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Minnesota Code of Conduct for Professional Land Surveyors

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Table of Contents

Chapter 1: Overview of the Minnesota Professional Land Surveying Ethics **1**

Land Surveying Ethics	1
Minnesota State Board of Licensure for Professional Engineers and Professional Surveyors	1
Minnesota Statutory Authority	1
Minnesota Administrative Code	2
Minnesota Board Disciplinary Authority	2

Chapter 2: Minnesota Code of Ethics for Professional Land Surveyors **3**

2.1 1805.0100 Professional Conduct	3
2.2 1805.0200 Obligation to Provide Full Disclosure	3
2.3 1805.0300 Conflict of Interest	5
2.4 1805.0400 Improper Solicitation of Employment	6
2.5 1805.0500 False or Malicious Statements	6
2.6 1805.0650 Competence	6
2.7 1805.0800 Employment Practices	6
2.8 1805.0900 Professional Misconduct	7
2.9 Part 1805.1500: Registration	7
2.10 Part 1805.1600: Responsible Charge and Direct Supervision	7
2.11 326.11 License and Certificate Regulation: Subdivision 1: Revocation or Suspension	7

Chapter 3: Minnesota Disciplinary Actions: Laws and Rules **9**

3.1 §326.11: License and Certificate Regulation	9
3.2 326.111 Unauthorized Practice; Disciplinary Action: Subdivision 1	9
3.3 326.12 License or Certificate as Evidence; Seal	10
3.4 326.15 False Impersonation	11
3.5 326.13 Practice Exempt	11
3.6 326.14 Corporations and Partnerships Authorized	12
3.7 326.107: Continuing Education	12

Chapter 4: Review of Disciplinary Cases **16**

CASE 1: Larry Hedlund, Unlicensed	16
CASE 2: Melissa Finseth, Unlicensed	16
CASE 3: Chad Nolte, P.S.	16
CASE 4: M. Harris, P.S.	17

Appendix A: References **15**

Chapter 1

Overview of the Minnesota Professional Land Surveying Ethics

Land Surveying Ethics

Land surveying ethics is (1) the study of moral issues and decisions confronting individuals and organizations involved in land surveying and (2) the study of related questions about moral conduct, character, ideals and relationships of peoples and organizations involved in professional land surveying practice (Martin and Schinzinger, *Ethics in Engineering*).

Minnesota State Board of Registration for Professional Engineers and Surveyors

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design (Board) was created by the Minnesota Legislature to safeguard public health, safety, and welfare in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, and certified interior design. The Board has the power to adopt bylaws and rules of procedure, to adopt and promulgate rules of professional conduct binding on every licensee and certificate holder, and to investigate and discipline fraudulent, negligent, incompetent, or unethical practice. The Board reviews applications, licenses qualified applicants, and regulates the professional practice of licensees throughout the state.

Minnesota Statutory Authority

The Minnesota Statutes are a collection of state laws organized by subject area into a code made up of titles, chapters, and sections. Minnesota Statutes, Chapter 326, Sections 326.02 through 326.15, were enacted by the Minnesota Legislature in the interest of public health and safety to regulate the practice of architecture, engineering, land surveying, landscape architecture, and geoscience in the State of Minnesota. Under this chapter, the Board is responsible for reviewing applications, licensing qualified applicants, and regulating the practice of professional land surveying throughout the state, and is granted the authority to discipline licensees for fraud, gross negligence, incompetency, misconduct, or violation of the chapter or the Board's rules. Selected provisions of Minnesota Statutes, Chapter 326, relevant to Board disciplinary authority, licensure, and practice requirements are presented in Chapter 3 below.

Minnesota Administrative Code

The Minnesota Rules are a compilation of the rules and regulations of Minnesota's regulatory agencies. Minnesota Rules, Chapter 1805, adopted under the authority of Minnesota Statutes, Chapter 326, states the Board's rules of professional conduct for architects, engineers, land surveyors, landscape architects, geoscientists, and certified interior designers. These rules are continuously updated by the Board. The Minnesota Rules of Professional Conduct are presented in Chapter 2 below, and selected provisions of related Minnesota Statutes are presented in Chapter 3 below.

