

MAY 27 2011

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

In the matter of Patrick A. Johnson
PROFESSIONAL Engineer
License Number 22037

STIPULATION AND ORDER

Board File No. 2011-0006

TO: Patrick A. Johnson
337 31st Avenue South
Waite Park, Minnesota 56387

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2010) and Minnesota Statutes section 326.111 (2010) 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 Patrick A. Johnson ("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 first issued a Professional Engineer license by the Board on May 20, 1992. 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 as a Professional Engineer in the State of Minnesota on May 20, 1992.

b. Respondent's Minnesota Professional Engineer license is current with an expiration date of June 30, 2012.

c. On July 15, 2010, Joe Lahr, of Joe's Excavating Inc., located at 1229 Pinecone Road, Sartell, Minnesota, came into the Maple Grove Building Department, located in Maple Grove, Minnesota. Mr. Lahr was referred to Rick Davidson, Director, Building Inspection Services, with the City of Maple Grove, Maple Grove, Minnesota, as he did not wish to install the foundation drainage system in accordance with the 2000 International Residential Code (IRC), Section R405.1 on the single family home, located at 6916 East Fish Lake Road, Maple Grove, Minnesota. Mr. Lahr felt he had an alternative method of installing the system based on his experience in his home area. Mr. Davidson explained that the 2000 IRC, Section R405.1 must be followed. Mr. Davidson informed Mr. Lahr that he would need evidence of the soil type and it must come in the form of a geotechnical report prepared by a licensed engineer. Mr. Lahr indicated that he would have such a report prepared. Mr. Lahr appeared at the Maple Grove Building Department, Maple Grove, Minnesota, about an hour later and asked Mr. Davidson if he received an email with a letter from the engineer. Mr. Davidson did receive an email from the Respondent sent on July 15, 2010 at 11:42

A.M., that same day. Attached to the email sent on July 15, 2010 at 11:42 A.M., was a letter signed and certified by the Respondent dated July 15, 2010. See Exhibit A. A true and correct copy of the email sent on July 15, 2010 at 11:42 A.M. with a letter signed and certified by the Respondent dated July 15, 2010 is attached as Exhibit A.

d. In the same letter signed and certified by the Respondent on July 15, 2010, Exhibit A, to Mr. Joe Lahr, Joe's Excavating, Respondent stated: "As we discussed per our phone conversation, it appears that all of the footings and foundations for the above referenced project are placed on well drained washed rock and backfilled with sand material. In addition, the rear walkout area was backfilled with a great deal of sand, which will aid in drainage. These materials are well drained sands and gravels that are classified as GP or SP in accordance with the Unified Soils Classification System (USCS). They fall within Soil Group 1 in Table R405.1 of the International Residential Code (IRC). Therefore, they meet the exception under R405.1 of the IRC for the requirement of a drain tile system." See Exhibit B. A true and correct copy of the Table R405.1 is attached as Exhibit B.

e. On July 15, 2010 at 1:04 P.M., Mr. Davidson, Director, Building Inspection Services, City of Maple Grove, Maple Grove, Minnesota, emailed the Respondent asking three (3) questions.

1. Did you personally visit the site?

2. Can you provide the results of the soils report that indicate to what depth below the foundation the Class 1 soils extend?

3. Are the Class 1 soils referenced in your letter common only to the area under the footings or are they commonly encountered through the area covered by the dwelling?

A true and correct copy of the email sent to the Respondent at Independent Testing Tech, on July 15, 2010 at 1:04 P.M. is attached Exhibit C.

f. Respondent replied to Rick Davidson, Director, Building Inspection Services, City of Maple Grove, Maple Grove, Minnesota on July 15, 2010 at 2:26 P.M. stating: "No, we did not visit the site. I talked to Joe and he sent me pictures of the site. Joe explained what he had done. And the pictures supported what he had told me. We have worked with Joe for nearly 20 years and have confidence in his work. There was no soils report. My understanding is that the class 1 soils only extend to a depth of about 4 inches below the footings. I understand the native soils are clay (CL) or clayey sand (SC) glacial till." A true and correct copy of the email sent as a reply from the Respondent to Rick Davidson, Director, Building Inspection Services, City of Maple Grove, Maple Grove, Minnesota on July 15, 2010 at 2:26 P.M. is attached as Exhibit D.

