conference, settlement conference, or the

ADDITIONAL NOTICE

1805.0200, subp. 4(C) (2020) by engaging in conduct involving misrepresentation.

2 (2020) by making a false statement on an application for renewal, and violated Minn. R.

(2020) by failing to be truthful in all professional documents, violated Minn. R. 1805.0200, subp.

professional engineer without proper licensure, Marohn violated Minn. R. 1805.0200, subp. 1(B)

By falsely stating on his renewal applications that he had not represented himself as a

Count II

violated Minn. Stat. § 326.02, subs. 1 & 3 (2020).

By representing himself as a professional engineer while his license was expired, Marohn

Count I

VIOLATIONS

6. This order is in the public interest.

as a professional engineer without proper licensure in Minnesota.

5. In both renewal applications, Marohn affirmed that he had not represented himself

3. Any party intending to participate as a party in this proceeding must file a Notice of Appearance form and return it to the Administrative Law Judge within twenty days of the date of service of this notice and order. A copy must be served on the Committee's attorney. A Notice of Appearance form is enclosed.

4. All parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. The parties are entitled to the issuance of subpoenas to compel witnesses to attend the hearing. The parties will have the opportunity to be heard orally, to present evidence and cross-examine witnesses, and to submit evidence and argument. Ordinarily the hearing is digitally recorded. The parties may request that a court reporter record the testimony at their expense.

5. Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. Be advised that if data that is not public is admitted into the record, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2 (2020).

6. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000 (2019). A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at <https://mn.gov/ah/> or by calling 651-361-7900.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly. "No matter shall be ordered for mediation if the agency or any party is opposed." Minn. Rule 1400.5950, subp. 3C (2019).

8. The Office of Administrative Hearings conducts contested-case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court.
9. A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings is available at <https://mn.gov/eah/> or by calling 651-361-7900.
10. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the administrative law judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at P.O. Box 64620, St. Paul, Minnesota 55164-0620, or may call 651-361-7900 (voice) or 651-361-7878 (TTY).
11. Under Minn. Stat. § 326.111, subd. 6 (2020), Respondent may be subject to a civil penalty not to exceed \$10,000 per violation upon a final determination that Respondent violated any law, rule or order related to the duties and responsibilities entrusted to the Board. In addition, if the Board shows that the position of Respondent is not substantially justified, the Board may impose a fee to reimburse the Board for all or part of the cost of the proceedings resulting in disciplinary action authorized by Minn. Stat. § 326.111, the imposition of civil penalties, or the issuance of a cease-and-desist order, unless special circumstances make an award unjust, notwithstanding the provisions of Minn. R. 1400.8401. The costs include, but are not limited to, the amount paid by the Board for services from the Office of Administrative Hearings, attorney fees, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and expense incurred by Board members and staff.

Interior Design
Surveying, Landscape Architecture, Geoscience and
Minnesota Board of Architecture, Engineering, Land
EXECUTIVE DIRECTOR
DORFEN JOHNSON,

Dorfen Johnson

Dated: June 3, 2021

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Professional Engineer
License of Charles Marohn

[Insert matter title]

PLEASE TAKE NOTICE that:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.
2. By providing its email address below, the Party/Agency chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.¹
3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

Party's/Agency's Name: _____

Email: _____

Mailing Address: _____

Party's/Agency's Attorney: _____

Firm Name: _____

Email: _____

Mailing Address: _____

Respondent's/Opposing Party's Name: _____

Email: _____

Mailing Address: _____

Dated: _____

Signature of Party/Agency or Attorney

¹ In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. See 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2017). Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.



OFFICE OF
ADMINISTRATIVE
HEARINGS

Agency File 2020-0043

OAH Docket Number: 60-1006-37594

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF APPEARANCE

In the Matter of the
Professional Engineer License of Charles
Marohn

PLEASE TAKE NOTICE that:

1. The agency named below will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.
2. By providing his email address below, the agency's attorney acknowledges that he has read and agrees to the terms of the Office of Administrative Hearings' e-filing policy and chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.¹
3. The agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

Agency's Name: Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design
Telephone: 651-296-2388
Mailing Address: 85 E. 7th Place, Suite 160, St. Paul, MN 55101-2113

Agency's Attorney: Allen Cook Barr
Firm Name: Minnesota Attorney General's Office
Email: allen.barr@ag.state.mn.us
Telephone: 651-757-1487
Mailing Address: 445 Minnesota Street, Suite 1400, Saint Paul, MN 55101

Respondent's Name: Charles Marohn
Email: marohn@communitygrowth.com
Telephone: 218-330-6694
Mailing Address: 616 W. 4th St. Brainerd, MN 56401

Respondent's Name: William Mohrman
Firm Name: Mohrman, Kaardal & Erickson, P.A.
Email: mohrman@mklaw.com
Telephone: 612-341-1074
Mailing Address: 150 S. 5th Street, Suite 3100, Minneapolis, MN 55402

Dated: 2 June 2021

/s/ Allen Cook Barr
Signature of Party/Agency or Attorney

¹ In order to opt in to electronic notice, this form must be emailed to OAH.e-filing.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. See 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2019).
Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

AFFIDAVIT OF SERVICE BY FIRST CLASS MAIL

Re: *In the Matter of the Professional Engineer License of Charles Marohn*
Board File No. 2020-0043
OAH File No. 60-1006-37594

STATE OF MINNESOTA)
) ss.)
COUNTY OF RAMSEY)

BRENDA HANSON, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on June 3, 2021, she caused to be served the Notice and Order for Prehearing Conference and Notice of Appearance, by depositing in the first class mail at the City of St. Paul, State of Minnesota a true and correct copy thereof, properly enveloped with postage prepaid addressed to all persons at the addresses indicated below:

Charles Marohn
616 West 4th Street
Brainerd, MN 56401

s/Brenda Hanson
BRENDA HANSON

Subscribed and sworn to before me
this 3rd day of June, 2021.

s/Elizabeth A. Soderstrom
NOTARY PUBLIC
My Commission expires January 31, 2025.