

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

In the matter of
Steve Schulberg, Unlicensed

**SETTLEMENT AGREEMENT AND
CEASE AND DESIST ORDER**

Board File No. 2003-0004

TO: Mr. Steve Schulberg, Unlicensed
Veterinary Management Services
444 Fondell Drive
Edina, Minnesota 55435

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minn. Stat. §§ 214.10 and 326.111 (2002) 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. Steve Schulberg ("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 Minn. Stat. § 326.111, subd. 3 (2002), the Board is authorized to issue an order requiring a person to cease and desist from the unauthorized

practice of architecture. Respondent is subject to 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 prepared design drawings for a B non-exempt occupancy known as the Camden Pet Hospital located at 1405 – 44th Avenue North, Minneapolis, Minnesota. A true and correct copy of the design drawings are attached as Exhibits A and B respectively.

c. Respondent prepared design drawings for a B non-exempt occupancy known as the Hillcrest Animal Hospital located at 1320 East County Road D, Maplewood, Minnesota. A true and correct copy of the design drawing is attached as Exhibit C.

3. Resolution of Complaint. The Committee's position is that the facts specified above constitute the unlicensed practice of architecture, in violation of Minnesota Statutes § 326.02 subds. 1 and 2 and 326.03 (2002), and that those facts are sufficient grounds for the remedy specified below. Respondent denies violating any provisions of Minnesota law enforced by the Board. However, the Committee and Respondent wish to resolve the complaint against Respondent by mutually agreeing to the remedy specified in paragraph 4 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 the practice of architecture, as defined in Minn. Stat. ch. 326 (2002), until such time as he becomes licensed as an architect in the State of Minnesota.

b. Civil Penalty. Respondent shall pay a civil penalty of five thousand dollars (\$5,000.00), of which four thousand dollars (\$4,000.00) will be stayed on the condition that Respondent does not violate any Board Statutes or Rules for one (1) year beginning on the date that the Board Chair signs the attached Order. Respondent shall pay one thousand dollars (\$1,000.00) 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. Additional Discipline for Violations of Order. If Respondent violates this settlement agreement and cease and desist order, or Minn. Stat. ch. 326, the Board may impose additional discipline pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least ten 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 seven 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 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 settlement agreement and cease and desist 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.

6. 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, ordering Respondent to show cause why the civil penalty has not been paid, and granting the Board its costs, reasonable attorney fees, and other appropriate relief.

7. 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 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.

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 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. Collection. In accordance with Minn. Stat. § 16D.17, Subd. 2 (2002), in the event this Order become final and Respondent does not comply with the condition in paragraph 4(b) above, the Board may lift the stay on the remaining amount of civil penalty, and file and enforce the unpaid portion of the entire civil penalty as a judgment without

further notice or additional proceedings.

10. 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.

11. 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. Minn. Stat. § 13.41, subd. 4 (2002). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government 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. A summary of this Order will appear in the Board's newsletter.

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 it may choose to be represented by legal counsel in this matter. Respondent is represented by Myles A. Schneider.

14. Service. If approved by the Board, a copy of this Settlement Agreement and Cease and Desist 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

COMPLAINT COMMITTEE

From: 877-294-4251

Pg 009


Steve Schulberg

By: 
Sonia Maassel Jacobsen, PE
Committee Chair

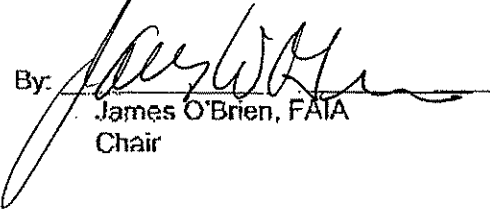
Dated: 5/8/04, 2004

Dated: May 13, 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 adopted and hereby issued as an Order of this Board this the 14 day of May 2004.

