



PDH-Pro.com

## Ethics and Professional Conduct: A Summary of Wisconsin Disciplinary Decisions

**Course Number:** ET-02-204

**PDH:** 3

**Approved for:** AK, AL, AR, GA, IA, IL, IN, KS, KY, LA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, VT, WI, WV, and WY

New Jersey Professional Competency Approval #24GP00025600

North Carolina Approved Sponsor #S-0695

Maryland Approved Provider of Continuing Professional Competency

Indiana Continuing Education Provider #CE21800088

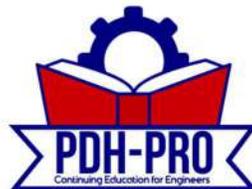
This document is the course text. You may review this material at your leisure before or after you purchase the course. In order to obtain credit for this course, complete the following steps:

1) Log in to My Account and purchase the course. If you don't have an account, go to New User to create an account.

2) After the course has been purchased, review the technical material and then complete the quiz at your convenience.

3) A Certificate of Completion is available once you pass the exam (70% or greater). If a passing grade is not obtained, you may take the quiz as many times as necessary until a passing grade is obtained (up to one year from the purchase date).

If you have any questions or technical difficulties, please call (508) 298-4787 or email us at [admin@PDH-Pro.com](mailto:admin@PDH-Pro.com).



## **ET-02-204 – Wisconsin Ethics and Professional Conduct: A Summary of Disciplinary Decisions**

Engineering ethics and professional conduct provide a set of standards that define the professional engineer's obligations to the public, his employer, and the profession. This course presents a summary and analysis of seven disciplinary case studies that are based on actual Reports of Decisions retrieved from the Wisconsin Department of Regulation & Licensing (the Department) website. These case studies were selected to highlight examples where the Department determined professional engineers had violated Wisconsin laws and statutes. It is expected that engineers will better understand ethical behavior and the standards of professional conduct by studying past ethical issues faced by other engineers and the Department's rationale for disciplining them for their mistakes.

Each Disciplinary Case Study includes a summary of the circumstances surrounding the charges and the engineer's behavior, the Department's findings, a citation of the applicable regulations and statutes, and an analysis of the respondent's conduct as it relates to the ethics and professional conduct expected of professional engineers. The names of the Respondents and their employers have been removed from the case studies to protect their privacy. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### **Disciplinary Case Study #1 – Failure to Use Reasonable Care**

ORDER: 0000048-00004145

#### **Details of the Case**

The Department received a consumer complaint alleging the Respondent provided an inaccurate professional engineering report to the Wisconsin Department of Natural Resources (DNR) on four rebuilt United Liquid Waste Recyclers (ULWR) waste storage tanks, located in Clyman, Wisconsin. The Respondent served as the professional engineer who prepared an inspection report on four waste storage tanks. The Respondent certified to the DNR that the four waste storage tanks: (1) were in good structural condition and 2) had been properly erected in accordance with the design drawings furnished by the manufacturer.

During the Department's investigation, it was revealed that the structural condition of the four waste storage tanks, the design drawings and their usage were considered questionable because the tank manufacturer had not provided the design for the four waste storage tanks to anyone. Based on the lack of a tank design from the manufacturer, the Department concluded that the tanks had not been erected in accordance with the design drawings of the manufacturer. During the Department's investigation, it was discovered that the Respondent and his employer may have relied on inaccurate information to reach the conclusion of the engineering report.

### **Violations**

The Respondent violated Wis. Stat. § 443.11 (d)(e) and Wis. Admin. Code §§ A-E 8.04(3) and 8.06(1) by failing to use reasonable care and competence in providing a professional engineering report on a subject where sufficient knowledge had not been established.

### **Penalty**

The Department ordered that the Respondent complete an on-line engineering ethics course. Once completed, they required proof the Respondent met the continuing education requirement in the form of verification from the institution providing the education.

The Department also ordered the Respondent to pay to a \$500 fine.

### **Discussion of Violations**

This case study involves a common activity that many professional engineers perform – performing and inspection various structures and certifying that the structure was constructed in accordance with the design, applicable codes, and/or some minimum standard. In this example, the engineer was contracted to inspect several waste storage tanks and then produce an engineering report certifying the tanks had been built to the manufacturer’s design specifications. This report was submitted to the Wisconsin DNR Bureau of Watershed Management (DNR), which is the state agency responsible for ensuring the integrity of tanks used to store waste.

The Respondent certified to the DNR that the four waste storage tanks: (1) were in good structural condition and 2) had been properly erected in accordance with the design drawings furnished by the manufacturer. It was subsequently determined that the manufacturer did not provide the design drawings or any documents related to the intended purpose of the tanks, and, consequently, it would not have been possible for the Respondent to determine whether or not the tanks had been erected in accordance with the manufacturer’s design.

The requirement to provide a certification is not unique to tank inspections. In fact, professional engineers in Wisconsin and other states are required to attest to similar conditions as part of completing a wide variety of forms and engineering reports. Examples include building occupancy permits, SPCC plans, stormwater pollution prevention plans, and many discharge permits. It is incumbent upon the engineer to carefully read and understand the certification statement he is signing, including the referenced standards, statutes, and other documents. Failure to use reasonable care is a violation of Wisconsin engineering statutes (and most other states) and is inconsistent with ethical and professional conduct. Engineers must confirm that all of the requirements of the certification are true and accurate. If this is not possible, they must provide sufficient details and explanation to carefully present the work completed by the engineer and then explain any exceptions to the requested certification. In the Case Study, one possible solution to address the lack of design documents from the manufacturer would have been for the engineer to note that at the time of construction the manufacturer did not provide the required design documents, combined with one or more of the following approaches:

- Determine if the tanks might be “grandfathered” by demonstrating that, at the time of construction, it was not necessary to have design drawings from the manufacturer to certify that the tanks were fit for service.
- Contact the manufacturer to determine if the tanks had been erected in a manner consistent with their design or the standards in use at the time of construction.
- Perform an analysis of the existing tank design to see if it meets current design standards and then certify that the tanks had been constructed in accordance with the engineer’s equivalent design.
- Contact the State Agency to discuss the absence of design drawings to determine if another certification method would be acceptable.
- Write an engineering report that concludes the tanks do not meet the manufacturer’s design requirements and should be taken out of service.

