

JUN 26 2009

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

In the matter of Richard Hermans
Professional Engineer
License Number 16727

STIPULATION AND ORDER

Board File No. 2009-0041

TO: Richard Hermans
7200 Stage Coach Trail
Lino Lakes, Minnesota 55014

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2008) and Minnesota Statutes section 326.111 (2008) 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 Richard Hermans ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that the matter may now be resolved by this Stipulation and Order.

STIPULATION

IT IS HEREBY AGREED by and between Respondent and the Committee as follows:

1. Jurisdiction. The Respondent was issued a license to practice Professional Engineering by the Board on July 19, 1984. Respondent is currently licensed as a

Professional Engineer by the Board. 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. Respondent was first licensed to practice Professional Engineering in the State of Minnesota on July 19, 1984.
- b. On June 30, 2006, Respondent's license to practice Professional Engineering in the State of Minnesota expired.
- c. On January 13, 2009, Respondent applied to have his Professional Engineering license reinstated. A true and correct copy of the January 13, 2009 application for license reinstatement is attached as Exhibit A. Respondent's Professional Engineering license was reinstated by the Board on January 13, 2009.
- d. In a letter dated January 8, 2009, Respondent self reported that he held himself out as a Professional Engineer and practiced Professional Engineering during the time his license had lapsed/expired. Respondent states: "My license to practice Professional Engineering lapsed on June 30, 2006. Since that time I have continued to use the PE designation after my name on correspondence and on my various business cards. Further, there has been one instance late last winter when I signed a document attesting to the energy performance of a commercial building for the purposes of obtaining an Energy Star designation for that building." A true and correct copy of the January 8, 2009 letter is attached as Exhibit B.

e. In a letter dated February 21, 2009, Respondent provides the Board with copies of the first page of an article published in the ASHRAE Journal that the Respondent published, and letterhead and business card examples used during the period of time that his license had lapsed/expired. A true and correct copy of the February 21, 2009 letter is attached as Exhibit C.

f. In the same letter, dated February 21, 2009, Respondent states: "I stipulate that the enclosed representation of the Statement of Energy Performance was signed by me on or about November 21, 2007 and sent to the EPA. I do not have a copy of the original document." A true and correct copy of the February 21, 2009 letter is attached as Exhibit C. A true and correct copy of the Statement of Energy Performance documentation Respondent stipulates as a representation signed by him on or about November 21, 2007 is attached as Exhibit D.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02, subdivisions 1 and 3 and section 326.03, subdivision 1 (2008) and 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 for the foregoing conduct.
- b. Civil Penalty. Respondent shall pay to the Board a civil penalty of Three Thousand Dollars (\$3,000.00). Respondent shall submit a civil penalty of Three

Thousand Dollars (\$3,000.00) by cashier's check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation and Order, Minnesota Statutes Chapter 326 (2008), or Minnesota Rules Chapter 1800 (2007) or Minnesota Rules Chapter 1805 (2007), the Board may impose additional discipline pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least thirty days prior to the hearing, the Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Within fourteen days after the notice is mailed, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Complaint Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice or suspension or revocation of Respondent's license.

6. 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 Minnesota Statutes Chapter 14 (2008), 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.

7. Collection. In accordance with Minnesota Statutes section 16D.17 (2008), in the event this order becomes final and Respondent does not comply with the condition in paragraph 4(b) above, Respondent agrees that the Board may file and enforce the unpaid portion of the civil penalty as a judgment without further notice or additional proceedings.

8. 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 Minnesota Statutes Chapter 14 (2008), 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.

9. 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.

10. 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.

11. Data Classification. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data upon its issuance by the Board, Minnesota Statutes section 13.41, subdivision 5 (2008). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (2008). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this Order will appear in the Board's newsletter. A summary will also be sent to the national discipline data bank pertaining to the practice of Professional Engineers.

12. 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.

