

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

**SETTLEMENT AGREEMENT AND  
CEASE AND DESIST ORDER**

In the Matter of Daryoush Allaei

Board File No. 2019-0040

TO: Daryoush Allaei  
3223 Fairchild Ave.  
Wayzata, MN 55391

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2018) and Minnesota Statutes section 326.111 (2018) 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 information concerning Daryoush Allaei ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that these matters may now be resolved by this settlement agreement and cease and desist order.

**SETTLEMENT AGREEMENT**

It is hereby stipulated and agreed by Respondent and the Committee that without trial or adjudication of any issue of fact or law and without any evidence or admission by any party with respect to any such issue:

1. Jurisdiction. Pursuant to Minnesota Statutes section 326.111, subdivision 3



(2018), the Board is authorized to issue an order requiring an unlicensed person to cease and desist from practicing 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 and cease and desist order.

2. Facts. This settlement agreement is based upon the following facts:

a. Respondent was first licensed as a Professional Engineer in the State of Minnesota on May 25, 1993.

b. Respondent's Professional Engineer license expired on June 30, 2016.

c. Respondent acknowledged that he thought he renewed his license in 2016 but confused his Professional Engineer license with his state society membership.

d. Respondent is listed as "Professional Engineer" on his company's website and held himself out as a Professional Engineer without a valid Minnesota Professional Engineer license, beginning July 1, 2016.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02, subdivisions 1 and 3 (2018) and are sufficient grounds for the action specified below. Specifically, Respondent held himself out as a professional engineer, beginning July 1, 2016.

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 practicing professional engineering in Minnesota until such time as he reinstates his Professional Engineer license in the State of Minnesota.

b. Civil Penalty. Respondent shall pay a civil penalty of \$1,000 to the Board within 60 days of the date of the Board order approving this settlement agreement and cease and desist order.

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 Minnesota Statutes Chapter 14 (2018). 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 and cease and desist order or the attached Board order by appeal, writ of certiorari, or otherwise.

7. Collection. Pursuant to Minnesota Statutes section 16D.17 (2018), after 90 days of the Board's approval of this settlement agreement and cease and desist order, the Board may file and enforce any unpaid portion of the civil penalty imposed by this order as a judgment against Respondent in district court without further notice or additional proceedings.

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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 and cease and desist order, 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 Minnesota Statutes Chapter 14 (2018), 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 Government Data Practices Act, this settlement agreement and cease and desist order is classified as public data upon its issuance by the Board, Minnesota Statutes section 13.41, subdivision 5 (2018). 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 (2018). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this settlement agreement and cease and desist 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.

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 agrees to this settlement agreement and cease and desist order and is freely and voluntarily signing it. The settlement agreement and cease and desist order 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 waives legal representation.

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 settlement agreement shall be effective and deemed issued when it is signed by the Chair of the Board.

**RESPONDENT**

D. Allaei  
Daryoush Allaei

Dated: 10/16, 2019

SUBSCRIBED and sworn to before me on this the 16<sup>th</sup> day of October, 2019.

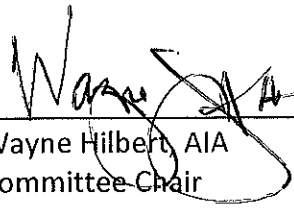


Sarah M. Stoeger  
(Notary Public)

My Commission Expires:

Jan 31, 2021

COMPLAINT COMMITTEE


  
\_\_\_\_\_  
Wayne Hilbert, AIA  
Committee Chair

Dated: 10-25, 2019

ORDER

Upon consideration of the foregoing settlement agreement and cease and desist order and based upon all the files, records, and proceedings herein, all terms of the settlement agreement and cease and desist order are approved and adopted and hereby issued as an order of this Board this the 21 day of November, 2019.

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

By:   
\_\_\_\_\_  
Margaret S. Parsons, AIA  
Board Chair



AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Daryoush Allaei


STATE OF MINNESOTA        )  
  ) ss.  
COUNTY OF RAMSEY        )

Matt Kaehler, being first duly sworn, deposes and says:

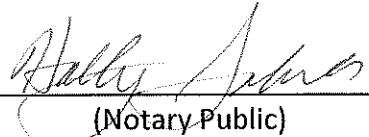
That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 21<sup>st</sup> day of November, 2019, he served the attached **Settlement Agreement and Cease and Desist Order**, by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class and certified postage prepaid, and addressed to:

Daryoush Allaei  
3223 Fairchild Ave.  
Wayzata, MN 55391

**CERTIFIED MAIL**  
**Return Receipt Requested**  
**7017 3040 0000 1241 2271**

  
\_\_\_\_\_  
Matt Kaehler

Subscribed and sworn to before me on  
this the 21<sup>st</sup> day of November, 2019.

  
\_\_\_\_\_  
(Notary Public)