If the Respondent had been more careful in reviewing the available information and in the presentation of the facts, he could possibly have provided an appropriate evaluation of the tanks and offered a certification (assuming this is what the evaluation proved) that satisfied the DNR. However, by failing to do a thorough evaluation of the tanks and the available information, the Respondent violated the Wisconsin administrative code and failed to meet his professional obligations as the engineer of record.

## **Disciplinary Case Study #2 – Lack of Competence**

ORDER: 0000609

### **Details of the Case**

In 2009, the Department opened a disciplinary investigation in response to a complaint alleging mistakes and inadequacies in a report prepared by Respondent. The Department's investigation revealed that the Respondent prepared a stormwater runoff report for a property owner who was seeking a stormwater management permit (permit) for piping that had been installed during the construction of his new home. The Walworth County Land Use and Resource Management Department required calculations and plans from a certified engineer to ensure that the stormwater velocity was reduced to pre-construction levels. The Respondent prepared a report to obtain approval from the County for the permit. The engineering report was signed and stamped by the Respondent and submitted on behalf of the owner to the Walworth County Land Use and Resource Management Department (the WCLURMD). The WCLURMD, which lacked engineering resources, relied on the Respondent’s report to determine the velocity of rainwater through the drainage pipe and evaluate if the drainage pipe would adversely affect the adjacent property owners.

In the engineering report, the Respondent certified:

I have reviewed the drawings, calculations and attachments of the enclosed "Engineering Analysis for velocity flow through pipe at Address, WI[.]" I certify and approve that they are correct according to sound engineering principals, codes and laws of the state of Wisconsin.

Based on this certification, the WCLURMD approved the permit for the existing drainage permit. Following this approval, a complaint was filed with the Department alleging the engineering report contained mistakes and inadequacies. During the Department's investigation, the Respondent stated that he did not perform any calculations or engineering analysis in producing his report. He provided a defense in which he asserted that he did not believe the drain pipe issue involved a wastewater problem, and, therefore, he did not think the project rose to the level of professional engineering work. He also stated that he did not believe the report he prepared was an "engineering" report. As part of the investigation, the Respondent admitted that he had no experience in either waste or stormwater design. Following the investigation, the Respondent submitted a letter to Department admitting that "no inspection was done" and further stating that the "report was gathered information from public resources." The Respondent also admitted that the type of engineering work he normally does is shoring, concrete forming, and structure design.

### **Violations**

The Department found that by producing a report containing the deficiencies described above, the Respondent had violated:

- a. Wis. Admin. Code § A-E 8.04(3) by performing services which the Respondent was not qualified to perform by education or experience without retaining the services of another who is qualified;
- b. Wis. Admin. Code § A-E 8.06(1) by failing to use reasonable care and competence in providing professional services; and
- c. Wis. Admin. Code § A-E 8.09(1) by his failure to comply with the requirements of chapter A-E 8.

### **Penalty**

The Department ordered that the Respondent be reprimanded and pay a \$650 fine.

### **Discussion of Violations**

This case highlights one of the fundamental canons of ethics and professional conduct – engineers must only perform work that they are qualified to do based on their education and experience. The Wisconsin administrative code requires that licensed professional engineers only practice engineering in their area of expertise and competence. Board records for each PE reflect an area of engineering in which an engineer has demonstrated competence. In this instance, the Respondent was working outside his area of experience and expertise, which is a violation of the administrative code. He should have known that this type of work was not consistent with his prior engineering experience, and, therefore, he was not competent to perform the work. By knowingly performing work that he was not qualified to perform, the Respondent was behaving in an unethical and unprofessional manner.

Another problem with the Respondent's behavior is that he misrepresented the work that he completed. Specifically, he did not perform calculations or inspect the pipe to determine if it was negatively impacting the abutting properties, despite the fact he stated in the engineering report that he had performed the inspection. The Department appears to have made the most favorable interpretation of the facts because they only cited the Respondent for failing to use reasonable care and competence rather than fraudulently misrepresenting that he had conducted an inspection when he had not. Professional engineers must always strive to provide accurate information in a report and take care not to misrepresent facts and other information.

The engineer could have used one of several possible solutions to address his lack of relevant experience and competency related to the stormwater design such as:

- Hiring a professional engineer to complete the stormwater engineering work.
- Declining to perform the requested services and explaining to his client that he is not qualified to perform stormwater engineering services.

By failing to acknowledge that he was competent to perform the stormwater system inspection, the Respondent violated the Wisconsin administrative code and was not behaving in an ethical and professional manner. Professional engineers must thoroughly understand the type of work they are qualified to perform, and make certain that they only provide services for which they are competent.

### **Disciplinary Case Study #3 – Lack of Trustworthiness**

ORDER: 0000610

#### **Details of the Case**

The Respondent pleaded guilty to a felony count of conspiracy to commit mail and wire fraud in the United States District Court for the Eastern District of Wisconsin and was sentenced to one year and one day of incarceration to be followed by two years of supervised release. As part of his plea agreement, the Respondent admitted to the following facts that established his guilt beyond a reasonable doubt, to wit:

At all times relevant to this prosecution, the defendant, Respondent ("Respondent"), was a principal of and employed by Respondent's Employer ("Respondent's Employer"). Respondent's Employer is a business located in Delafield, Wisconsin that provides consulting and other services to real estate developers. These services include engineering, surveying, landscape architecture, and planning. In September 2002, Respondent set up a separate business under the name Respondent's Additional Employer ("RAE"). Respondent also opened a bank account in the name of NCCBH.

Another engineer (Co-defendant) was employed as the head of the Development Department and, later, the Chief Executive Officer of another engineering company (Company 2). Company 2 is a residential

construction business located in Waukesha, Wisconsin. To facilitate his fraud, the Co-defendant set up separate businesses.

