

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

In the Matter of

**STIPULATION AND
CONSENT ORDER**

Manouchehr Hakhamaneshi
Professional Engineer No. 58681

Board File No. 2023-0074

STIPULATION

Manouchehr Hakhamaneshi (“Respondent”) and the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design’s Complaint Committee stipulate that, subject to Board’s review and discretionary approval, the Board may issue a consent order that imposes the following sanctions:

A. Respondent’s Professional Engineer license, No. 58681, is REVOKED pursuant to Minn. Stat. § 326.111 (2022). This revocation is STAYED subject to the following terms: Respondent’s California civil engineer license was subject to stayed revocation by the California Board for Professional Engineers, Land Surveyors, and Geologists in its stipulated settlement 1293-A. If the California Board lifts the stay of that revocation, then the stay of the revocation of Respondent’s Minnesota license shall likewise be automatically lifted. Respondent waives his right to a hearing on any such lifting of the stay, other than on the factual issue of whether the California Board lifted the stay. Upon successful completion of the probationary terms imposed by the California Board, Respondent shall notify the Minnesota Board of that completion, in which case the stayed revocation of Respondent’s Minnesota license shall be automatically vacated.

B. Respondent’s Professional Engineer license, No. 58681, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).

C. Respondent shall pay to the Board a civil penalty of Seven Thousand Dollars (\$7,000). Respondent shall submit the civil penalty by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

D. Respondent shall complete 2 professional development hours related to professional ethics, and provide proof of completion of the hours to the Board, within 60 days of the Board's approval of this stipulation and Consent Order. These professional development hours are not to count toward the continuing education hours required by statute and rule for license renewal.

E. Respondent shall comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02–.15 (2022) and Minn. R. chs. 1800 & 1805 (2023).

F. Respondent shall report in writing within ten days any and all violations of this stipulation and consent order to the Board's Executive Director.

Respondent and the Committee enter into this stipulation based on the following findings of fact, conclusions of law, and other stipulated provisions:

Findings of Fact

1. The Board issued Respondent a Professional Engineer license on December 31, 2020.
2. Respondent resides in California and holds a Professional Engineer license there.
3. On February 15, 2024, the California Board for Professional Engineers, Land Surveyors, and Geologists revoked Respondent's license for incompetence and aiding and

abetting an unlicensed engineer. This revocation was stayed, and Respondent was placed on probation for 35 months, subject to probationary terms.

4. In 2022, Respondent was hired by a project contractor to do engineering plans for an installation of solar panels for a house (herein known as "residence") located in Minnesota.

5. Respondent did not visit the residence and only used photographs taken by the project contractor to create the engineering plans.

6. Respondent electronically signed the engineering plans for the residence on September 1, 2022.

7. The project contractor started installing the rails on the roof of the residence in early November 2022 based on the engineering plans completed by Respondent. Shortly after, the owner of the residence reported witnessing wet attic insulation as result of the contractor drilling holes in the roof.

8. The owner of the residence had a Construction Defect Investigation report (herein in known as "report") completed on March 15, 2023, to assess the installation of the rooftop mounted photovoltaic panel rails and mounts, to assess the damage to the roof and roofing, and to recommend a repair scope. This report was completed by a licensed Minnesota Professional Engineer.

9. The engineering plans created by the Respondent indicate that the governing codes include the 2020 Minnesota Residential Code. In the report, several instances were noted where the Minnesota Residential Codes were not complied with on the plans. These instances include:

- a. There is no indication that an analysis was performed to assess whether the existing roof was designed and constructed to support the dead and wind loads imposed by the rooftop-mounted photovoltaic panel systems as required in the Minnesota Residential Code Sec. R324.4.1.
- b. One of the plan's diagrams shows an 18-inch fire setback from the specified ridges, hips and valleys of the roof; however, the plans indicate the total roof area is 1099 square feet and the total module area is 704 square feet. This means that the total module area takes up 64.05% of the roof. Under Minnesota Residential Code Sec.324.6.2, since the photovoltaic displays occupy more than 33 percent of the plan view total roof area, not less than a 36-inch clear setback is required on both sides of a horizontal ridge.

10. The report also found the following incorrect information in the plans:

- a. "The plans indicate that the roof was constructed with trusses...This was an incorrect assumption or an error. The roof was constructed with 2x4 rafters."
- b. "Given this construction, a structural analysis should have been performed by a licensed engineer prior construction to determine if the rafters can support the additional loads."

11. The report found that both the plans created by the Respondent and the construction are not in compliance with Minnesota Residential Code Sec. R324.6.