13. Counsel. Respondent is aware that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

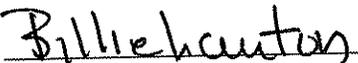
14. Service. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed by the Chair of the Board.

RESPONDENT

Richard Hermans

Dated: June 26, 2009

COMPLAINT COMMITTEE

By: 
Billie Lawton, Public Member,
Committee Chair

Dated: 7-16, 2009

ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records and proceedings herein, all terms of the Stipulation are approved and hereby issued as an Order of this Board on this the 16 day of July, 2009.

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

By: Kristin A. Kubas
Board Chair

Minnesota Board of Architecture, Engineering, Land Surveying,
 Landscape Architecture, Geoscience and Interior Design
 85 E. 7th Place, Suite 160, St. Paul, MN 55101 651-296-2388
www.aelslagid.state.mn.us

Application for license/certificate reinstatement

Name: Richard D Hermans
 Profession: Mechanical Engineering
 License Number: 16727
 Phone: 651-783-7850

Address: 7200 Stage Coach Trail
Lino Lakes, MN 55014

This is my home business address.

LICENSE PERIODS REINSTATING/FEES:

JAN 1 3 2009

DATE LICENSE LAPSED: 6/30/2006

Licensing Period	Fee Due
July 1, 2006 - June 30, 2008	\$180.00
July 1, 2008 - June 30, 2010	\$180.00

TOTAL: \$360.00

*Processed
1/13/09*

State of Minnesota
Board of AELSLAGID

JAN 13 2009

Rec'd 360

CONTINUING EDUCATION DUE: 48 professional development hours since December 23, 2004. ^{19.240}

TOTAL FEE PAID: \$360.00

TOTAL CE REPORTED: 136.1

Please make check payable to:
Board of AELSLAGID

Please complete attached reporting form.

Since your last renewal, have you had a license disciplined, denied, surrendered, suspended or revoked?
 (If yes, provide a statement of explanation.)
 Yes No (I presume this does not include a lapsed license.)

I swear or affirm that I have read the foregoing renewal application and that the statements are true and complete.

Richard D Hermans
Signature

1/13/09
Date

The data you furnish on this form will be used by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design to assess your qualifications for renewal of your license and/or certificate. You are not legally required to provide this data; however if you fail to do so, the Board may be unable to renew your license. Information contained on this application is public pursuant to Minnesota Statutes, Sec. 13.41, Subd. 4.

EXHIBIT A

Richard D. Hermans
7200 Stage Coach Trail
Lino Lakes, MN 55014
651-783-7850

Chairman Duane Blanck, PE
Ms. Andrea Barker, Continuing Education Program Administrator
Minnesota Board of Architecture, Engineering, Land Surveying,
Landscape Architecture, Geoscience and Interior Design
85 E. 7th Place, Suite 160, St. Paul, MN 55101

January 8, 2009

Dear Chairman Blanck and Ms. Barker,

I am hereby submitting myself to discipline by the Board.

My license to practice Professional Engineering lapsed on June 30, 2006. Since that time I have continued to use the PE designation after my name on correspondence and on my various business cards. Further, there has been one instance late last winter when I signed a document attesting to the energy performance of a commercial building for the purposes of obtaining an Energy Star designation for that building. My employment since 2002 has not involved design work that required signed construction drawings or plans and I have been therefore inattentive to my registration requirements. There have been no other infractions that I am aware of.

These infractions were not intentional. I became aware of the date of my expiration on December 23, 2008 after inquiring about reinstatement procedures. There is no excuse for this inattentiveness to my obligation to renew my license. I recently received a letter from NCEES (which was forwarded to me by my previous employer) indicating that it was time for me to renew my records with them and at that time I looked into my status with Minnesota licensure. In retrospect, I believe that I have neglected to keep the Board apprised of my current address and contact information.

I have ceased to use the PE designation after my name in correspondence and will not present myself as a Professional Engineer until the Board has reinstated my license.