During the period from approximately October 2002 through April 2004, the Respondent submitted fraudulent invoices to Company 2 in the name of RAE charging for services that had not, in fact, been provided by Respondent or RAE. These invoices totaled approximately \$168,000. Using his position at Company 2, Co-defendant approved these fraudulent invoices. Based on Co-defendant's approval, Company 2 paid these invoices by issuing checks that were mailed to Respondent and RAE. Some of the money paid to RAE by Company 2 was used by Respondent to fund illegal campaign contributions made by Respondent, his wife, and RAE employees; to pay for a portion of the rent of an apartment for a relative of Respondent's and to fund down payments made by two RAE employees for homes being built by Company 2. In addition, Respondent retained a portion of the money as a fee for his services. The majority of the money obtained from Company 2 through Respondent's submission of the fraudulent RAE invoices, however, was diverted back to Co-defendant.

To obtain his share of the money and make it appear that these were legitimate business transactions, co-defendant submitted invoices to RAE in the names of his other companies. These invoices totaled approximately \$77,000. Prior to the Department's investigation, the Respondent never reported his conviction to the Department.

### **Violations**

The Department determined that the Respondent violated Wis. Admin. Code § RL 4.09(2) by failing to notify the department of his conviction within 48 hours as described in paragraphs 3 and 5 of the Findings of Fact.

Pursuant to Wis. Stat. § 443.1 1(1)(f), Respondent is subject to discipline for his conviction of a felony offense as described in paragraphs 3 and 4 of the Findings of Fact.

Pursuant to Wis. State § 443.11(1)(d), Respondent is subject to discipline for violating federal law relating to the practice of engineering and engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession as described in paragraph 3 and 4 of the Findings of Fact.

### **Penalty**

The Department accepted the voluntary surrender of the Respondent's certificate of registration as a professional engineer. It was further ordered that the Respondent shall not seek to reapply for a certificate of registration as a professional engineer in the State of Wisconsin, and the Respondent shall not practice in Wisconsin without a certificate of registration as a professional engineer.

Both parties agreed that a violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

### **Discussion of Violations**

Professional engineers have many responsibilities, and protecting public safety is the most important aspect of their position. A key part of this role is based on trust. Without trust, it is not possible for the public to believe that they are safe. A critical part of protecting the reputation of the profession and the integral relationship this relationship has with protecting the public, engineers must behave ethically and professionally in all aspects of their lives. This expectation applies not only to their professional behavior as it relates to engineering and public safety, but also to their personal lives.

In this case, the Respondent was convicted of a felony related to fraudulent billing practices. The Department concluded that by committing a felony, the Respondent had demonstrated he was no longer trustworthy, and, therefore, was unfit to practice engineering. His penalty was the permanent loss of his engineering license plus an agreement from the Respondent that he would not re-apply for licensure in the State of Wisconsin. This is a very severe penalty, but the nature of the ethics violation is also very significant and, given the potential harm to the public trust, warrants the punishment that was meted out. The Department is making a clear warning to other professional engineers— individuals who commit serious crimes are not trustworthy, and, because trust is a crucial element to protecting public safety, convicted felons will not be licensed as professional engineers.

Other states have issued similar penalties for criminal convictions such as drunk-driving, assault, or fraud. In some cases, failure to pay child support, alimony, or taxes is used as the basis for suspending or revoking engineering licenses. The lesson is clear – engineers must comply with the law and conduct themselves in a manner that protects the reputation of the profession and maintains the public trust that ensures public safety.

### **Disciplinary Case Study #4 – Practicing With an Expired License**

ORDER: 0001498

#### **Details of the Case**

The Respondent is licensed in the State of Wisconsin as a professional engineer, having license number xxxxx, first issued on 07/23/1976 and now current through 07/31/2012. The Respondent allowed his license to expire on 08/1/2002 and did not renew until an investigation was launched into his unlicensed practice. The Section reinstated his license on 02/09/2010. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Hartland, WI 53029. Respondent put his seal on documents during the almost eight years his license was not current. The Respondent put his seal on materials copyrighted by another engineering firm.

#### **Violations**

By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 443.02 by practicing professional engineering without a current registration. The Respondent also violated Wis. Stat. § 443.17 and Wis. Admin. Code § A-E 8.10(1) by sealing or stamping plans prepared by someone other than the Respondent.

### **Penalty**

The Department reprimanded the Respondent for practicing engineering while unlicensed and fined him in the amount of \$1,135.00. In addition, the Respondent's Professional Engineer license was limited follows:

- a. For a period of two years from the date of this Order, whenever Respondent does any electrical engineering, Respondent shall have his work reviewed by a supervising engineer preapproved by the Section or its designee. Respondent will submit quarterly reports to Monitoring at the address in paragraph 5 below reporting any projects worked on and which ones include electrical engineering work for the two year limitation.
- b. Respondent shall, within one year of the date of this Order, successfully complete the Basic Level Study in Engineering Ethics (30 professional development hours) distance learning course offered by the Murdough Center at Texas Tech University, including taking and passing any exam offered for the courses.
- c. Respondent shall submit proof of completion in the form of verification from the institution providing the education to the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board, Wisconsin Department of Safety and Professional Services or similar authority in any state, and also may not be used in future attempts to upgrade a credential in any state.
- d. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after the two years for which supervision of electrical engineering work is required has passed and after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education and paid all costs in this matter.

### **Discussion of Violations**

This case highlights a situation that all engineers may find themselves facing – forgetting to renew their license and allowing it to lapse while continuing to practice engineering. In most disciplinary cases involving an expired license, the offense is a simple oversight, and the Department generally acknowledges this in determining the penalty they assess. Usually, the penalty involves a reprimand with the requirement that the engineer complete additional training. In this case, there was another charge related to stamping work performed by another engineer, and in response to this offense, the Department required the Respondent to submit his work to a supervising engineer for review.

All engineering licenses must be renewed on a periodic basis, and it is the responsibility of the licensee to ensure his/her license is current and active. As this case highlights, allowing an engineering license to lapse will result in sanctions if the engineer continues to practice engineering past the date of renewal. Another factor to consider is that even if you do not practice engineering after your license has expired, if you offer to provide engineering services by using the title engineer on your business card, in your email signature, on your letterhead, or in any number of other ways, you will be in violation of the statutes and the canons of ethics. Obviously, keeping all of your engineering licenses current is extremely important. However, if you forget to renew your license, you should immediately contact the engineering board and notify them of the problem. In most cases, the Department will work with the engineer to resolve the matter quickly and with a remedy that minimizes disruption to their practice.