g. In a letter dated September 10, 2010 to Lynette DuFresne, Board Investigator, Respondent stated: "I had my doubts, but agreed to write a letter stating that, by definition, crushed rock and granular sand materials would fall under Group 1 Soils in Table R405.1. That was the intent of my letter. I was not

intending to provide a geotechnical report, or to certify any inspection report. I was merely trying to state a fact. Specifically, that crushed rock and granular sand fall within Group 1 soils." A true and correct copy of the letter dated September 10, 2010 to Lynette DuFresne, Board Investigator, is attached as Exhibit E.

h. Respondent's letter dated July 15, 2010, Exhibit A, was misleading and incomplete based on the fact that the Respondent admitted that he never visited the site and that the Respondent never took any soil samples to prove the types of soils he found.

i. Respondent's email sent to Rick Davidson, Director, Building Inspection Services, City of Maple Grove, Maple Grove, Minnesota, on July 15, 2010 at 2:26 P.M., Exhibit D, was misleading, inaccurate and incomplete by making a statement on the soils and depths of the soils below the footing, when he did not visit the site located at 6919 East Fish Lake Road, Maple Grove, Minnesota.

j. Respondent was negligent as a Professional Engineer by having a telephone conversation with the contractor and using pictures of the site to support the letter he signed and certified on July 15, 2010 to Mr. Joe Lahr, Joe's Excavating, Exhibit A.

3. Violations. Respondent admits that the facts specified above constitute violations of negligence as a professional engineer, misleading, inaccurate and incomplete documentation on a report that the Respondent signed and certified for a

single family home, located at 6916 East Fish Lake Road, Maple Grove, Minnesota, in violation of Minnesota Statutes section 326.111, subdivision 4 (a) (1), (3) and (4) (2010) and Minnesota Rules 1805.0200, subpart 4 (D) (2009) 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 Four Thousand Dollars (\$4,000.00). Respondent shall submit a civil penalty of Four Thousand Dollars (\$4,000.00) by cashier's check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

c. Ethics Course. Within six months (6) of the Board's approval of this Stipulation and Order, Respondent shall successfully complete, and submit acceptable documentation thereof to the Board, two (2) hours of course(s) in professional ethics, which is/are approved in advance by the Complaint Committee. Completion of any courses for the two (2) hours of professional ethics instruction earned within six months (6) of the Board approval of this Stipulation and Order, that are being submitted for the purpose of fulfilling the professional ethics instruction required by this Order, shall not count toward any continuing education requirements in the 2012-2014 renewal period or beyond.

d. Building Code Instruction Course. Within six months (6) of the

Board's approval of this Stipulation and Order, Respondent shall successfully complete, and submit acceptable documentation thereof to the Board, four (4) hours of course(s) in building code instruction, which is/are approved in advance by the Complaint Committee. Completion of any courses for the four (4) hours of building code instruction earned within six months (6) of the Board approval of this Stipulation and Order, that are being submitted for the purpose of fulfilling the building code instruction required by this Order, shall not count toward any continuing education requirements in the 2012-2014 renewal period or beyond.

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation and Order, 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 Complaint Committee may submit affidavits responding to any affidavits submitted by Respondent. 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 (2010), 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 (2010), 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 (2010), 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 (2010). 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 (2010). 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 engineering.

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

Patrick A. Johnson
Patrick A. Johnson

Dated: May 25, 2011

COMPLAINT COMMITTEE

By: Billie Lawton
~~Billie Lawton, Public Member,~~ *LISA HANNI, CS*
Committee Chair

Dated: June 2, 2011

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 2ND day of JUNE, 2011.