Minnesota Board Disciplinary Authority

The Minnesota Board is charged with the duty of issuing licenses to those professional land surveyors it has determined to be qualified. Under Minnesota Statutes, Section 326.11, the Board may revoke or suspend a license upon a finding of fraud or deceit in obtaining a license, misuse of a seal or signature, gross negligence, incompetency, or misconduct in practice, conviction of a violation of the chapter, or conviction of a crime of moral turpitude. Under Minnesota Statutes, Section 326.111, any person may file a written complaint with the Board, which investigates through its five-member Complaint Committee and, where cause is found, may proceed with administrative or legal action in accordance with Minnesota Statutes, Chapter 14.

Selected disciplinary case studies illustrating violations of Minnesota's ethics rules and disciplinary laws for land surveyors are presented in Chapter 4 below.

Chapter 2

Minnesota Code of Ethics for Professional Land Surveyors

Minnesota Rules, Chapter 1805: Rules of Professional Conduct

The following are excerpts from the Rules of Professional Conduct of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design, governing the professional conduct of land surveyors in Minnesota. If you wish to review the complete Minnesota Rules, Chapter 1805, please visit the website at:

<https://www.revisor.mn.gov/rules/1805/full>

§1805.0100: Professional Conduct

Subpart 1. Purpose.

This chapter on 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, and the use of the title certified interior design.

Subp. 2. Scope.

This chapter is applicable to and binding upon each person, corporation, or partnership subject to the regulatory jurisdiction of the board.

Subp. 3. Professional responsibility.

A. The professional conduct of a licensee or certificate holder must be in accordance with this chapter.

B. When providing professional services, the licensee's or certificate holder's primary responsibility is the protection of the public's health, safety, and welfare.

§1805.0200: Obligation To Provide Full Disclosure

Subpart 1. Public statements.

- A. A licensee or certificate holder shall avoid any act that 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.
- B. A licensee or certificate holder shall be objective and truthful in all professional documents, including but not limited to plans, reports, statements, or testimony, or other documents. The licensee or certificate holder shall consider relevant and pertinent information in such documents or testimony and express professional opinions publicly only when they are founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

Subp. 1a. Credit.

In connection with the work for which the licensee or certificate holder is claiming credit, the licensee or certificate holder shall accurately represent the licensee's or certificate holder's qualifications, education, and scope of responsibility for the work. The licensee or certificate holder shall also accurately represent the qualifications, education, and scope of responsibility of any employer, employees, or associates.

Subp. 2. False Statements and Nondisclosure.

A licensee or certificate holder shall not make a false statement or fail to disclose a material fact requested in connection with an application for certification, licensure, or renewal in this state or any other state.

Subp. 3. Knowledge of unqualified applicants.

- A. A licensee or certificate holder shall not endorse an application for certification or licensure of another person known by the licensee or certificate holder to be unqualified in respect to character, education, experience, or other relevant factor.
- B. A licensee or certificate holder possessing knowledge of an applicant's qualifications for examination, licensure, or certification shall cooperate with the applicant and the board by responding regarding those qualifications when requested to do so. A licensee or certificate holder shall provide verification of employment and experience earned by an applicant under supervision if there is reasonable assurance that the facts to be verified are accurate. A licensee or certificate holder shall not knowingly sign a verification document that contains false or misleading information.

Subp. 3a. Knowledge of improper conduct by others.

A licensee or certificate holder possessing knowledge of any acts prohibited by this chapter, chapter 1800, or Minnesota Statutes, sections 326.02 to 326.15, by a licensee, certificate holder, or unlicensed individual shall report such knowledge to the board.

Upon questioning by the board or its representative during an official inquiry into an alleged act, a licensee or certificate holder shall disclose any knowledge the licensee or certificate holder may have in the matter.

Subp. 4. General prohibitions.

A licensee or certificate holder 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 or certificate holder's name or seal to be affixed to plans, specifications, or other documents that were not prepared by or under the direct supervision of the licensee or certificate holder.

§1805.0300: Conflict of Interest

Subpart 1. Employment.