## Disciplinary Case Study #5 – Failure to Comply with State Codes

ORDER: 0003187

### Details of the Case

The Department received a complaint from the Public Service Commission of Wisconsin (Commission) concerning engineering services that two professional engineers (Respondent 1 and Respondent 2) provided to Pioneer Power and Light Company (Pioneer) in the Village of Westfield, Wisconsin. The Commission's complaint included a copy of their Order which determined that Pioneer had failed to comply with Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 by purchasing and installing a new electrical transformer without first obtaining Commission approval. According to the Commission's Order, Pioneer engaged the engineering services of Respondents in April 2012 to obtain bids for a new electrical transformer, to provide consulting advice on the final selection and to prepare and submit the required application to the Commission for consideration.

The Respondents submitted the required application to the Commission for consideration on or about December 12, 2012. The installation of the electrical transformer occurred in late December 2012 prior to the Commission rendering a decision regarding the December 12, 2012 application. In response to the Commission's inquiry into the matter, Respondents submitted a letter to the Commission, dated April 22, 2013, acknowledging the statutory and regulatory violation and accepting full responsibility for the installation of the transformer before Commission approval was granted.

As a result of commencing construction of the project prior to obtaining Commission approval, Pioneer was reprimanded by the Commission on July 22, 2013. In response to the Commission's complaint to the Department, Respondents submitted a letter, dated October 18, 2013, in which they acknowledged that they should have taken precautions to ensure that the electrical transformer was not installed until the required Commission approval was granted. On or about October 21, 2013, the Commission informed the Department of two other instances in which Respondents failed to follow applicable law and Commission rules. One project was for the City of New London, Wisconsin and the other was for the City of Hartford, Wisconsin.

In a separate incident, the City of New London engaged the engineering services of Respondent 2, under the Professional Engineer license of Respondent 1, for improvements to several substations in New London. Respondent 1's work was to include filing application materials with the Commission, obtaining the necessary Commission approval, and completing the project in compliance with such approvals and applicable law. The Respondents filed the required application with the Commission on March 1, 2013. On or about May 24, 2013, the Commission issued a Certificate of Authority and Order for the City of New London project. The Commission directed that, in advance of any onsite construction for the project, the applicants contact the Wisconsin Historical Society for consultation and direction regarding a potential archaeological resource in the project area.

On or about May 24, 2013, the Commission received a phone call from Respondents indicating that site work, including ground excavation, had begun on May 19, 2013, prior to receiving Commission approval for the project and without consulting the Wisconsin Historical Society. The Respondents submitted

letters to the Commission, dated July 19, 2013 and August 27, 2013, acknowledging violations of Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 and accepting responsibility for commencement of the project prior to obtaining the Commission's approval. As a result of commencing construction of the project prior to obtaining Commission approval, the City of New London was reprimanded by the Commission on October 21, 2013.

The City of Hartford also engaged the engineering services of Respondent's Employer, under the Professional Engineer license of Respondent 1, to modify an existing substation and to construct two new circuits to the distribution system in Hartford. Respondents' work was to include filing application materials with the Commission, obtaining the necessary Commission approval and completing the project in compliance with such approvals and applicable law. The Respondents filed the required application with the Commission on April 24, 2013. On or about May 23, 2013, the Commission issued its approval for the City of Hartford project. During the Commission's review of the application, however, it had been reported by the Commission's environmental staff that construction at the Hartford project site had begun even though the Commission had not yet granted approval of the project.

In response to an inquiry of why the project commenced without Commission approval, Respondents submitted a letter to the Commission, dated August 29, 2013, claiming that they were unaware of the statutory and administrative requirements to obtain Commission approval prior to beginning construction of a project of this nature. Ultimately, Respondents acknowledged that violations of Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 occurred. Respondents also admitted that they failed to properly advise the City of Hartford, their client, of the statutory and regulatory requirements. As a result of commencing construction of the project prior to obtaining Commission approval, the City of Hartford was reprimanded by the Commission on October 17, 2013. The Respondents indicate that they have established better business practices to ensure that violations of Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 do not occur in the future.

### **Violations**

The Department determined that the Respondents violated Wis. Admin. Code § A-E 8.06(1) by failing to use reasonable care and competence in rendering professional engineering services. They also violated Wis. Admin. Code § A-E 8.09(1) by failing to comply with state codes which relate to the practice of professional engineering. As a result of the violation of Wis. Admin. Code § A-E 8.09(1), Respondents engaged in misconduct in the practice of professional engineering pursuant to Wis. Admin. Code § A-E 8.03(3)(a).

### **Penalty**

The Respondents were each reprimanded and fined \$815.

### **Discussion of Violations**

Professional engineers routinely apply for a variety of permits and approvals on a wide range of projects. This case was a clear-cut violation of the engineering statutes and ethical obligations because the

Respondents knew that a permit was required, but decided not to obtain approval prior to performing the work. In other cases, the engineer may not know that a permit or other approval is required. However, it is the responsibility of the professional engineer to know these requirements – this knowledge is an integral part of being competent to perform the work, and engineers have a duty to educate themselves about these requirements as part of their role as a project professional. In this case, the Respondent knowingly violated state codes by installing a transformer without the required approvals and permits. The Respondent's actions resulted in their clients being reprimanded and sanctioned by the Public Service Commission of Wisconsin.

## **Disciplinary Case Study #6 – Failure to Meet Continuing Education Requirement**

ORDER: 0004668

### **Details of the Case**

In 2014, the Department audited the Respondent's professional development in continuing education for the 2012-2014 biennial registration period (August 1, 2012 to July 31, 2014). Based on this audit, the Respondent was found to be noncompliant with the continuing education requirements for registered Professional Engineers because he had only completed eight professional development hours and equivalent continuing education units. Between September 12, 2014 and October 20, 2015, the Respondent completed nine approved PDH, which were retroactively applied to the Respondent's continuing education requirements for the 2012-2014 biennial registration period. The Department sent several requests to the Respondent's address of record for information pertaining to his continuing education, but the Respondent did not reply to these requests.

