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

In the matter of
Michael Zarbok, Unlicensed

SETTLEMENT AGREEMENT
AND
CEASE AND DESIST ORDER

Board File No. 2004-0036

TO: Mr. Michael Zarbok, CEO
Drafting Works, Inc.
26801 North Hart Lake Road
Pengilly, Minnesota 55775

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (Board) is authorized pursuant to Minnesota Statutes §§ 214.10 and 326.111 (2004) to review complaints concerning the unauthorized practice of architecture, engineering, land surveying, landscape architecture, geoscience and interior design, and to take action pursuant to those statutes whenever appropriate.

The Board received a complaint concerning Mr. Michael Zarbok (Respondent). The Board's Complaint Committee (Committee) reviewed the information. The parties have agreed that the matter may now be resolved by this Settlement Agreement and Cease and Desist Order.

SETTLEMENT AGREEMENT

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

1. Jurisdiction. Pursuant to Minnesota Statutes § 326.111, subd. 3 (2004), the Board is authorized to issue an order requiring unlicensed individuals to cease and desist

from practicing architecture and professional engineering in the State of Minnesota. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Settlement Agreement.

2. Facts. This Settlement Agreement is based upon the following facts:

a. Respondent is not currently and never has been licensed by the Board as an architect or professional engineer in the State of Minnesota.

b. Respondent is the CEO of Drafting Works, Inc. located at 26801 North Hart Lake Road, Pengilly, Minnesota 55775.

c. Respondent prepared the design drawings for a B-occupancy commercial bank known as the American Bank of Cook located in Cook, Minnesota, which are dated January 14, 2003, May 4, 2003, and May 19, 2003. The preparation of the design drawings constitutes the practice of architecture and engineering. A true and correct copy of the plans is on file at the Board office.

d. Respondent is identified as "M. Zarbok" in the Drawn By section of the Drafting Works, Inc. title block of the design drawings specified in paragraph 2(c) above.

3. Violations. Respondent and the Committee agree that the facts specified above constitute violations of Minnesota Statutes §§ 326.02, Subd. 1, 2, 3 and 326.03 (2004), and that those facts are sufficient grounds for the remedy specified below.

4. Remedy. Respondent and the Committee agree that the Board should issue an Order in accordance with the following terms:

a. Cease and Desist Order. Respondent shall cease and desist from practicing architecture and professional engineering in Minnesota, and from further violations of Minnesota Statutes §§ 326.02 to 326.15 (2004) until such time as he becomes

licensed as an architect and/or professional engineer in the State of Minnesota.

b. Written Report. Respondent shall hire an architect and a professional engineer licensed by the Board to inspect the building known as The American Bank of Cook and described in paragraphs 2(b) above as it was built to prepare a written report on code compliance, and health and safety issues. Respondent shall pay the architect and professional engineer for the preparation of the report and all related activities at his sole expense. The report shall be submitted to the Board within six (6) months of the date of the Board Order approving this settlement.

c. Civil Penalty. Respondent shall pay a civil penalty of ten thousand dollars (\$10,000.00) to the Board, of which six thousand dollars (\$6,000.00) will be stayed on the condition that Respondent does not violate Minnesota Statutes §§ 326.02 and 326.03 (2004) for two (2) years beginning on the date that the Board Chair signs the attached Order. Respondent shall pay four thousand dollars (\$4,000.00) to the Board by cashier's check or money order within sixty (60) days of the date of the Board Order approving this settlement.

5. Judicial Relief. If Respondent violates paragraph 4 above, a district court of this state may, upon application of the Committee, enter an order enjoining Respondent from such unauthorized practices, and granting the Board its costs, reasonable attorney fees, and other appropriate relief.

6. Waiver of Respondent's Rights. For the purpose of this Settlement Agreement, 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

and to dispute the appropriateness of discipline in a contested proceeding pursuant to Minnesota Statutes Chapter 14. Respondent agrees that upon the application of the Committee with 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 Minn. Stat. § 16D.17, Subd. 2 (2004), in the event this order becomes final and Respondent does not comply with the condition in paragraph 4(c) above, Respondent agrees that the Board may lift the stay on the civil penalty and that the Board may file and enforce the unpaid portion of the civil penalty as a judgment with notice or additional proceedings.

8. Board Rejection of Settlement Agreement and Cease and Desist Order. In the event the Board in its discretion does not approve this Settlement Agreement or a lesser remedy than specified herein, this Settlement Agreement and Cease and Desist Order shall be null and void and shall not be used for any purpose by either party hereto. If this Settlement Agreement is not approved and a contested case proceeding is initiated pursuant to Minnesota Statutes Chapter 14, Respondent agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Settlement Agreement and the record.

9. Record. The Settlement Agreement, 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 Settlement Agreement.

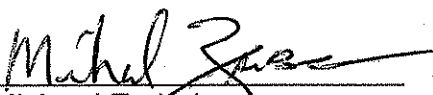
10. Data Classification. Under the Minnesota Data Practices Act, this Settlement Agreement and Cease and Desist Order is classified as public data upon its issuance by the Board. Minnesota Statutes § 13.41, subd. 5 (2004). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. 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.

11. Entire Agreement. Respondent has read, understood, and agreed to this Settlement Agreement and is freely and voluntarily signing it. The Settlement Agreement contains the entire agreement between the parties. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

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

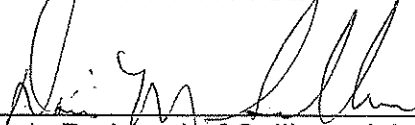
13. Service. If approved by the Board, a copy of this Settlement Agreement and Cease and Desist Order shall be served personally or by certified first class mail on Respondent. The order shall be effective and deemed issued when it is signed by the Chair of the Board.

RESPONDENT


Michael Zarbok

Dated: 2-14, 2005

COMPLAINT COMMITTEE

By: 
Doris Preisendorf Sullivan, LA, FASLA
Committee Chair

Dated: Feb 16, 2005

ORDER

Upon consideration of the foregoing Settlement Agreement and based upon all the files, records and proceedings herein, all terms of the Settlement Agreement are approved and adopted and hereby issued as an Order of this Board on this the 25 day of FEB, 2005.

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

By: 

James O'Brien, Architect, FAIA
Chair