I have attached my request for reinstatement. It indicates my home address in the hope that future notices will make it to my attention. I have diligently obtained continuing education in my profession throughout the past four years and have, in all other ways, upheld the high standard of professional conduct expected by the Board.

Sincerely,



Richard D. Hermans
Director of Applications
McQuay International
763-553-5262
Rick.hermans@mcquay.com

EXHIBIT B

FEB 24 2009

Richard D. Hermans
7200 Stage Coach Trail
Lino Lakes, MN 55014
651-783-7850

Lynette DuFresne
Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture,
Geoscience & Interior Design
85 East 7th Place, Suite 160
St. Paul, MN 55101

Re: File No. 2009-0041

February 21, 2009

Dear Ms. DuFresne:

This is in response to your request for information regarding the complaint against me dated February 4, 2009.

I have enclosed a representation of a document known as a Statement of Energy Performance that is a form used by the Environmental Protection Agency to verify the energy performance of commercial buildings under their Energy Star program. I have also enclosed a business card and an example of a letterhead that I have used since 7/01/2006. The first page of an article in the ASHRAE Journal is enclosed.

I stipulate that the enclosed representation of the Statement of Energy Performance was signed by me on or about November 21, 2007 and sent to the EPA. I do not have a copy of the original document.

The letterhead and business card are examples of those used by me since 7/1/2006 that show the use of the letters PE following my name. At all times since 7/1/2006 I have used these letters with the assumption that my professional licensure was valid in Minnesota. There has been no intent to violate any Minnesota Statutes in these actions. I offer no excuse for the neglect to renew my license. My only explanation is that I did not receive the notice to renew and did not check on my status at the time the Statement of Energy Performance was signed. Since 7/1/2006 I have received renewal notices from NCEES and have kept my records and fees current with them.

Sincerely,



Richard D. Hermans
Director of Applications
McQuay International
763-553-5262

EXHIBIT C

The following article was published in ASHRAE Journal, October 2008. ©Copyright 2008 American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. It is presented for educational purposes only. This article may not be copied and/or distributed electronically or in paper form without permission of ASHRAE.

ANSI/ASHRAE/ASHE Standard 170-2008

Ventilation Standard For Health Care Facilities

By **Paul Ninomura, P.E.**, Member ASHRAE; and **Richard Hermans, P.E.**, Member ASHRAE

Some disparity has existed in ASHRAE recommendations related to ventilation recommendations for health care facilities. ANSI/ASHRAE Standard 62.1-2007, *Ventilation for Acceptable Indoor Air Quality*, and the 2007 ASHRAE *Handbook—HVAC Applications* have some differences in their recommendations. Although Standard 62.1 is an ANSI standard, the recommendations of the ASHRAE *Handbook* were often more used for health care applications than the Standard 62.1 recommendations.

In recognition of this disparity, ASHRAE established a standard project committee to develop a standard for ventilation in health care facilities. Standard 170 has been in development since 2002. There have been four public review comment periods. The cognizant

technical committee (TC) is TC 9.6, Healthcare Facilities.

ANSI/ASHRAE/ASHE Standard 170-2008, *Ventilation of Health Care Facilities* was published last month. This ANSI standard is cosponsored by the American Society of Healthcare Engineers (ASHE).

The standard provides minimum ventilation requirements for hospitals, nursing facilities, and outpatient facilities and is one member of a family of documents that provide guidance, regulation, and mandates to designers of health care facilities. As with other members of this family, it is foremost a mandatory minimum requirement and may not offer the latest state-of-the-art best practice for

About the Authors

Paul Ninomura, P.E., is a mechanical engineer at Indian Health Service, Seattle. He served as vice-chairman, ASHRAE Standard Project Committee (SPC)170, and is a past and current revision committee member for the FGI Guidelines for Design and Construction of Healthcare Facilities. **Richard Hermans, P.E.**, is director of applications at McQuay International in Minneapolis, Minn. He chaired SPC 170 and is an ASHRAE director at large.