### **Violations**

The Department determined that the Respondent violated Wis. Admin. Code § A-E 13.03(1)(a) by failing to complete at least 30 hours of approved P.D.H./C.E.U., pertinent to the practice of professional engineering, within the 2012-2014 biennial registration period. He also violated Wis. Admin. Code § A-E 8.08(3) by failing to respond in a timely manner to a request by the department for information in conjunction with an investigation of a complaint filed against him. There is a rebuttable presumption that a registrant who takes longer than 30 days to respond to a request for information has not acted in a timely manner.

### **Penalty**

The Respondent was reprimanded and ordered to pay costs in the amount of \$202. In addition, the Respondent's Professional Engineer certificate of registration was limited as follows:

- a. Within 90 days of the date of this Order, Respondent shall complete 13 hours of approved P.D.H./C.E.U. in accordance with the requirements specified in Wis. Admin. Code § A-E 13.03.
- b. Respondent shall submit proof that he has satisfied the ordered P.D.H./C.E.U. in the form of verification from the institution offering the P.D.H./C.E.U. to the Department Monitor.
- c. The P.D.H./C.E.U. completed pursuant to this Order may not be used to satisfy any other registered Professional Engineer P.D./C.E. requirements with the Section.

d. This limitation shall be removed from Respondent's certification of registration and Respondent will be granted full, unrestricted registration after satisfying the Section or its designee that Respondent has successfully completed all of the ordered P.D.H./C.E.U.

Any P.D.H./C.E.U. listed above in Findings of Fact paragraph 4, that were completed and retroactively applied to Respondent's P.D./C.E. requirements for the 2012-2014 biennium, may not be used to satisfy any other registered Professional Engineer P.D./C.E. requirements with the Section.

### **Discussion of Violations**

Most states, including Wisconsin, require engineers to demonstrate professional competency by obtaining continuing education credits during each renewal cycle. The engineer is required to complete the necessary continuing education courses and maintain adequate records to prove they met the requirements. Failure to complete the continuing education courses or to maintain the required records is a violation of Wisconsin administrative code. Falsely certifying on the license renewal form that the licensee has met these requirements is also a violation of Wisconsin administrative code, and it is unethical and unprofessional behavior. In this case, the Respondent had completed some continuing education courses, but not enough to meet the biennial renewal requirement. The Department determined that the Respondent had violated the administrative code and reprimanded the individual, ordered him to complete the missing CEUs, and pay a fine.

It is the responsibility of the licensee to ensure they meet the requirements of license renewal. As this case highlights, failing to meet the continuing education requirements will result in sanctions. In addition, falsely certifying that the licensee has met the requirement can result in further disciplinary actions by the Department. If it is discovered during the renewal process that you failed to complete the required number of continuing education courses, you should immediately contact the engineering board and notify them of the problem. In most cases, the Department will work with the engineer to resolve the matter quickly and develop a remedy that minimizes disruption to their practice.

## **Disciplinary Case Study #7 – Failure to Notify Department of Disciplinary Action in another Jurisdiction**

ORDER: 0004674

### **Details of the Case**

On June 26, 2014, the Respondent was disciplined by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors for affixing his professional engineer's seal to the calculations and design drawings for a project which was not prepared by him or under his direct control and personal supervision. The Respondent was fined \$2,500.00 and was required to take and pass an online Intermediate Studies in Engineering Ethics course. The Respondent completed the ordered discipline and paid the fine.

On August 14, 2014, Respondent notified the Department of the Oklahoma discipline. In October of 2014, the Department of Legal Services and Compliance opened Case No. 14 ENG 011 for investigation and sent the Respondent two requests for more information regarding his Oklahoma discipline. The Respondent replied to all requests for information, but it took several months for him to supply the requested documents.

### **Violations**

The Department concluded that the Respondent engaged in misconduct pursuant to Wis. Admin. Code § A-E 8.03(3)(a) by violating federal or state laws, local ordinances or administrative rules relating to the practice of professional engineering. They also determined that the Respondent violated Wis. Admin. Code § A-E 8.08(4) by failing to notify the department within 48 hours in writing when he was disciplined in Oklahoma.

The Respondent was determined to have violated Wis. Admin. Code § A-E 8.08(3) by failing to respond in a timely manner to a request by the Department for information in conjunction with an investigation of a complaint filed against him. There is a reasonable presumption that a registrant who takes longer than 30 days to respond to a request for information has not acted in a timely manner. The Respondent violated Wis. Admin. Code § A-E 8.09(1) by failing to comply with the requirements in Wis. Stat. ch. 443, rules in Wis. Admin. Code ch. A-E 8 and all other federal, state and local codes relating to professional engineering.

### **Penalty**

The Respondent was reprimanded and fined \$680.00 by the Department.

### **Discussion of Violations**

The State of Wisconsin requires all professional engineers to notify them within 48 hours of any disciplinary action taken by another state engineering licensing board. Further, if the Department requests information from a licensee, he/she must respond within 30 days to that request, or they are assumed to have not responded in a timely manner. Both of these are considered to be a violation of the Wisconsin administrative code. Wisconsin engineers must notify the Department of any disciplinary action or other violations committed within another state in a timely manner. Failure to notify the Department within 48 hours is a violation of the Wisconsin administrative code and can result in sanctions. In this case, the Respondent was reprimanded and fined. The Department has the discretion to discipline the licensee based on the seriousness of the offense committed in the other state. It is important for licensees to immediately notify the Department of any disciplinary matters in a timely manner to avoid disciplinary action in Wisconsin.