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

By: Kristine A. Kubes
Kristine A. Kubes, J. D.
~~Board Chair~~
Carl G. Peterson
Secretary

Rick Davidson

From: Pat Johnson [pat@independenttestingtech.com]
Sent: Thursday, July 15, 2010 11:42 AM
To: joesexcavatinginc@clearwire.net
Cc: Rick Davidson
Subject: 6916 East Fish Lake Road
Attachments: Maple Grove SFH ltr.pdf

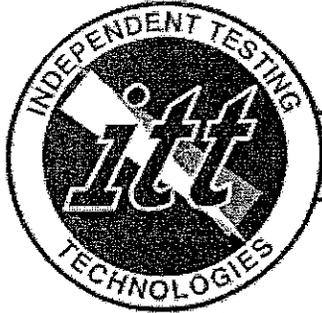
Joe,

See attached letter.

Pat Johnson, PE
Independent Testing Technologies, Inc
337 31st Avenue South
Waite Park, MN
Phone: 320-253-4338
Fax: 320 253-4547
Mobile: 320-980-1391

www.independenttestingtech.com

EXHIBIT A



Independent Testing Technologies, Inc.

July 15, 2010

Mr. Joe Lahr
Joe's Excavating
1229 Pinecone Road
Sartell, MN 56377

RE: 10-198 Single Family House- 6916 East Fish Lake Road
Maple Grove, Minnesota

Dear Mr. Lahr:

As we discussed per our phone conversation, it appears that all of the footings and foundations for the above referenced project are placed on well drained washed rock and backfilled with sand material. In addition, the rear walkout area was back filled with a great deal of sand, which will aid in drainage.

These materials are well drained sands and gravels that are classified as GP or SP in accordance with the Unified Soils Classification System (USCS). They fall within Soil Group I in Table R405.1 of the International Residential Code (IRC).

Therefore, they meet the exception under R405.1 of the IRC for the requirement of a drain tile system.

Mr. Lahr, it has been our pleasure to be of service to you on this project. Please feel free to contact me if you have any questions or need additional services.

Sincerely,


Patrick A. Johnson, P.E.
MN Registration #22037

I hereby certify that the above
information, or report, was prepared
under my direct supervision and
is a true and correct copy of the
original as filed with me.

c:b10198-ltr


Patrick A. Johnson
Date 7/15/10 Registration No. 22037

low grade on foundation walls in accordance with one of the following conditions:

1. When in addition to the requirements in Section R324.1, an approved method of protecting the foam plastic and structure from subterranean termite damage is provided.
2. The structural members of walls, floors, ceilings and roofs are entirely of noncombustible materials or pressure preservatively treated wood.
3. On the interior side of basement walls.

R404.4.8 Foundation wall thickness based on walls supported. The thickness of ICF foundation walls shall not be less than the thickness of the wall supported above.

R404.4.9 Height above finished ground. ICF foundation walls shall extend above the finished ground adjacent to the foundation at all points a minimum of 4 inches (102 mm) where masonry veneer is used and a minimum of 6 inches (152 mm) elsewhere.

R404.4.10 Backfill placement. Backfill shall be placed in accordance with Section R404.1.7.

R404.4.11 Drainage and dampproofing/waterproofing. ICF foundation basements shall be drained and damp proofed/waterproofed in accordance with Sections R405 and R406.

**SECTION R405
FOUNDATION DRAINAGE**

R405.1 Concrete or masonry foundations. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, gravel or crushed stone drains, perforated pipe or other approved systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with an approved filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper, and the drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches (152 mm) of the same material.

Exception: A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1.

R405.2 Wood foundations. Wood foundations enclosing habitable or usable spaces located below grade shall be adequately