A licensee or certificate holder shall not accept a project where a duty to the client or the public would conflict with the personal interest of the licensee or certificate holder or the interest of another client. Prior to accepting a project, the licensee or certificate holder shall disclose to a prospective client such facts as may give rise to a conflict of interest.

Subp. 2. Compensation.

- A. A licensee or certificate holder shall not accept compensation for services relating or pertaining to the same project from more than one party unless:
 - A. there is a unity of interest between or among the parties to the project;
 - B. the licensee or certificate holder makes full disclosure; and
 - C. the licensee or certificate holder obtains the express consent of all parties from whom compensation will be received.

Subp. 3. Gifts.

- A. Without the knowledge and approval of the client or the employer, a licensee or certificate holder shall not, directly or indirectly, solicit or accept any compensation, gratuity, or item of value from contractors, their agents, material or equipment suppliers, or other persons dealing with the client or employer in connection with the work for which the licensee or certificate holder has been retained.
- B. A licensee or certificate holder shall neither offer nor make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the licensee or certificate holder is interested or involved.

Subp. 4. Interpretations.

When acting as the interpreter of project contract documents or as the judge of contract performance, a licensee or certificate holder shall render decisions impartially, using the professional judgment of their licensed or certified discipline.

§1805.0400: Improper Solicitation of Employment

A. A licensee or certificate holder 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.

B. A licensee or certificate holder 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 or certificate holder is not prohibited from paying a commission to a licensed employment agency for securing a salaried position.

§1805.0500: False or Malicious Statements

A licensee or certificate holder shall not make false or malicious statements that 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.

§1805.0650: Competence

Subpart 1. Standards of competence.

In practicing architecture, engineering, land surveying, landscape architecture, geoscience, or when using the title of certified interior designer, each licensee or certificate holder shall act with reasonable care and competence and shall apply the knowledge and skill that is ordinarily applied by such professionals.

Subp. 2. Conformance with state and local laws and regulations.

In providing professional services, a licensee or certificate holder shall take into account applicable state and local laws and regulations. While a licensee or certificate holder may rely on the advice of other professionals as to the intent and meaning of such regulations, once having obtained the advice, the licensee or certificate holder shall not violate such laws and regulations.

Subp. 3. Qualifications for performing professional services.

A licensee or certificate holder shall perform professional services only when the licensee or certificate holder, together with those whom the licensee or certificate holder may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

§1805.0700: Compliance with Laws

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.

Subpart 1. Violation of laws.

Convictions of a felony without restoration of civil rights, or disciplinary action taken against a licensee or certificate holder 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.

Subp. 2. Incompetence.

A licensee or certificate holder 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.

§1805.0800: Employment Practices

A licensee or certificate holder, as an employer, shall refrain from engaging in any discriminatory employment practice prohibited by law.

§1805.0900: Professional 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 in this chapter. A licensee or certificate holder shall not engage in conduct involving bribery, collusion, corruption, fraud, or malfeasance.

§1805.1500: Registration

No corporation, partnership, or other firm engaged in the practice of architecture, engineering, land surveying, landscape architecture, 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 Minnesota Statutes, sections 326.02 to 326.15, to practice the profession called for by the employment.

§1805.1600: Responsible Charge and Direct Supervision

Subpart 1. Responsible charge; defined.

A person in responsible charge of architectural, engineering, land surveying, landscape architectural, geoscience, or certified interior design work as used in Minnesota Statutes, section 326.14, means the person who determines and reviews design criteria, including technical aspects, advises with the client, has direct supervisions of 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.

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 the technical aspects of the architectural, engineering, land surveying, landscape architectural, geoscience, or certified interior design work in progress, and 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, unlicensed professionals, technicians, and clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.

Chapter 3

Minnesota Disciplinary Actions: Laws and Rules

Minnesota Statutes, Chapter 326: Employments Licensed by State

The following are excerpts from the licensing statute of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design, governing the licensure, discipline, and practice requirements of land surveyors in Minnesota. If you wish to review the complete Minnesota Statutes, Chapter 326, please visit the website at:

<https://www.revisor.mn.gov/rules/1805/full>

§326.11 License and Certificate Regulation

Subdivision 1. Revocation or suspension.