## **Disciplinary Case Study #1 – Failure to Use Reasonable Care**

ORDER: 0000048-00004145

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

**STATE OF WISCONSIN  
BEFORE THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE  
ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND  
SURVEYORS-PROFESSIONAL ENGINEERS SECTION**

---

**IN THE MATTER OF THE DISCIPLINARY** :  
**PROCEEDINGS AGAINST** :  
: **FINAL DECISION AND ORDER**  
:  
**RESPONDENT.** : ORDER0000048  
:

---

Division of Enforcement Case File #: **06 ENG 026**

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

West Allis, WI 53214

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

Examining Board of Architects, Landscape Architects, Professional Engineers,  
Designers and Land Surveyors-Professional Engineering Section  
P.O. Box 8935  
Madison, WI 53708

**PROCEDURAL HISTORY**

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Professional Engineering Section ("Section"). The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:



10. On or about March 15, 2007, provided a written letter to the DNR in which it rescinded the certification of all four waste storage tanks. A true and correct copy of the March 15, 2007 letter is attached as **Exhibit C** and is incorporated herein by reference.

11. During the Department's investigation, it was discovered that the Respondent and may have relied on inaccurate information to reach the conclusions set forth in **Exhibit B**.

12. In resolution of this matter, the Respondent, consents to the entry of the following Conclusions of Law and Order.

### CONCLUSIONS OF LAW

1. The Wisconsin Professional Engineers Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.11.

2. The Wisconsin Professional Engineers Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors are authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

3. Respondent, has violated:

- Wis. Stat. § 443.11(d)(e) and Wis. Admin. Code §§ A-E 8.04(3) and 8.06(1) by failing to use reasonable care and competence in providing a professional engineering report on a subject where sufficient knowledge had not been established.

### ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED that Respondent, license # 006-34388 be, and hereby is **REPRIMANDED**.

IT IS FURTHER ORDERED that the Respondent, within nine months of the dating and signing of this Order, successfully complete the following course: an on-line engineering ethics class offered by the Murdough Center for Engineering Professionalism at Texas Tech University. Proof of continuing education requirements must be submitted in the form of verification from the institution providing the education to the address stated below.

IT IS FURTHER ORDERED that Respondent pay to the Department of Regulation and Licensing **COSTS of FIVE HUNDRED DOLLARS (\$500.00)**.

IT IS FURTHER ORDERED, that a down payment of **FIVE HUNDRED DOLLARS (\$500.00)** shall be submitted within ninety (90) days from the date of this order. Payment shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

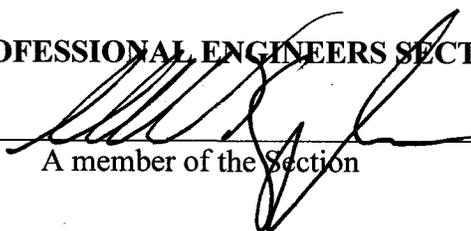
**Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264**

IT IS FURTHER ORDERED that in the event Respondent fails to pay the **FIVE HUNDRED DOLLARS (\$500.00)** costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent, her license #06-34388 shall be **SUSPENDED** without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing. Failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, **06 ENG 026** be, and hereby is, closed as to the Respondent,

Dated this 4 day of Feb, 2009.

**PROFESSIONAL ENGINEERS SECTION**

By:   
A member of the Section

## **Disciplinary Case Study #2 – Lack of Competence**

ORDER: 0000609

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL ENGINEER SECTION  
OF THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND SURVEYORS

---

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
 : *ORDER 0000609*  
RESPONDENT. :

---

Division of Enforcement Case File 09 ENG 001

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Hinsdale, IL 60527

Professional Engineer Section  
Examining Board of Architects, Landscape Architects, Professional Engineers,  
Designers, and Land Surveyors  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Professional Engineer Section (Section) of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent \_\_\_\_\_ is licensed in the state of Wisconsin as a Professional Engineer, license number \_\_\_\_\_. This license was first granted to N \_\_\_\_\_ on November 15, 1991 and it is current through July 31, 2012.

2. The most recent address on file with the Wisconsin Department of Regulation and Licensing for Mr. [redacted] Hinsdale, IL 60527.

3. On or about January 21, 2009, the Department received a complaint alleging mistakes and inadequacies in a report prepared by [redacted]. A Division of Enforcement case was subsequently opened for investigation.

4. The Department's investigation revealed that Respondent 1 [redacted] prepared a report on the amount of rainwater runoff for a property owner, N.B., who was seeking a stormwater management permit (permit) for piping that had been placed during the construction of N.B.'s new home. The Walworth County Land Use and Resource Management Department required calculations and plans from a certified engineer to ensure that the stormwater velocity was reduced to pre-construction levels. Mr. Magharious prepared a report entitled "Engineering Analysis For Velocity Through Pipe at N7611 East Lakeshore Drive Whitewater, WI 53190" to obtain approval for the permit. The report was signed by Mr. [redacted] and dated July 16, 2008. Mr. [redacted] professional engineer stamp was placed on a signed letter accompanying the report, dated July 16, 2008.

5. Mr. [redacted] submitted the engineering analysis report prepared for N.B. to the Walworth County Land Use and Resource Management Department to determine the velocity of rainwater through N.B.'s drainage pipe and prove that the pipe would not adversely affect adjacent property owners.

6. Mr. [redacted] submitted a signed letter dated July 16, 2008 to David P. Duwe of the Walworth County Land Use and Resource Management Department. The letter contains Mr. Magharious' stamp and states, in full:

Dear Mr. Duwe,

I have reviewed the drawings, calculations and attachments of the enclosed "Engineering Analysis for velocity flow though pipe at N7611 E. Lakeshore Drive Whitewater, WI[.]"

I certify and approve that they are correct according to sound engineering principals, codes and laws of the state of Wisconsin.

Sincerely,

P.E.

7. In a letter to N.B. dated December 29, 2008, Mr. David Duwe of the Walworth County Land Use and Resource Management Department stated, in part:

[redacted] Wisconsin Professional Engineer (E-28273), provided an engineering analysis for the velocity through the drainage pipe. Walworth County does not have an engineer on staff to review the analysis conducted. We rely on the state license to insure [sic] accuracy. Your pipe has not created a chronic wetness problem or exceeded the safe capacity of the existing drainage system.

Mr. Duwe approved the permit for the existing drainage pipe.

8. During a July 6, 2010 telephone conference with the Department Investigator assigned to this case, Mr. [redacted] stated that he did not perform any calculations or engineering in producing his report. Mr. [redacted] further stated that he did not believe this case involved a wastewater problem so he did not study that issue. In addition, Mr. [redacted] admitted that he had no experience in either waste or stormwater.