**TABLE R405.1
PROPERTIES OF SOILS CLASSIFIED ACCORDING TO THE UNIFIED SOIL CLASSIFICATION SYSTEM**

SOIL GROUP	UNIFIED SOIL CLASSIFICATION SYSTEM SYMBOL	SOIL DESCRIPTION	DRAINAGE CHARACTERISTICS ^a	FROST HEAVE POTENTIAL	VOLUME CHANGE POTENTIAL EXPANSION ^b
p I	GW	Well-graded gravels, gravel sand mixtures, little or no fines.	Good	Low	Low
	GP	Poorly graded gravels or gravel sand mixtures, little or no fines.	Good	Low	Low
	SW	Well-graded sands, gravelly sands, little or no fines.	Good	Low	Low
	SP	Poorly graded sands or gravelly sands, little or no fines.	Good	Low	Low
	GM	Silty gravels, gravel-sand-silt mixtures.	Good	Medium	Low
	SM	Silty sand, sand-silt mixtures.	Good	Medium	Low
p II	GC	Clayey gravels, gravel-sand-clay mixtures.	Medium	Medium	Low
	SC	Clayey sands, sand-clay mixture.	Medium	Medium	Low
	ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity.	Medium	High	Low
Group III	CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.	Medium	Medium	Medium to Low
	CH	Inorganic clays of high plasticity, fat clays.	Poor	Medium	High
Group IV	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.	Poor	High	High
	OL	Organic silts and organic silty clays of low plasticity.	Poor	Medium	Medium
	OH	Organic clays of medium to high plasticity, organic silts.	Unsatisfactory	Medium	High
	Pt	Peat and other highly organic soils.	Unsatisfactory	Medium	High

For SI: 1 inch = 25.4 mm.

- a. The percolation rate for good drainage is over 4 inches per hour, medium drainage is 2 inches to 4 inches per hour, and poor is less than 2 inches per hour.
- b. Soils with a low potential expansion typically have a plasticity index (PI) of 0 to 15, soils with a medium potential expansion have a PI of 10 to 35 and soils with a high potential expansion have a PI greater than 20.

Rick Davidson

From: Pat Johnson [pat@independenttestingtech.com]
Sent: Thursday, July 15, 2010 2:26 PM
To: Rick Davidson
Subject: RE: Letter to Joe Lahr regarding 6916 East Fish Lake Road

No, we did not visit the site. I talked to Joe and he sent me pictures of the site. Joe explained what he had done. And the pictures supported what he had told me. We have worked with Joe for nearly 20 years and have confidence in his work.

There was no soils report.

My understanding is that the class 1 soils only extend to a depth of about 4 inches below the footings. I understand the native soils are clay (CL) or clayey sand (SC) glacial till.

Pat Johnson, PE

EXHIBIT D

From: Rick Davidson [mailto:rdavidson@ci.maple-grove.mn.us]
Sent: Thursday, July 15, 2010 1:04 PM
To: 'info@independenttestingtech.com'
Subject: Letter to Joe Lahr regarding 6916 East Fish Lake Road

Patrick Johnson

Patrick,

I've been provided a copy of a letter you sent to Joe Lahr regarding the soils condition at 6916 East Fish Lake Road. I have a few questions prior to giving final approval to Mr. Lahr for eliminating the foundation drainage system.

1. Did you personally visit the site?
2. Can you provide the results of the soils report that indicate to what depth below the foundation the Class I soils extend?
3. Are the Class I soils referenced in your letter common only to the area under the footings or are they commonly encountered through the area covered by the dwelling.

Thank you,

Rick Davidson
Director, Building Inspection Services
City of Maple Grove
12800 Arbor Lakes Parkway
Maple Grove, MN 55369
763-494-6061
fax 763-494-6417

EXHIBIT C

RECEIVED
SEP 13 2010

September 10, 2010

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

RE: File No. 2011-0006

Dear Ms. DuFresne:

This letter is in response to your letter of August 18, 2010 regarding a complaint filed in relation to my activities on the single family home at 6916 East Fish Lake Road in Maple Grove, Minnesota.

The description of what happened is pretty much as Mr. Rick Davidson said in his complaint letter. On July 15, Mr. Joe Lahr of Joe's Excavating contacted me about the house. He informed me that he was working on this house that was being built by his sister-in-law. He stated he was doing the work as a favor to keep the costs down. He explained that the City of Maple Grove's inspection of the foundation drainage system had failed earlier in the morning and that he had trucks filled with sand waiting to backfill the foundation. I told him that it would be impossible for me to get to the site that day, since I was busy. I also checked to see if we had any technicians in the area that would be available to stop in and look at the site. We didn't have anyone available to go to the site that day.