ASHRAE

Technology for a Better Environment

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Richard D. Hermans, P.E.
Director-at-Large

Reply to: CENTER FOR ENERGY & ENVIRONMENT
212 Third Avenue N., Suite 560
Minneapolis, MN 55401
☎ 612-335-5840
Fax 612-335-5888
rhermans@mncee.org

SP-XXX Standard 90.1 Building Energy Benchmarks
A special project in Technology Council.

Suggested membership:

Richard Hermans, Chair
Merle McBride, Owens Corning
Jason Glazer, Gard Analytics
Paul Torcellini, NREL
Jean Lupinacci, EPA
Michael Deru, NREL

Options for a Special Publication:

- 1) A catalog of energy utilization indices by bldg type and climate zone. Patterned after the *Building Energy Performance Standards for New Buildings* (BEPS) proposed by DOE in November 1979.
- 2) A web based tool to calculate unique EUI for user's specific buildings. Patterned after the EPA Target Finder but based on EnergyPlus model output of hypothetical 90.1-2004 compliant buildings.

Both options are based the ASHRAE Standard Buildings. WG2007, chaired by Merle McBride, is developing the ASHRAE Standard Buildings. These are a modification of the input files developed by NREL in their publication NREL/CP-550-39834 June 2006 "Establishing Benchmarks for DOE Commercial BLDG R&D and Program Evaluation" by M. Deru, B Griffith, P Torcellini.

The ASHRAE Standard Buildings consist of 198 hypothetical buildings described by EnergyPlus input files. These input files, which come from NREL, will be validated and modified, if necessary, to generate EUI targets for 22 different building types in nine locations around North America. NREL and CBECS uses census regions to determine weather for their simulations. The ASHRAE Standard Buildings will use the eight climate zones of Std 90.1 plus one additional location. The TMY2 weather file chosen for each climate zone will represent the worst possible weather to be found in that zone in order to produce the highest possible EUI that still complies with the standard. WG2007 will determine the appropriate weighting factors to scale up the EUI into a simulated continental performance index for the standard.

One of the major outcomes of this effort will be the ability for ASHRAE to make its own determination of the performance of Std 90.1 and not have to rely on the DOE for such analysis.

Funding, both internal and external will be required for this effort. (approx. \$11,000 between Long Beach and New York)

American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

AN INTERNATIONAL ORGANIZATION

BUSINESS CARD:

Richard D. Hermans, PE HFDP
Director of Applications

World Headquarters
13600 Industrial Park Boulevard
Minneapolis, MN 55441 USA
763-553-5262
Fax: 763-553-5445
mobile: 763-807-6839
rick.hermans@mcquay.com

McQuay[®]
International
a member of **DAIKIN** group



STATEMENT OF ENERGY PERFORMANCE

Thrivent Financial

Building ID: 1310795
 For 12-month Period Ending: October 31, 2007¹
 Date SEP becomes ineligible: February 28, 2008

Date SEP Generated: November 21, 2007

Facility
 Thrivent Financial
 625 Fourth Avenue South
 Minneapolis, MN 55415

Facility Owner
 Thrivent Financial for Lutherans
 625 Fourth Ave. S.
 Minneapolis, MN 55415
 612-340-8458

Primary Contact for this Facility
 Tom Hussin
 625 Fourth Ave. S.
 Minneapolis, MN 55415
 612-340-8458
 tom.hussin@thrivent.com

Year Built: 1981
 Gross Floor Area (ft²): 525,000

Energy Performance Rating² (1-100) 93

Site Energy Use Summary³

Electricity (kBtu)	26,738,329
District Steam (kBtu)	13,233,373
Natural Gas (kBtu) ⁴	0
Total Energy (kBtu)	39,971,702

Energy Intensity⁵

Site (kBtu/ft ² /yr)	51
Source (kBtu/ft ² /yr)	170

Emissions (based on site energy use)
 Greenhouse Gas Emissions (MtCO₂e/year) 31,340