The board shall have the power to revoke or suspend the license or certificate of any architect, engineer, land surveyor, landscape architect, geoscientist, or certified interior designer, who is found guilty by the board of any fraud or deceit in obtaining a license or certificate, or of attaching the licensee's or certificate holder's seal or signature to any plan, specification, report, plat, or other architectural, engineering, land surveying, landscape architectural, geoscientific, or interior design document not prepared by the person signing or sealing it or under that person's direct supervision, or of gross negligence, incompetency, or misconduct in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or interior design, or upon conviction of any violation of sections 326.02 to 326.15 or amendments thereof, or of any crime involving moral turpitude or upon adjudication of insanity or incompetency.

§326.111 Unauthorized Practice; Disciplinary Action

Subdivision 1. Generally.

(a) If the board, or the complaint committee if authorized by the board, has a reasonable basis to believe that a person has engaged in an act or practice constituting the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or a violation of a statute, rule, or order that the board has issued or is empowered to enforce, the board, or the complaint committee if authorized by the board, may proceed as described in subdivisions 2 and 3.

(b) The board shall establish a complaint committee to investigate, mediate, or initiate administrative or legal proceedings on behalf of the board with respect to complaints filed with or information received by the board alleging or indicating the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience, or the unauthorized use of the title certified interior designer, or a violation of statute, rule, or order that the board has issued or is empowered to enforce. The complaint committee shall consist of five members of the board, with no more than one from each of the professions licensed by the board, and no more than two public members.

(c) Except as otherwise described in this section, all hearings shall be conducted in accordance with chapter 14.

§326.12 License or Certificate as Evidence; Seal

Subdivision 1. Judicial proof.

The issuance of a license or certificate by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, licensed geoscientist, or certified interior designer while the license or certificate remains unrevoked or has not expired or has not been suspended.

Subd. 2. Seal.

Each licensee or certificate holder may, upon licensure or certification, obtain a seal bearing the licensee's or certificate holder's name and the legend "licensed architect," "licensed professional engineer," "licensed land surveyor," "licensed landscape architect," the appropriate licensed professional geoscientist legend as defined by the board, or "certified interior designer." Plans, specifications, plats, reports, and other documents prepared by a licensee or certificate holder may be stamped with the seal during the life of the license or certificate. A rubber stamp facsimile thereof may be used in lieu of the seal on tracings from which prints are to be made or on papers which would be damaged by the regular seal. It shall be unlawful for anyone to stamp or seal any document with the stamp or seal after the license or certificate has expired, been revoked or suspended, unless said license or certificate shall have been renewed or reissued.

Subd. 3. Certified signature.

Each plan, drawing, specification, plat, report, or other document which under sections 326.02 to 326.15 is prepared by a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, licensed geoscientist, or certified interior designer must bear the signature of the licensed or certified person preparing it, or the signature of the licensed or certified person under whose direct supervision it was prepared. Each signature shall be accompanied by a certification that the signer is licensed or certified under sections 326.02 to 326.15, by the person's license or certificate number, and by the date on which the signature was affixed. The provisions of this paragraph shall not apply to any plans, drawings, specifications, plats, reports, or other documents of an intraoffice or intracompany nature or that are considered to be drafts or of a preliminary, schematic, or design development nature by licensed or certified individuals who would normally be responsible for their preparation.

The required signature and certification must appear on all pages of plans and drawings that must be signed, but only on the first page of specifications, plats, reports, or other documents that must be signed. A stamp, printed signature, or electronically created signature has the same force and effect as an actual signature if it creates an accurate depiction of the licensed or certified professional's actual signature.

§326.15 False Impersonation

It shall be unlawful for any person to present or attempt to use as the person's own the seal or certificate of another, or to give false or forged evidence of any kind to the board, or any member thereof, or to falsely impersonate any licensee or certificate holder of like or different name, or to use or attempt to use as the person's own the license of another issued by any authority outside of this state, or to use or attempt to use an expired or revoked or suspended license.