12. In his response, the Respondent stated the following: "The pictures they sent us show existing roof framing of the house, and we checked to make sure the photos matched the drawings so that there are no discrepancies. The pictures show existing roof framing of the house, and we checked to make sure the photos matched the drawings so that there are no discrepancies[.] Upon receiving the information from the construction company, we proceeded to create drawings, calculations, then emailed them back like we normally do for all of our projects."

13. Respondent engaged in substandard work when creating the engineering plans for the residence that resulted in damage to the residence.

Conclusion of Law

1. The Board has authority to license and regulate Professional Engineers and to take disciplinary action as appropriate. Minn. Stat. ch. 326.111 (2022).
2. Respondent violated Minn. R. 1805.0200, subp. 4(C) and (D), and 1805.0650 subp. 1 (2023).
3. Respondent is subject to discipline pursuant to Minn. Stat. §§ 326.111 subd. 4(a)(1), (2), and (3) (2022).
4. This stipulation and consent order is in the public interest.

Other Stipulated Provisions

1. This stipulation and consent order must be approved by the Board to become effective.

2. Respondent agrees that the Committee may move the Board *ex parte*, with or without advance notice to the Respondent, to approve this stipulation and consent order. Respondent understands that the Board may either approve the stipulation and consent order or not approve it. This stipulation and the files, records, and proceedings associated with this matter may be reviewed by the Board in its consideration of the Committee's motion.

3. If approved by the Board, this stipulation and consent order shall be classified as public data. Minn. Stat. § 13.41, subd. 5 (2022). The Board will post a copy of this order on its website. The Board will also send a summary to the national discipline data bank pertaining to the practice of professional engineering.

4. If the Board does not approve this stipulation and consent order, then the matter remains unresolved and the Committee may either seek to negotiate a revised stipulation and consent order with Respondent to present to the Board or issue an order commencing a contested-case hearing before an Administrative Law Judge at the Office of Administrative Hearings. See Minn. Stat. §§ 14.57–.62, 214.10, subd. 2 (2022) (describing administrative hearing process).

5. Respondent agrees that if this case comes before the Board again after it reviews and discusses this stipulation and consent order, Respondent waives any claim that the Board was prejudiced by its review and discussion of this stipulation and consent order and any records relating to it.

6. Respondent acknowledges that they were advised by the Committee of their right to a contested-case hearing in this matter before an Administrative Law Judge, to file exceptions and make argument to the Board after the hearing, and to seek judicial review from any adverse

decision rendered by the Board. Respondent hereby expressly waives those rights. Respondent was further advised by the committee of their right to be represented by counsel and that they knowingly waive that right.

7. Respondent has read, understands, and agrees to this stipulation and has voluntarily signed it. It is expressly understood that this stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise. If approved by the Board, a copy of the final stipulation and consent order shall be served personally or by first class mail on Respondent. The Board's order shall be effective when it is signed by the Chair of the Board or the Chair's designee.

8. Pursuant to Minn. Stat. § 16D.13 (2022), any civil penalty imposed by this stipulation and consent order shall begin to accrue simple interest in accordance with that section thirty days after the civil penalty is due. Pursuant to Minn. Stat. § 16D.17 (2022), thirty days after any civil penalty imposed by this stipulation and consent order is due, the Board may file and enforce any unpaid portion of the civil penalty as a judgment against Respondent in district court without further notice or additional proceedings.

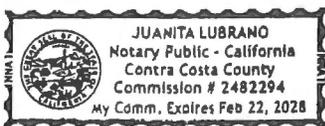
Manouchehr Hakhamaneshi, PE

STATE OF California

COUNTY OF Contra Costa

This instrument was acknowledged before me on 5/28/2024 by Manouchehr Hakhamaneshi.

(stamp)



(Signature of notary officer)

My commission expires: 02/22/2028

05/28/2024

COMPLAINT COMMITTEE

 Digitally signed by
Paul A. Vogel
Date: 2024.06.18
11:08:23-05'00'

ERIC FRISKE, JD
Chair

Dated: 6/18/2024, 2024

CONSENT ORDER

Upon consideration of this stipulation and consent order, and based upon all the files, records, and proceedings herein, all terms of the stipulation and consent order are approved. Accordingly, the Board hereby ADOPTS the stipulation and issues the ORDER described above.

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

Dated: 6, 18, 2024



MELISSA RODRIGUEZ, PE

Board Chair

DAVID J. KELSEY, P.E.
BOARD VICE CHAIR