Electric Distribution Utility
 Northern States Power Co

National Average Comparison

National Average Site EUI	124
National Average Source EUI	337
% Difference from National Average Source EUI	-39%
Building Type	Office

Meets Industry Standards⁶ for Indoor Environmental Conditions:

Ventilation for Acceptable Indoor Air Quality	Yes
Acceptable Thermal Environmental Conditions	Yes
Adequate Illumination	Yes

Professional Engineer Stamp
Signature: _____
Based on the conditions observed at the time of my visit to this building, I certify that the information contained within this statement is accurate and in accordance with the PE Guidelines.

Professional Engineer
 License Number: 16727
 State: MN
 Richard Hermans
 212 Third Ave. N
 Suite 560
 Minneapolis, MN 55401
 651-335-5840

Notes:

- Application for the ENERGY STAR must be submitted to EPA within 4 months of the Period Ending date. Award of the ENERGY STAR is not final until approval is received from EPA.
- The EPA Energy Performance Rating is based on total source energy. A rating of 75 is the minimum to be eligible for the ENERGY STAR.
- Values represent energy consumption, annualized to a 12-month period.
- Natural Gas values in units of volume (e.g. cubic feet) are converted to kBtu with adjustments made for elevation based on Facility zip code.
- Values represent energy intensity, annualized to a 12-month period.
- Based on Meeting ASHRAE Standard 62 for ventilation for acceptable indoor air quality, ASHRAE Standard 55 for thermal comfort, and IESNA Lighting Handbook for lighting quality.

EXHIBIT D

The government estimates the average time needed to fill out this form is 6 hours (includes the time for entering energy data, PE facility inspection, and notarizing the SEP) and welcomes suggestions for reducing this level of effort. Send comments (referencing OMB control number) to the Director, Collection Strategies Division, U.S., EPA (2622T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460.

ENERGY STAR® Data Checklist for Commercial Buildings

In order for a building to qualify for the ENERGY STAR, a Professional Engineer (PE) must validate the accuracy of the data underlying the building's energy performance rating. This checklist is designed to provide an at-a-glance summary of a property's physical and operating characteristics, as well as its total energy consumption, to assist the PE in double-checking the information that the building owner or operator has entered into Portfolio Manager.

Please complete and sign this checklist and include it with the stamped, signed Statement of Energy Performance.
NOTE: You must check each box to indicate that each value is correct, OR include a note.

CRITERION	VALUE AS ENTERED IN PORTFOLIO MANAGER	VERIFICATION QUESTIONS	NOTES	<input checked="" type="checkbox"/>
Building Name	Thrivent Financial	Is this the official building name to be displayed in the ENERGY STAR Registry of Labeled Buildings?		<input type="checkbox"/>
Type	Office	Is this an accurate description of the space in question?		<input type="checkbox"/>
Location	625 Fourth Avenue South, Minneapolis, MN 55415	Is this address accurate and complete? Correct weather normalization requires an accurate zip code.		<input type="checkbox"/>
Annual Occupancy Rate	95 %	Has the property maintained an average occupancy of 75% or higher across the 12 month period being assessed?		<input type="checkbox"/>
Single Structure	Single Facility	Does this SEP represent a single structure? SEPs cannot be submitted for multiple-building campuses (with the exception of acute care or children's hospitals) nor can they be submitted as representing only a portion of a building		<input type="checkbox"/>
Office (Office)				
CRITERION	VALUE AS ENTERED IN PORTFOLIO MANAGER	VERIFICATION QUESTIONS	NOTES	<input checked="" type="checkbox"/>
Gross Floor Area	519,750 Sq. Ft.	Does this square footage include all supporting functions such as kitchens and break rooms used by staff, storage areas, administrative areas, elevators, stairwells, atria, vent shafts, etc. Also note that existing atriums should only include the base floor area that it occupies. Interstitial (plenum) space between floors should not be included in the total. Finally gross floor area is not the same as leasable space. Leasable space is a subset of gross floor area.		<input type="checkbox"/>
Weekly operating hours	66 Hours	Is this the total number of hours per week that the Office space is 75% occupied? This number should exclude hours when the facility is occupied only by maintenance, security, or other support personnel. For facilities with a schedule that varies during the year, "operating hours/week" refers to the total weekly hours for the schedule most often followed.		<input type="checkbox"/>
Workers on Main Shift	1,200	Is this the number of employees present during the main shift? Note this is not the total number of employees or visitors who are in a building during an entire 24 hour period. For example, if there are two daily 8 hour shifts of 100 workers each, the Workers on Main Shift value is 100. The normal worker density ranges between 0.3 and 10 workers per 1000 square feet (92.8 square meters)		<input type="checkbox"/>
Number of PCs	1,532	Is this the number of personal computers in the Office?		<input type="checkbox"/>
Percent Cooled	50% or more	Is this the percentage of the total floor space within the facility that is served by mechanical cooling equipment?		<input type="checkbox"/>
Percent Heated	50% or more	Is this the percentage of the total floor space within the facility that is served by mechanical heating equipment?		<input type="checkbox"/>