§326.13 Practice Exempt

Practice of architecture, engineering, landscape architecture, land surveying, or geoscience, or use of the title certified interior designer in this state prior to licensure or certification by the board shall be permitted under the following conditions and limitations:

- (1) By any person or firm not a resident of and having no established place of business in this state, or any person or firm resident in this state, but whose arrival in the state is recent; provided, however, such person or a person connected with such firm:
 - (i) is registered or licensed and qualified to practice such profession in a state or country to which the board grants licensure or certification by comity in accordance with the provisions of section 326.10, subdivision 1, clause (2); and
 - (ii) shall have filed an application for licensure as an architect, an engineer, a geoscientist, or a certified interior designer, shall have paid the fee provided for in section 326.10, and shall have been notified by the board that the applicant meets the requirements for licensure or certification in this state and is entitled to receive a license or certificate, and has applied for and been granted a temporary permit to practice. Temporary permits shall be granted to do a specific job for the period stipulated on the permit.
- (2) By a nonresident applicant who seeks to provide architecture, engineering, land surveying, landscape architecture, geoscience, or certified interior design services in this state if the applicant offers to practice only for the purpose of seeking to provide services, without having first been registered or certified by the state, if the applicant:
 - (i) is registered and qualified to practice such profession in a state or country to which the board grants registration or licensure by comity in accordance with section 326.10, subdivision 1, clause (2);
 - (ii) notified the board in writing that the applicant is not currently registered in this state, but will be present in this state for the purpose of seeking to provide services;

- (iii) delivers a copy of the notice referred to in item (ii) to every potential client for whom the applicant is seeking to provide services; and
 - (iv) applies within ten days to the board for licensure or certification if selected as the design professional for a project in this state; the applicant is prohibited from actually rendering services as defined within the terms of sections 326.02 to 326.15 until the applicant is licensed or certified, or obtains a temporary permit as described in clause (1).
- (3) Practice as an architect, an engineer, a land surveyor, a landscape architect, or a geoscientist, or use of the title certified interior designer solely as an officer or employee of the United States.
- (4) Practice as a geoscientist by a person who would be qualified under sections 326.02 to 326.15 by virtue of experience and education while (i) engaged in exploration, development, extraction, and reclamation of minerals and mineral deposits or energy resources including sand, gravel, peat, industrial minerals, metallic minerals, iron ore, coal, oil, and gas and other mineral fuels; (ii) an employee of a corporation or agency engaged in such exploration, development, extraction, and reclamation of minerals and mineral deposits; (iii) acting in accordance with the provisions of section 82B.035, subdivision 3; 103I.205, subdivision 4; or 103I.601, subdivision 2; or (iv) engaged in academic geoscience research.

§326.14 Corporations and Partnerships Authorized

A corporation, partnership or other firm may engage in work of an architectural or engineering character, in land surveying, in landscape architecture, or in geoscience, or use the title of certified interior designer in this state, provided the person or persons connected with such corporation, partnership or other firm in responsible charge of such work is or are licensed or certified as herein required for the practice of architecture, engineering, land surveying, landscape architecture, and geoscience, and use of the title of certified interior designer.

§326.107 Continuing Education

Subdivision 1. Requirements.

(a) Architects, professional engineers, land surveyors, landscape architects, geoscientists, and interior designers licensed or certified by this board must obtain the number of professional development hours described in paragraphs (b) to (d) during each two-year period of licensure or certification identified in section 326.105. This requirement must be satisfied during the two-year period prior to biennial renewal except for a carryover permitted from the previous renewal period, which must not exceed 50 percent of the biennial requirement of professional development hours.

(b) Licensed professional engineers must earn a minimum of 24 professional development hours, of which two must be dedicated to professional ethics, per biennial renewal except for the carryover permitted. The ethics hours must have been earned during the biennium to which they are applied and shall not be used toward carryover.

(c) Licensed architects, land surveyors, landscape architects, geoscientists, and certified interior designers must earn a minimum of 24 professional development hours, of which two must be dedicated to professional ethics, per biennial renewal except for the carryover permitted. The ethics hours must have been earned during the biennium to which they are applied and shall not be used toward carryover.