9. During the July 6, 2010 telephone conference, Mr. [redacted] admitted that he did not believe the report he submitted to the Walworth County Land Use and Resource Management Department was an engineering report. Mr. [redacted] further admitted that he did not perform any research when he prepared the report other than to look at ten years of rainfall reports for the area.

10. In a letter to the Wisconsin Department of Regulation and Licensing (Department) dated July 7, 2010, Mr. [redacted] stated that “no inspection was done” and further stated that the “report was gathered information from public resources.” Mr. Magharious admitted that the type of engineering he normally does is shoring, concrete forming, and structure design.

11. In resolution of this matter, Respondent [redacted] consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.11, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By producing a report containing the deficiencies described in the Findings of Fact, [redacted] has violated:

a. Wis. Admin. Code § A-E 8.04(3) by performing services which the Respondent was not qualified to perform by education or experience without retaining the services of another who is qualified;

b. Wis. Admin. Code § A-E 8.06(1) by failing to use reasonable care and competence in providing professional services; and

c. Wis. Admin. Code § A-E 8.09(1) by his failure to comply with the requirements of ch. A-E 8.

3. As a result of the violations noted in the Conclusions of Law, [redacted] is subject to discipline pursuant to Wis. Stat. § 443.11(1)(d) and (e).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent \_\_\_\_\_ is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent \_\_\_\_\_ shall, within 90 days of the date of this Order, pay **COSTS** in the amount of SIX HUNDRED FIFTY DOLLARS (\$650.00).

3. Payment of costs shall be made payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817, Fax (608) 266-2264

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Section in its discretion may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered and as set forth above, the Respondent's license (number 6-28273) may, in the discretion of the Section or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of the costs.

5. This Order is effective on the date of its signing.

Dated this 20 day of January, 2011.

WISCONSIN PROFESSIONAL ENGINEER SECTION

By: \_\_\_\_\_



## **Disciplinary Case Study #3 – Lack of Trustworthiness**

ORDER: 0000610

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
ENGINEER SECTION OF THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE  
ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

---

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
 :  
RESPONDENT. : ORDER 0000610  
 :

---

Division of Enforcement Case No. 08 ENG 009

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Delafield, WI 53018

Engineer Section of the Examining Board of Architects, Landscape Architects,  
Professional Engineers, Designers and Land Surveyors  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Engineer Section (Section) of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent is licensed in the State of Wisconsin as a Professional Engineer, having license # . This license was first granted to him on March 5, 1971 and is current through July 31, 2012. The most recent address on file with the Department of Regulation and Licensing for Mr. Hanson is Delafield, WI 53018.

2. Mr. \_\_\_\_\_ is also licensed in the State of Wisconsin as a land surveyor, having license # \_\_\_\_\_. That license was first granted to him on December 4, 1973 and is current through January 31, 2012.
3. On October 31, 2005, Mr. \_\_\_\_\_ pleaded guilty to a felony count of conspiracy to commit mail and wire fraud in the United States District Court for the Eastern District of Wisconsin. On April 13, 2006, Respondent was sentenced to one year and one day of incarceration to be followed by two years of supervised release.
4. As part of his plea agreement, Mr. \_\_\_\_\_ admitted to the following facts that established his guilt beyond a reasonable doubt, to wit:

At all times relevant to this prosecution, the defendant, \_\_\_\_\_, was a principal of and employed by \_\_\_\_\_, which is a business located in Delafield, Wisconsin that provides consulting and other services to real estate developers. These services include engineering, surveying, landscape architecture, and planning. In September 2002, \_\_\_\_\_ set up a separate business under the name NCCBH Consulting Services, LLC ("NCCBH"). \_\_\_\_\_ also opened a bank account in the name of NCCBH.

Co-defendant \_\_\_\_\_ was employed as the head of the Development Department and, later, the Chief Executive Officer of \_\_\_\_\_, Inc. \_\_\_\_\_, which also operated related businesses known as \_\_\_\_\_, is a residential construction business located in Waukesha, Wisconsin. To facilitate his fraud, \_\_\_\_\_ set up separate businesses including Southeastern Wisconsin Market Analysts, Inc. ("S.E.W.M.A.") and Development Services, Inc. ("DSI").

During the period from approximately October 2002 through April 2004, \_\_\_\_\_ submitted fraudulent invoices to \_\_\_\_\_ in the name of NCCBH charging for services that had not, in fact, been provided by \_\_\_\_\_ or NCCBH. These invoices totaled approximately \$168,000. Using his position at \_\_\_\_\_, \_\_\_\_\_ approved these fraudulent invoices. Based on \_\_\_\_\_'s approval, \_\_\_\_\_ paid these invoices by issuing checks that were mailed to \_\_\_\_\_ and NCCBH.

Some of the money paid to NCCBH by Bielinski Brothers was used by Hanson to fund illegal campaign contributions made by Hanson, his wife, and Welch Hanson employees; to pay for a portion of the rent of an apartment for a relative of Hanson's and to fund down payments made by two Welch Hanson employees for homes being built by Bielinski Brothers. In addition, Hanson retained a portion of the money as a fee for his services.

The majority of the money obtained from \_\_\_\_\_ through \_\_\_\_\_'s submission of the fraudulent NCCBH invoices, however, was diverted back to \_\_\_\_\_. To obtain his share of the money and make it appear that these were legitimate business

transactions, submitted invoices to NCCBH in the names of S.E.W.M.A. and DSI. These invoices totaled approximately \$77,000.

5. Prior to the Department's investigation, Mr. never reported his conviction to the Department.

#### CONCLUSIONS OF LAW

1. The Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.11, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. Respondent has violated Wis. Admin. Code § RL 4.09(2) by failing to notify the department of his conviction within 48 hours as described in paragraphs 3 and 5 of the Findings of Fact.
3. Pursuant to Wis. Stat. § 443.11(1)(f), Respondent is subject to discipline for his conviction of a felony offense as described in paragraphs 3 and 4 of the Findings of Fact.
4. Pursuant to Wis. State § 443.11(1)(d), Respondent is subject to discipline for violating federal law relating to the practice of engineering and engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession as described in paragraph 3 and 4 of the Findings of Fact.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The **VOLUNTARY SURRENDER** of the certificate of registration as a professional engineer of is hereby **ACCEPTED**.