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

By: 
James O'Brien, FAIA
Chair



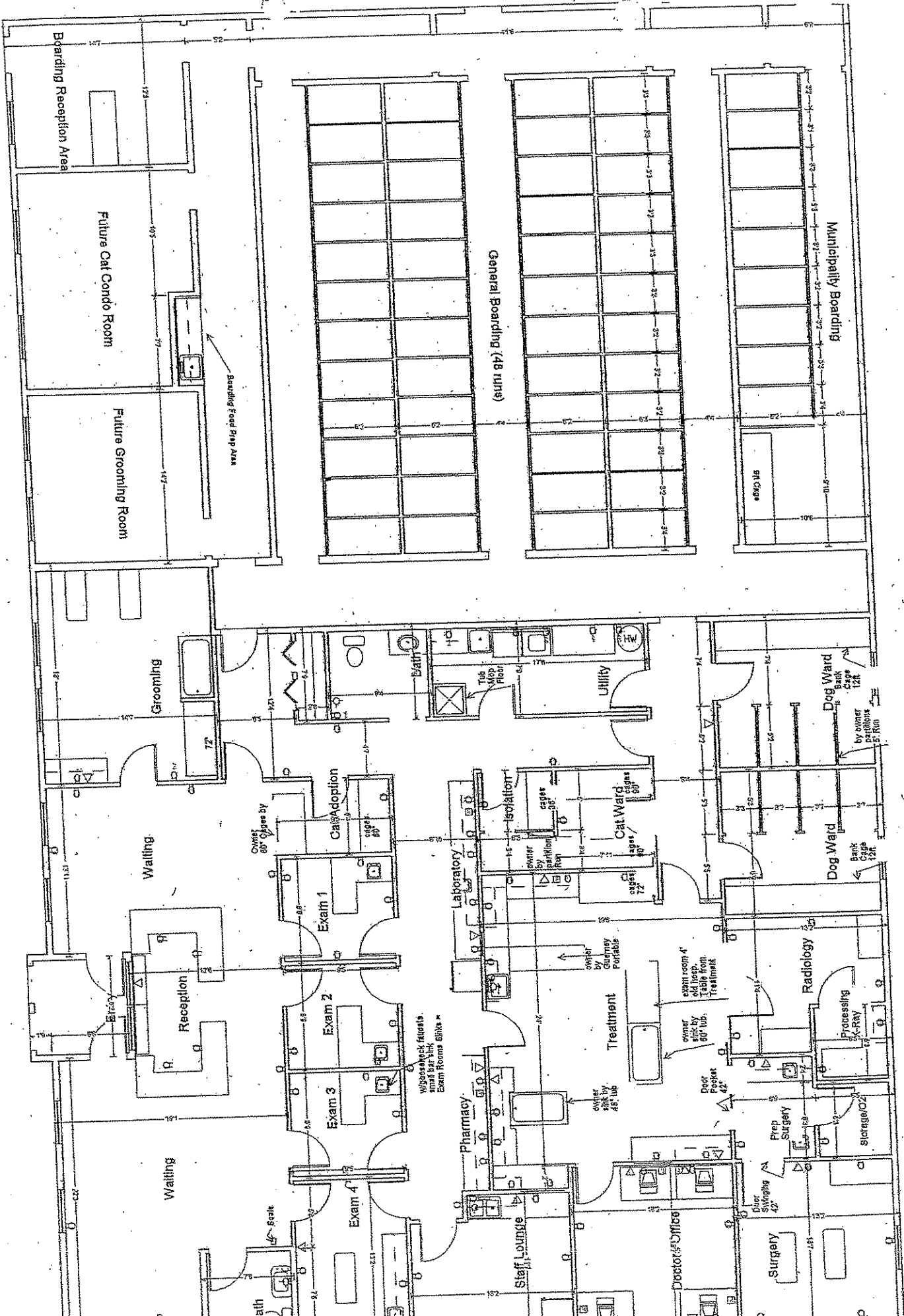


EXHIBIT C