I informed Mr. Lahr that I couldn't write a letter stating that the system was adequate without observing the work. Furthermore, I explained to him that I didn't believe that simply being a professional engineer gave me the authority to waive specific requirements of the building code.

Mr. Lahr indicated that he couldn't wait for me or one of the technicians to go to the site, since he was paying for trucks to sit at the site. He said he had spoken to Mr. Davidson and that the building official would possibly accept a letter stating that the soils were free draining, thus qualifying under the exception under R405.1. I had my doubts, but agreed to write a letter stating that, by definition, crushed rock and granular sand materials would fall

EXHIBIT E

under Group 1 Soils in Table R405.1. That was the intent of my letter. I was not intending to provide a geotechnical report, or to certify any inspection report. I was merely trying to state a fact. Specifically, that crushed rock and granular sand fall within Group 1 soils. The decision of whether or not that letter was adequate was up to the building official.

I never intended to mislead the building official. I was up front that this was not a geotechnical report, nor had one been prepared for this site to my knowledge and that I, nor anyone from my office, had visited the site.

With that said, let me answer your questions. I will provide response numbered in the same order as your questions:

1. As I stated above and told the building official via e-mail: I did not visit the site.
2. See 1 above.
3. No soil borings were done to my knowledge and no geotechnical report was prepared by me.
4. I was informed by Mr. Lahr that this was the case. In my letter I stated that my understanding was based on our phone conversation. I also requested that Mr. Lahr e-mail me some pictures from his phone to corroborate what he had told me. I also understood that the building inspector had observed both the footings and the foundation drainage system and would easily know whether or not this was in fact the case.
5. See 4 Above
6. All of this information was obtained from Mr. Lahr, the owner of Joe's Excavating. I have known Joe for something like 18 years. In all of those years, I've never had an issue with him or his work. He has always been up front; open and cooperative on any project we've ever been involved with him. I have no reason not to trust what he says, especially when those items had already been inspected by the building official.
7. See 4 Above
8. See 4 above. Also, from the Soils Map of Hennepin County prepared by the Soil Conservation Service, the native soils were mapped as sandy loams and clay loams, which by definition would likely be classified as SC or CL under USCS Soil Classification System.
9. I wasn't my intent to conclude "the soils at the site...meet the exceptions under the R401.5 of the IRC..." My intent was merely to state that the crushed rock and sand backfill, which was readily apparent in the photos and was easily verified by the building inspector, met the requirements of Soil Group 1 in the code. Perhaps the letter, which was written in haste, was not clear.

Mr. Lahr indicated to me that he would be thankful if I could write the letter. If the building official did not accept it, he was going to proceed with backfilling anyways. He informed me that his sister-in-law had a brother or other relative that was a registered engineer, and perhaps he could help him.

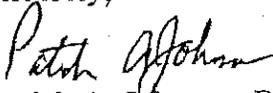
After July 15, I did not hear back from Mr. Lahr or Mr. Davidson. I had not even thought about the project until I got your investigation letter. That afternoon, I called Mr. Lahr to ask him what ever happened with it. He informed me that his sister-in-law's brother or other relative had written a letter that Mr. Davidson had accepted and that he understood everything with the project was fine. Mr. Lahr had his sister-in-law send a copy of that letter.

The end result is this. All the work that the Contractor did was accepted by the building official without any modifications to what was installed at the time on July 15. The contractor was someone I personally trusted and he was working for his sister-in-law. He wasn't going to do anything to jeopardize the integrity of the house.

I have included copies of the photographs I received from the Contractor on July 15th as well as the letter from Erickson Roed & Associates that was accepted by the building official.

Ms. DuFresne, I hope this answers your questions. Writing this, I noticed that you had requested a response by September 9. Sorry for the late response. I was recently out on vacation and, therefore had been extremely busy before and after. I lost track of time on getting this response written. If you have any further questions, please call me at (320) 253-4338.

Sincerely,



Patrick A. Johnson, P.E.
MN Reg. #22037