Safety & Security (Office)				
CRITERION	VALUE AS ENTERED IN PORTFOLIO MANAGER	VERIFICATION QUESTIONS	NOTES	<input checked="" type="checkbox"/>
Gross Floor Area	250 Sq. Ft.	Does this square footage include all supporting functions such as kitchens and break rooms used by staff, storage areas, administrative areas, elevators, stairwells, atria, vent shafts, etc. Also note that existing atriums should only include the base floor area that it occupies. Interstitial (plenum) space between floors should not be included in the total. Finally gross floor area is not the same as leasable space. Leasable space is a subset of gross floor area.		<input type="checkbox"/>
Weekly operating hours	168 Hours	Is this the total number of hours per week that the Office space is 75% occupied? This number should exclude hours when the facility is occupied only by maintenance, security, or other support personnel. For facilities with a schedule that varies during the year, "operating hours/week" refers to the total weekly hours for the schedule most often followed.		<input type="checkbox"/>
Workers on Main Shift	2	Is this the number of employees present during the main shift? Note this is not the total number of employees or visitors who are in a building during an entire 24 hour period. For example, if there are two daily 8 hour shifts of 100 workers each, the Workers on Main Shift value is 100. The normal worker density ranges between 0.3 and 10 workers per 1000 square feet (92.8 square meters)		<input type="checkbox"/>
Number of PCs	3	Is this the number of personal computers in the Office?		<input type="checkbox"/>
Percent Cooled	50% or more	Is this the percentage of the total floor space within the facility that is served by mechanical cooling equipment?		<input type="checkbox"/>
Percent Heated	50% or more	Is this the percentage of the total floor space within the facility that is served by mechanical heating equipment?		<input type="checkbox"/>
data center (Computer Data Center)				
CRITERION	VALUE AS ENTERED IN PORTFOLIO MANAGER	VERIFICATION QUESTIONS	NOTES	<input checked="" type="checkbox"/>
Gross Floor Area	5,000 Sq. Ft.	Does this square footage include all supporting functions of the computer data center?		<input type="checkbox"/>
Weekly operating hours	168 Hours	Is this the total number of hours per week that the computer data center is in operation?		<input type="checkbox"/>
parking lot (Parking)				
CRITERION	VALUE AS ENTERED IN PORTFOLIO MANAGER	VERIFICATION QUESTIONS	NOTES	<input checked="" type="checkbox"/>
Gross Floor Area	33,075 Sq. Ft.	Is this the total square footage of the entire parking area (enclosed + nonenclosed + open floor area)?		<input type="checkbox"/>
Enclosed Floor Area	0 Sq. Ft.	Is this the total square footage of the enclosed garage space? An enclosed garage is defined as having both sides and a roof.		<input type="checkbox"/>
Non-Enclosed Floor Area (w/roof)	0 Sq. Ft.	Is this the total square footage of the nonenclosed garage space? This is typically defined as the portion of the garage above ground (contains no sides but is under a roof).		<input type="checkbox"/>
Open Floor Area (w/o roof)	33,075 Sq. Ft.	Is this the total square footage of the nonenclosed parking area without a roof? This is typically defined as open parking lots or the very top level of an above ground parking garage.		<input type="checkbox"/>
Weekly Hours of Access	168 Hours	Is this the total number of hours per week when it is possible for a vehicle to enter or exit?		<input type="checkbox"/>