(d) Dual license or certificate holders who have obtained a license or certificate for two professions must earn professional development hours required by the license or certificate requiring the greatest number of professional development hours and must obtain in each profession a minimum of one-third of the total professional development hours required. The remaining one-third requirement may be obtained in either profession at the sole discretion of the licensee or certificate holder.

Subd. 2. Programs and activities.

Continuing education must consist of learning experiences which enhance and expand the skills, knowledge, and abilities of practicing professionals to remain current and render competent professional services to the public. Practitioners may pursue technical, nontechnical, regulatory, ethical, and business practice needs for a well-rounded education, provided the education directly benefits the health, safety, or welfare of the public. Continuing education activities which satisfy the professional development requirement include, but are not limited to, the following:

- (1) completing or auditing college-sponsored courses;
- (2) completing self-study college or non-college-sponsored courses, presented by correspondence, Internet, television, video, or audio, ending with examination or other verification processes;
- (3) participation in seminars, tutorials, televised or videotaped courses, or short courses;
- (4) attending self-sponsored and prepared in-house educational programs;
- (5) completing a study tour with a structured program resulting in a written or visual presentation by the licensee or certificate holder;
- (6) presenting or instructing qualifying courses or seminars. Professional development hours may be earned for preparation time for the initial presentation;
- (7) authoring published papers, articles, or books. Professional development hours earned may equal preparation time spent, may be claimed only following publication, and shall be given for authorship or presentation, but not for both;
- (8) participating in professional examination grading or writing. A maximum of five professional development hours per biennium may be applied from this source. The hours from this source must have been earned during the biennium to which they are applied and shall not be used toward carryover;

- (9) providing professional service to the public which draws upon the licensee's or certificate holder's professional expertise on boards, commissions, and committees such as planning commissions, building code advisory boards, urban renewal boards, or non-work-related volunteer service. A maximum of ten professional development hours per biennium may be applied from this source regardless of the number of boards, commissions, and committees the licensee or certificate holder serves. The hours from this source must have been earned during the biennium to which they are applied and shall not be used toward carryover; and
- (10) patents, after they are granted, for a credit of ten professional development hours. The patent must have been granted during the biennium to which the hours are applied and shall not be used toward carryover.

Subd. 3. Criteria.

- (b) Continuing education courses and activities must meet the criteria in paragraphs (b) to (f).
- (c) There must be a clear purpose and objective for each activity which will maintain, improve, or expand skills and knowledge obtained prior to initial licensure or certification or develop new and relevant skills and knowledge.
- (d) The content of each presentation must be well organized and presented in a sequential manner.
- (e) There must be evidence of preplanning, which must include the opportunity for input by the target group to be served.
- (f) The presentation must be made by persons who are well qualified by education or experience.
- (g) There must be a provision for documentation of the individual's participation in the activity, including information required for record keeping and reporting.

Subd. 4. Exemptions.

The following licensees or certificate holders are exempt from the continuing education requirements:

- (1) a new licensee or certificate holder for the individual's first biennial renewal; or
- (2) a licensee or certificate holder who has experienced during the biennial renewal a serious illness, injury, or other extenuating circumstances, or who has been called to active duty in the military services for a period of time exceeding 120 consecutive days, as reviewed and approved by the board, and where such activities restrict compliance with the continuing education requirements, as supported by documentation furnished to the board.

Subd. 7. Reports and records.

The licensee or certificate holder shall maintain a file in which records of courses and activities are kept, including dates, subjects, duration of programs, sponsoring organization, professional development hours earned, registration receipts where appropriate, and other pertinent documentation, for a period of four years after the end of the licensure period for which the hours apply. This information may be required to be produced by licensees or certificate holders. The board may require a licensee or certificate holder to produce this information in connection with verification of a renewal application, a random audit conducted by the board, or upon receipt of a complaint alleging noncompliance on the part of a licensee or certificate holder.

Subd. 8. Noncompliance.

