

DATE: Tuesday, October 9, 2018

TIME: Breakfast & Registration: 7:00 AM
General Meeting: 7:30 - 8:00 AM
Presentation & Discussion: 8:00 – 9:15 AM

LOCATION: [Marriott Minneapolis West](#) 952-544-4400
9960 Wayzata Blvd.; St. Louis Park, MN 55426
Located north and west of I-394 and Hwy 169

Please RSVP to: David Oxley via email: doxley@acecmn.org or fax to ACEC/MN: 952-593-5552

FORMAT: Breakfast meeting – cost is **\$25 for members**, \$40 for non-members; \$15 for unemployed members and \$10 for Students & those in YMG.

MEETING AGENDA:

I. INTRODUCTIONS - Andrew Agosto

- Talked about Excel spreadsheet attached to the sign-in sheet showing firms that had paid or had not paid MNSEA dues.
- Next month's topic: LNA Connections.

II. TREASURER'S REPORT / AND ACEC UPDATE - Dave Oxley

- We have \$12,849.72 today.

III. COMMITTEE UPDATES

A. MNSEA Steering Committee – Andrew Agosto

- Some bylaws updates. A draft will be sent out about dues collection system tweaks.
- ACEC Fall welcome: gubernatorial candidates invited but can not show up. ASCE National Infrastructure Report cards coming up. Minnesota did it for the first time ever. Gift Certificates will be given away.
 - i MNSEER Committee – Douglas Fell
 - The committee has been meeting monthly. Will meet again at the end of the month.
 - Applied for NCSEA grant but did not get it but did get NCSEA SEER assistance to “train the trainers”.

- Trying to have a couple of trainers here so can easily schedule more training sessions.
- Look for website update after the next meeting
- Also look at National SEER website.
- Got some speaking engagements: ACEC MN business seminar in December.

ii MNSEA YMGM – Ricky Kirchner

- Parking ramp tour at Terminal 1.
- ICRI touring of 494/94 Interchange on shotcrete on November 17. Reach out to Ricky if interested.
- Save My Children at the end of the month.
- Site Visit talk.
- Family Feud with Doug Woolf.

iii MNSEA Annual Seminar and Trade Show – Greg McCool

- Topic: Structural Engineering - Past, Present and Future. Tracing the evolution of codes and/or practices.
- Anybody with thoughts can talk to Greg.

iv QA/QC Group – Ken Green

- Working on Special Inspection Guide

IV. LIAISON UPDATES:

A. NCSEA Delegate Update – Doug Woolf

- i Board meeting with NCSEA service director, Leo Baran, on Nov 9 from Noon to 3:00 PM.
 - People are welcome to the board meeting. Doug will send out invites this week. Please RSVP.
 - Will talk about things and ways that NCSEA can help MNSEA.
- ii Invoices for the additional NCSEA memberships
- iii Delegate vote for NCSEA Bylaws changes
 - Engineering summit coming up October 24 – 27.
 - As Part of that there will be delegate vote, looking to change the bylaws on how nomination and election process for Board members. One of the goals is to have a broader sampling of members across the country.
 - SE3 – Structural Engineering Equity and Engagement. Want to do a more local survey for member organizations for salaries, demographics.

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- NCSEA Code Advisory committee for wind is looking to come up with Provisions for Retrofit of Existing Buildings.

B. 2018 Structural Engineering Summit – October 24th - October 27th, 2018 – Chicago, IL

C. NCSEA Code Advisory Committee – Wind Engineering – Doug Woolf

V. OLD BUSINESS:

2018-2019 MNSEA Budget Discussion and Vote

Passed the new MNSEA budget.

VI. NEW BUSINESS:



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A Coalition of the
American Council of Engineering Companies of Minnesota

PRESENTATION:

ARCHITECTURAL AND ENGINEERING PROFESSIONAL ETHICS

Jeffrey W. Coleman, P.E., FACI
The Coleman Law Firm, LLC

Learning Objectives:

1. Understand Architects and Engineers rules of professional conduct under Minnesota Rule 1805.
2. Understand how to identify potential conflicts of interest and how to handle them.
3. Understand the rules regarding gifts and client entertainment.
4. Understand the educational recordkeeping requirements.
5. Understand the rulings of the Licensing Board Complaints Committee as they relate to ethical issues.

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety and welfare. Engineers are faced with different situations on a daily basis while practicing engineering. This presentation will provide moral and ethical guidance to engineers in their decision making process. Most importantly, it will provide engineers with insight on how to respect and protect their profession with utmost professionalism.