ENERGY STAR® Data Checklist for Commercial Buildings

Energy Consumption

Power Generation Plant or Distribution Utility: Northern States Power Co

Fuel Type: Electricity		
Meter: Xcel Electric (kWh) Space(s): Entire Facility		
Start Date	End Date	Energy Use (kWh)
10/01/2007	10/31/2007	645,520.00
09/01/2007	09/30/2007	703,648.00
08/01/2007	08/31/2007	761,852.00
07/01/2007	07/31/2007	796,848.00
06/01/2007	06/30/2007	774,576.00
05/01/2007	05/31/2007	660,064.00
04/01/2007	04/30/2007	630,596.00
03/01/2007	03/31/2007	535,212.00
02/01/2007	02/28/2007	552,200.00
01/01/2007	01/31/2007	614,180.00
12/01/2006	12/31/2006	618,392.00
11/01/2006	11/30/2006	543,468.00
Xcel Electric Consumption (kWh)		7,836,556.00
Xcel Electric Consumption (kBtu)		26,738,329.07
Total Electricity Consumption (kBtu)		26,738,329.07
Is this the total Electricity consumption at this building including all Electricity meters?		<input type="checkbox"/>

Fuel Type: District Steam		
Meter: steam (kBtu) Space(s): Entire Facility		
Start Date	End Date	Energy Use (kBtu)
10/01/2007	10/31/2007	499,430.00
09/01/2007	09/30/2007	451,428.00
08/01/2007	08/31/2007	392,191.00
07/01/2007	07/31/2007	371,764.00
06/01/2007	06/30/2007	559,689.00
05/01/2007	05/31/2007	933,496.00
04/01/2007	04/30/2007	1,242,959.00

03/01/2007	03/31/2007	2,612,562.00
02/01/2007	02/28/2007	1,920,100.00
01/01/2007	01/31/2007	1,641,277.00
12/01/2006	12/31/2006	1,631,064.00
11/01/2006	11/30/2006	977,413.00
steam Consumption (kBtu)		13,233,373.00
steam Consumption (kBtu)		13,233,373.00
Total District Steam Consumption (kBtu)		13,233,373.00
Is this the total District Steam consumption at this building including all District Steam meters?		<input type="checkbox"/>

Additional Fuels

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Richard Hermans,
Professional Engineer
License Number 16727

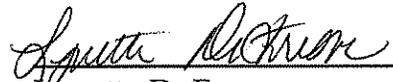
STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Lynette DuFresne, being first duly sworn, deposes and says:

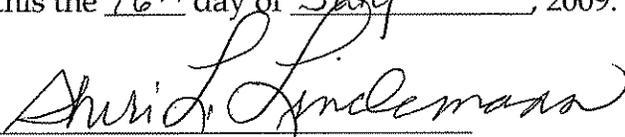
That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 16th day of July, 2009, she served the attached Stipulation and Order by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class and certified postage prepaid, and addressed to:

Mr. Richard Hermans
7200 Stage Coach Trail
Lino Lakes, Minnesota 55014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7007 0710 0001 3781 8631


Lynette DuFresne

Subscribed and sworn to before me on
this the 16th day of July, 2009.


(Notary Public)

