

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

RECEIVED
JUL 19 2004

In the Matter of
Kevin A. Yeager, Unlicensed

SETTLEMENT AGREEMENT
AND
CEASE AND DESIST ORDER

Board File No. 2004-0042; 2004-0044

TO: Mr. Kevin A. Yeager
3800 – 92nd Street West
Pillager, MN 56473

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 (2002) to review complaints concerning the unauthorized practice of architecture, professional engineering, land surveying, landscape architecture, geoscience and interior design, and to take action pursuant to those statutes whenever appropriate.

The Board received two complaints concerning Mr. Kevin A. Yeager ("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 AGREEED by and between Respondent and the Committee as follows:

1. Jurisdiction. Pursuant to Minn. Stat. § 326.111, subd. 3 (2002), the Board is authorized to issue an order requiring an unlicensed person to cease and desist from

himself out to the public as an architect 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 in the State of Minnesota.

b. Respondent is listed on page 13 of the Brainerd Lakes edition of Qwest Dex yellow pages (use through June 2004), and on page 60 of the Twin Cities A-K edition of the Dex yellow pages (use through February 2005) under the heading "Architects." A true and correct copy of the yellow page listings is attached as Exhibit A.

c. Respondent distributed or caused to be distributed an advertisement portraying and identifying himself to the public as able to perform "architectural design" in the January/February 2004 issue of Lake Country Journal magazine. A true and correct copy of advertisement appearing on page 20 of the Lake Country Journal January/February 2004 magazine is attached as Exhibit B.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes § 326.02 subd. 1 (2002) and are sufficient grounds for the action specified below.

4. Enforcement Action. Respondent and the Committee agree that the Board may issue an order in accordance with the following terms:

a. Cease and Desist Order. Respondent shall cease and desist from holding himself out to the public as able to perform architectural services, from the use of the terms "architect" or "architectural" or any variation thereof, and from further

violations of Minnesota Statutes §§ 326.02 to 326.15 (2002) until such time as he becomes licensed as an architect in the State of Minnesota.

b. Corrective Action. Respondent shall take and maintain the following corrective actions:

i) Respondent shall remove the term "architect" or "architectural" or any variation thereof from his business cards, stationery, contracts, signs, marketing materials, and advertisements used in association with his Minnesota business activities or solicitation of Minnesota clients. Respondent shall provide documentation to the Board verifying that corrective action was completed within sixty (60) days of the date of the Board Order approving this settlement.

ii) Respondent shall ask the publisher of the Qwest Dex and Dex yellow pages, in writing, to remove his business listings from under the heading "Architects." Respondent shall provide documentation to the Board verifying that corrective action was requested within sixty (60) days of the date of the Board Order approving this settlement.

c. Civil Penalty. Respondent shall pay a civil penalty of five hundred dollars (\$500.00) to the Board. Respondent shall submit a cashier's check or money order in the amount of five hundred dollars (\$500.00) to the Board within sixty (60) days of the date of the Board Order approving this settlement.

5. Judicial Relief. If the 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, ordering Respondent to show cause why the required civil penalty has not been paid, 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 case proceeding pursuant to Minn. Stat. ch 14. Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order requiring the action specified in paragraph 4 herein. Respondent waives the right to any judicial review of this Settlement Agreement or the attached Board Order by appeal, writ or certiorari, or otherwise.

7. Collection. In accordance with Minn. Stat. § 16D, subd. 2 (2002), 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 file and enforce the unpaid portion of the civil penalty as a judgment without further 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, this Settlement Agreement 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 Minn. Stat. ch. 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 is classified as public data upon its issuance by the Board. Minn. Stat. § 13.41, subd. 5 (2002). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Data Practices Act, Minn. Stat. ch. 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein.

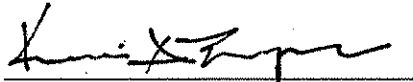
11. Unrelated Violations. This settlement shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before or after the date of this Settlement Agreement and which is not directly related to the specific facts and circumstances set forth herein.

12. 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.

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 Settlement Agreement shall be served personally or by first class mail on Respondent. The Settlement Agreement shall be effective and deemed issued when it is signed by the Chair of the Board.

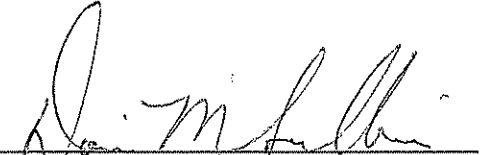
RESPONDENT



Kevin A. Yeager

Dated: JULY 17, 2004

COMPLAINT COMMITTEE

By: 

Doris Preisendorf Sullivan, FASLA
Complaint Committee Chair

Dated: Aug. 5, 2004

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 hereby issued as an Order of this Board on this the 10 day of Sept, 2004.

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

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James O'Brien, Architect, FAIA
Chair

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(Continued Next Page)

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Levin Charles Architects
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Levin Marshall M Consulting Architect
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Lindberg Glen L Architects
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Lindeman Jack Specifications Consultant Inc
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Slightly off the beaten path and a little to the northeast stands one lone pine. It is a spruce that stands with dignity at the entrance of a little-known place wherein lonely is not commonly felt—all are made to feel welcome at The Lonesome Pine Restaurant on Bay Lake.

In existence since 1936, the Lonesome Pine, just off Highway 18 on Katrine Drive near Deerwood, has undergone few changes—reflecting the easygoing outlook of the past owners—until recently.

The Goolsbee family has also owned property and been a part of the community of Bay Lake since 1936. In October 2002, Bill Goolsbee, who now resides in Gardnerville, Nevada, purchased the restaurant. He asked his nephew, Josh Goolsbee, to run the operation as general manager. Josh, living in Minneapolis at the time and having worked in the restaurant business all his life (albeit he is a mere twenty-five years old), had always dreamed of having a restaurant of his own. The Lonesome Pine was his dream come true.

The Lonesome Pine immediately became a family affair. Josh's parents, Gary and Dianne, offer help at every turn. Birtie Lynn Kraft, Gary and Bill's sister, carried out the interior design and decorating. Amy Kleven, Josh's girlfriend for five years, is unrelenting in her quest to make every aspect of the restaurant an unforgettable experience. And of course, Uncle Bill is a commanding, yet long-distance presence as well.

The Goolsbees focus their attention on three areas: Uphold an unbending commitment to quality and service, remain open year round, and finally—by revitalizing and restoring the Lonesome Pine—play an important role in main-

taining historical continuity at Bay Lake and the surrounding communities. The Goolsbees' philanthropic ideas have encompassed their desire to be a part of the local community. The family chose two neighboring nonprofit groups for the focus of charitable contributions.

With the restaurant and Goolsbee family properties located on Bay Lake, the



Amy Kleven and Josh Goolsbee add community focus.

Bay Lake Association Environmental Fund is dear to the family's hearts. Last June, the Lonesome Pine hosted a fundraiser for the environmental fund. The J.R. Spencer Band gave a charitable performance that rocked the house, while patrons danced the night away. All proceeds from the door were donated directly to the fund.

The second nonprofit group is the Wild and Free Wildlife Rehabilitation Program, located nearby in Garrison. In collaboration with Cash Wise Liquors of Brainerd, the Lonesome Pine hosted an inaugural wine-tasting benefit with 100 percent of the proceeds returned directly to Wild and Free. There are plans to make this an annual event.

While hosting the fundraising events for the two organizations, the doors remain open to the public. Josh believes it's important to remain open and connect