Attorney Jeffrey W. Coleman, P.E., FACI, focuses his practice on construction law, professional liability defense, concrete construction, and general business law, including insurance and coverage. A licensed structural engineer with more than 30 years of experience as a practicing attorney, Coleman provides clients with a single go-to resource for both legal and risk management issues. He has represented design professionals in all matters of their business, including defense of multi-million dollar design defect and negligent construction administration claims. Nationally known for his knowledge and experience in the area of concrete construction, Coleman is the author of "Legal Issues in Concrete Construction," and is the only attorney ever to be named a Fellow of the American Concrete Institute (FACI).



Coleman received a bachelor's degree in civil engineering and a master's degree in structural engineering from Iowa State University and is a cum laude graduate of the William Mitchell College of Law.

He served on the national board of directors of the American Concrete Institute from 2012-2015 and is currently ACI's Vice President, he has served five terms on the American Council of Civil Engineering Companies (ACEC) Minnesota, and was the 2013 President of the Minnesota Concrete Council.



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American Council of Engineering Companies of Minnesota

Thank You for Attending the MNSEA Meeting

Tuesday, October 9, 2018

Architectural and Engineering Professional Ethics
Presented By: Jeffrey W. Coleman, P.E., FACI
The Coleman Law Firm, LLC



To the best of our knowledge, this educational program meets the requirements of the Board of AELSLAGID for continuing education. MNSEA makes no warranty, directly or indirectly, that this program meets the standard established by the Board of AELSLAGID for continuing education.

Continuing Education – 1.0 Professional Development Hour

A handwritten signature in black ink, appearing to read "A. Agosto", is written over a horizontal line.

Andrew P. Agosto, President – MNSEA

MNSEA Meeting Receipt

Breakfast Meeting:

Student & YMG Cost	=	\$10.00	<input type="checkbox"/>
Member Cost	=	\$25.00	<input type="checkbox"/>
Non Member Cost	=	\$40.00	<input type="checkbox"/>
Unemployed Member Cost	=	\$15.00	<input type="checkbox"/>

CHAPTER 1805

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

RULES OF PROFESSIONAL CONDUCT

- 1805.0100 PROFESSIONAL CONDUCT.
- 1805.0200 PERSONAL CONDUCT.
- 1805.0300 CONFLICT OF INTEREST.
- 1805.0400 IMPROPER SOLICITATION OF EMPLOYMENT.
- 1805.0500 FALSE OR MALICIOUS STATEMENTS.
- 1805.0600 KNOWLEDGE OF IMPROPER CONDUCT BY OTHERS.
- 1805.0700 ACTION BY OTHER JURISDICTION.
- 1805.0800 EMPLOYMENT ON THE BASIS OF MERIT.
- 1805.0900 MISCONDUCT.
- 1805.1500 REGISTRATION.
- 1805.1600 RESPONSIBLE CHARGE AND DIRECT SUPERVISION.

1805.0100 PROFESSIONAL CONDUCT.

Subpart 1. **Purpose.** This rule of professional conduct is adopted for the purpose of implementing the laws and rules governing the practice of architecture, engineering, land surveying, landscape architecture, and geoscience including Minnesota Statutes, section 326.11.

Subp. 2. **Scope.** This rule is applicable to and binding upon each person, corporation, or partnership subject to the regulatory jurisdiction of the board and each person subject to the control of the licensee.

Subp. 3. **Imputed knowledge of professional responsibility.** Each licensee who holds a certificate of licensure issued by the board is charged with knowledge of this rule. In the exercise of the privileges and rights granted by the certificate of licensure, the licensee shall conform professional conduct to the public and to the board in accordance with the provisions of this rule, and shall, as a condition of licensure, subscribe to and agree to conduct the practice in accordance with the provisions of this rule.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279; 22 SR 90*

Posted: *May 14, 2004*

1805.0200 PERSONAL CONDUCT.

Subpart 1. **Public confidence and personal integrity.** A licensee shall avoid any act which may diminish public confidence in the profession and shall, at all times, conduct himself or herself, in all relations with clients and the public, so as to maintain its reputation for professional integrity.

Subp. 2. **False statements and nondisclosure.** A licensee shall not submit a materially false statement or fail to disclose a material fact requested in connection with the application for certification or licensure in this state or any other state.

Subp. 3. **Knowledge of unqualified applicants.** A licensee shall not further the application for certification or licensure of another person known by the licensee to be unqualified in respect to character, education, or other relevant factor.