If the board rejects professional development hours reported by a licensee or certificate holder in an amount sufficient to reduce the number of nonrejected professional development hours below the required minimum number, the licensee or certificate holder must be notified of the board's rejection of the hours. The licensee or certificate holder has 180 days after notification to substantiate the validity of the rejected hours or to earn other qualifying hours to meet the minimum requirement. The board's rejection of any professional development hours submitted during this 180-day cure period does not extend or expand the cure period. If the board does not reinstate a sufficient number of the rejected professional development hours to meet the required minimum number of professional development hours, or the licensee or certificate holder does not complete or substantiate that the individual has completed other qualifying professional development hours to meet the required minimum number of professional development hours within the specified period of time, the individual's licensure or certification shall be suspended. Professional development hours earned within the 180-day cure period and applied to current renewal may not be applied to the requirements for the following biennial renewal.

Chapter 4

Review of Disciplinary Cases

The following disciplinary cases were extracted from official Board meeting minutes and newsletters published by the Minnesota Board of Licensure for Professional Engineers and Surveyors. The selected cases involve professional land surveyors and illustrate different violations arising from the practice of land surveying in Minnesota.

CASE 1: Larry Hedlund, Unlicensed

Case Review: Mr. Hedlund, a municipal public works employee for a Minnesota city and never licensed as a land surveyor, was directed by the city clerk to measure and mark a property boundary line for a resident at the resident's request. He and a co-worker measured the line and placed markers labeled "Property Line," receiving no payment for the work. The Board found this constituted practicing as a land surveyor in violation of Minn. Stat. § 326.02, subds. 1 and 4.

Board Decision: Hedlund entered into a Settlement Agreement and Cease and Desist Order, approved by the Board on January 28, 2022 (Board File No. 2021-0011), requiring him to cease and desist from practicing as a land surveyor until properly licensed.

CASE 2: Melissa Finseth, Unlicensed

Case Review: Ms. Finseth, a resident of McIntosh, Minnesota, held herself out and practiced as a land surveyor by offering to perform, and directing employees to perform, land surveying, specifically determining and monumenting a property boundary, without holding a Minnesota land surveyor license, in violation of Minn. Stat. § 326.02, subds. 1 and 4.

Board Decision: Finseth entered into a Settlement Agreement and Cease and Desist Order, approved by the Board (Board File No. 2021-0014), requiring her to cease and desist from holding out or practicing as a land surveyor until properly licensed.

CASE 3: Chad Nolte, P.S.

Case Review: Mr. Nolte, first licensed as a Minnesota Land Surveyor on December 9, 2010, issued an invoice dated April 28, 2010, before his license was issued, for professional services including a field survey for boundary location, placing and finding corner monuments, and a legal description of an access easement in Wabasha County. His invoice letterhead identified him as "Nolte's Land Surveying, Land Surveyors, Chad J. Nolte, LS." The Board's position was that this constituted practicing land surveying and holding himself out as a land surveyor prior to licensure, in violation of Minn. Stat. § 326.02, subds. 1 and 4, and § 326.03, subd. 1.

Board Decision: Nolte entered into a Stipulation and Order with the Board (Board File No. 2010-0072), issued September 8, 2011.

CASE 3: M. Harris, P.S.

Case Review: Respondent, licensed to practice Land Surveying since November 24, 1998, allowed the license to expire on June 30, 2004. While the license was expired, Respondent admitted, in a letter to the Board dated September 25, 2006, to providing two surveys to McDonald Construction. Respondent later renewed the expired license on November 2, 2004.

Board Decision: Respondent entered into a Stipulation and Order with the Board; a summary was published in the Board's newsletter and reported to the national discipline data bank.

Appendix A

References

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Minnesota Board of AELSLAGID. (2022). *In the matter of Larry Hedlund, unlicensed: Settlement agreement and cease and desist order* (Board File No. 2021-0011). [https://mn.gov/aelslagid/assets/Hedlund,%20Larry tcm1231-724106.pdf](https://mn.gov/aelslagid/assets/Hedlund,%20Larry%20tcm1231-724106.pdf)

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Minnesota Board of AELSLAGID. (2011). *In the matter of Chad Nolte, land surveyor: Stipulation and order* (Board File No. 2010-0072; License No. 48632). <https://mn.gov/aelslagid/disciplinaryactions/2011/Nolte2.pdf>

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