Subp. 4. **General prohibitions.** A licensee shall not:

- A. circumvent a rule of professional conduct through actions of another;
- B. engage in illegal conduct involving moral turpitude;
- C. engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- D. engage in conduct that adversely reflects on the licensee's fitness to practice the profession;

or

E. permit the licensee's name or seal to be affixed to plans, specifications, or other documents which were not prepared by or under the direct supervision of the licensee.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279*

Posted: *May 14, 2004*

1805.0300 CONFLICT OF INTEREST.

Subpart 1. **Employment.** A licensee shall avoid accepting a commission where duty to the client or the public would conflict with the personal interest of the licensee or the interest of another client. Prior to accepting such employment the licensee shall disclose to a prospective client such facts as may give rise to a conflict of interest.

Subp. 2. **Compensation.** A licensee shall not accept compensation for services relating or pertaining to the same project from more than one party unless there is a unity of interest between or among the parties to the project and unless the licensee makes full disclosure and obtains the express consent of all parties from whom compensation will be received.

Subp. 3. **Gifts.** A licensee shall not, directly or indirectly, solicit or accept any compensation, gratuity, or item of value from contractors, their agents, or other persons dealing with the client or employer in connection with the work for which the licensee has been retained without the knowledge and approval of the client or the employer.

Statutory Authority: *MS s 326.06*

Posted: *May 14, 2004*

1805.0400 IMPROPER SOLICITATION OF EMPLOYMENT.

A licensee shall seek and engage in only the professional work or employment the professional is competent and qualified to perform by reason of education, training, or experience.

A licensee shall not falsify or misrepresent the extent of the licensee's education, training, experience, or qualifications to any person or to the public; nor misrepresent the extent of the licensee's responsibility in connection with any prior employment.

A licensee shall not transmit, distribute, or publish or allow to be transmitted, distributed, or published, any false or misleading information regarding the licensee's own qualifications, training, or experience or that of his or her employer, employees, associates, or joint venturers.

A licensee shall not tender any gift, pay, or offer to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment. A licensee is not prohibited from paying a commission to a licensed employment agency for securing a salaried position.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279*

Posted: *May 14, 2004*

1805.0500 FALSE OR MALICIOUS STATEMENTS.

A licensee shall make no false or malicious statements which may have the effect, directly or indirectly, or by implication, of injuring the personal or professional reputation or business of another member of the profession.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279*

Posted: *May 14, 2004*

1805.0600 KNOWLEDGE OF IMPROPER CONDUCT BY OTHERS.

A licensee who has knowledge or reasonable grounds for believing that another member of the profession has violated any statute or rule regulating the practice of the profession shall have the duty of presenting such information to the board.

A licensee, when questioned concerning any alleged violation on the part of another person by any member or authorized representative of the board commissioned or delegated to conduct an official inquiry, shall neither fail nor refuse to divulge such information as the licensee may have relative thereto.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279*

Posted: *May 14, 2004*

1805.0700 ACTION BY OTHER JURISDICTION.

Convictions of a felony without restoration of civil rights, or the revocation or suspension of the certificate of licensure of a licensee by another jurisdiction, if for cause which in the state of Minnesota would constitute a violation of law or of these rules, shall be deemed to be a violation of these rules of professional conduct. Any licensee adjudged mentally incompetent by a court of competent jurisdiction shall, until restored to mental competency, be deemed to be incompetent to practice the profession within the meaning of Minnesota Statutes, section 326.11, subdivision 2.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279*

Posted: *May 14, 2004*

1805.0800 EMPLOYMENT ON THE BASIS OF MERIT.

A licensee as an employer, shall refrain from engaging in any discriminatory practice prohibited by law and shall, in the conduct of the business, employ professional personnel solely upon the basis of merit.

Statutory Authority: *MS s 326.06*

History: *17 SR 1279*

Posted: *May 14, 2004*

1805.0900 MISCONDUCT.

Misconduct within the meaning of Minnesota Statutes, section 326.11, subdivision 1 shall include any act or practice in violation of the rules of professional conduct as set forth in parts 1805.0100 to 1805.0800.

Statutory Authority: *MS s 326.06*

Posted: *May 14, 2004*

1805.1500 REGISTRATION.

No corporation, partnership, or other firm engaged in the practice of architecture, engineering, land surveying, landscape architecture, or geoscience, or two or more of these professions, shall contract with or accept employment for professional services of an architectural, engineering, land surveying, landscape architectural, or geoscience character as defined in Minnesota Statutes, sections 326.02 to 326.15 unless a member or employee of the corporation, partnership, or other firm in responsible charge of the work is registered and licensed under the provisions of Minnesota Statutes, sections 326.02 to 326.15 to practice the profession called for by the employment.

Statutory Authority: *MS s 326.06*

History: *22 SR 90*

Posted: *May 14, 2004*

1805.1600 RESPONSIBLE CHARGE AND DIRECT SUPERVISION.

Subpart 1. Responsible charge; defined. A person in responsible charge of architectural, engineering, land surveying, or landscape architectural work as used in Minnesota Statutes, section 326.14 means the person who determines design policy, including technical questions, advises with the client, superintends subordinates during the course of the work and, in general, the person whose professional skill and judgment are embodied in the plans, designs, and advice involved in the work. Plans and specifications for buildings, structures, or projects of standard design which have been designed outside the state shall bear the certification of the design professional licensed in another United States licensing jurisdiction. In addition, a Minnesota licensed architect, professional engineer, or landscape architect shall review the design and certify that it is appropriate to the site on which construction is proposed and is in compliance with the State Building Code adopted by the Department of Administration where the building code is in effect.

Subp. 2. Direct supervision; defined. A person in direct supervision of work as referred to in Minnesota Statutes, section 326.12, subdivision 3, means that person who is the employer, an employee of

the same firm, or who is under contract to or from another firm and who is in responsible charge of technical, architectural, engineering, land surveying, or landscape architectural work in progress, whose professional skill and judgment are embodied in the plans, specifications, reports, plats, or other documents required to be certified pursuant to that subdivision. A person in direct supervision of work directs the work of other licensees, interns, draftspersons, technicians, or clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.

Statutory Authority: *MS s 326.06*

Posted: *May 14, 2004*

CERTIFICATE OF COMPLETION

This is to certify that

_____ has earned continuing education credits for participating in

Architectural and Engineering Professional Ethics Seminar
on October 9, 2018

Course Length: 1 Hour Professional Development Hours: 1 PDH

Presenter: _____


Jeffrey W. Coleman, P.E., F.ACI
Construction Attorney at The Coleman Law Firm, LLC

MNSEA Monthly Meeting - October 9, 2018

Signing in below provides you understand the following antitrust statement:

Discussions during ACEC/MN (incl. MNSEA) meetings should relate solely to the legitimate purposes of the organization. For a more detailed explanation of this statement, please see the ACEC/MN Antitrust Policy.

Michael Hemstad
Brad Severson

SEH
Kimley-Horn

Note: Membership is by firm - Contact David Oxley for questions about membership. (doxley@acecmn.org)

Student & YMG Cost	\$10.00
Member Cost	\$25.00
Non-Member Cost	\$40.00
Unemployed Member Cost	\$15.00

mhemstad@sehinc.com 40.00
25

Name	Company	Member (y/n)	email (same if it has not changed)	Amount Paid
ANDREW AGOSTO	UNI-SYSTEMS	Y	- same -	25
QUOC LE	LEO A DALY	Y	- SAME -	25
Douglas W. Wolf	OPUS ARE GROUP	Y	" "	25
JOE CAIN	MMY	Y	" "	25
STEPHANIE YOUNG	MMY	Y	" "	25
Jessica Lobello	MMY	Y	same	25
John Paul Gille	Poulson & Clark	Y	"	25
Doug Felle	WALKER Consultants	Y	SAME	25
CRAIG KYSKE	ENCOMPASS, INC	Y	same	25
Tom Venema	AER	Y	same	25
DEAN PHILLIPS	SALE HAVEN SE	Y	"	25
Jeff Segar	Braun Intertec	Y	SAME	25
BRAD BRIMHALL	BRAUN INTERTEC	Yes	SAME	25.00
Richard Kuehner	BKBM Eng	Y	same	10.00
GREG OVERT	STRUCTURAL DESIGN ASSOC.	Y	same	25.00
Terri Erickson	Kata Consulting	Y	terri@katacons.com	25.00 NP
GREG GREENLEE	EPI	Y	"	25 -
John Ellington	OPUS	Y	same	25
BOYD COOK	RRC	N	same	40.00
ROSS W. TURNER	MBJ	Y	same	20.00
NOEL VOGEN	VOGEN CONSTRUCTING	N	"	40.00
Sustin Saterback	OPUS	Y	same	25.00
GREG MCCOOL	ERA	Y	SAME	25.00
LOUIS HO	RETIRED		SAME	15.00
BOB CHILSON	MBJ	Y	SAME	25.00
Mustafa Djedjiglu	Barr Engineering Co.	Y	"	Will send check.

Kerry Rauschendorfer

Larsen Engineering

Kerry.rauschendorfer@gmail.com