IT IS FURTHER ORDERED that:

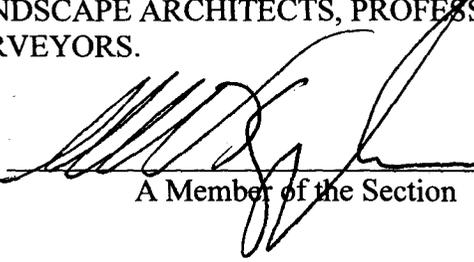
2. Respondent shall not seek to reapply for a certificate of registration as a professional engineer in the State of Wisconsin.
3. Respondent shall not practice in Wisconsin without a certificate of registration as a professional engineer.
4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

5. This Order is effective on the date of its signing.

Dated this 20 day of January, 2011.

ENGINEER SECTION OF THE WISCONSIN EXAMINING BOARD OF ARCHITECTS,  
LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND  
SURVEYORS.

By:



A Member of the Section

## **Disciplinary Case Study #4 – Practicing With an Expired License**

ORDER: 0001498

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."  
The status of an appeal may be found on court access websites at:  
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE ENGINEER SECTION OF THE EXAMINING BOARD OF ARCHITECTS,  
LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND  
SURVEYORS

---

IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : FINAL DECISION AND ORDER  
 :  
RESPONDENT. :  
 : ORDER 0001498

---

Division of Enforcement Case No. 10 ENG 010

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Hartland, WI 53029

Engineer Section of the Examining Board of Architects, Landscape Architects,  
Professional Engineers, Designers, and Land Surveyors  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Enforcement  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (Section). The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent (dob 10/2/1940) is licensed in the State of Wisconsin as a professional engineer, having license number first issued on 07/23/1976 and now current through 07/31/2012. Respondent had, however, allowed his license to expire on 08/1/2002 and did not renew until an investigation was launched into his unlicensed practice. The Section reinstated his license on 02/09/2010. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Way, Hartland, WI 53029.

2. Respondent put his seal on documents during the almost eight years his license was not current.
3. Respondent put his seal on materials copyrighted by another engineering firm.
4. Respondent neither admits nor denies the allegations contained herein, but desires to settle the matter by stipulation.
5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.11, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 443.02 by practicing professional engineering without a current registration.
3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 443.17 and Wis. Admin. Code § A-E 8.10(1) by sealing or stamping plans prepared by someone other than the Respondent.
4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 443.11(1)(b) and (e).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondent \_\_\_\_\_ is hereby REPRIMANDED.
3. The Professional Engineer license issued to Respondent \_\_\_\_\_ (license number \_\_\_\_\_) is hereby LIMITED as follows:
  - a. For a period of two years from the date of this Order, whenever Respondent does any electrical engineering, Respondent shall have his work reviewed by a supervising engineer preapproved by the Section or its designee. Respondent will submit quarterly reports to Monitoring at the address in paragraph 5 below reporting any projects worked on and which ones include electrical engineering work for the two year limitation.
  - b. Respondent shall, within one year of the date of this Order, successfully complete the Basic Level Study in Engineering Ethics (30 professional development hours) distance learning course offered by the Murdough Center at Texas Tech University, including taking and passing any exam offered for the courses.

c. Respondent shall submit proof of completion in the form of verification from the institution providing the education to the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board, Wisconsin Department of Safety and Professional Services or similar authority in any state, and also may not be used in future attempts to upgrade a credential in any state.

d. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after the two years for which supervision of electrical engineering work is required has passed and after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education and paid all costs in this matter.

4. Within 90 days of the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,135.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

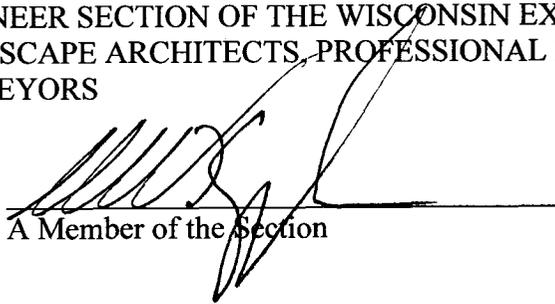
Department Monitor  
Division of Enforcement  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817, Fax (608) 266-2264

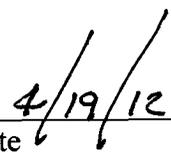
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs or fails to comply with the education as ordered and as set forth above, Respondent's license (no. 15820-6) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and submitted proof of compliance with the ordered education.

7. This Order is effective on the date of its signing.

ENGINEER SECTION OF THE WISCONSIN EXAMINING BOARD OF ARCHITECTS,  
LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND  
SURVEYORS

By

  
A Member of the Section

  
Date

## **Disciplinary Case Study #5 – Failure to Comply with State Codes**

ORDER: 0003187

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE ENGINEER SECTION OF THE EXAMINING BOARD  
OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL  
ENGINEERS, DESIGNERS AND LAND SURVEYORS

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

:  
:  
:  
:  
:  
:  
:

FINAL DECISION AND ORDER

RESPONDENTS.

**0003187**

---

Division of Legal Services and Compliance Case No. 13 ENG 004

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Verona, WI 53593

Oregon, WI 53575

Wisconsin Examining Board of Architects, Landscape Architects,  
Professional Engineers, Designers and Land Surveyors  
Engineer Section  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Engineer Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (Section). The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

## FINDINGS OF FACT

1. Respondent (dob September 16, 1962) is licensed in the State of Wisconsin as a Professional Engineer, having license number first issued on June 7, 1991 and current through July 31, 2014. 's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Verona, WI 53593.

2. Respondent is licensed in the State of Wisconsin as an Engineering Corporation, having license number first issued on September 2, 1983 and current through January 31, 2016. most recent address on file with the Department is Oregon, WI 53575.

3. Respondent 1 is the owner of

4. On or about August 1, 2013, the Department received a complaint from the Public Service Commission of Wisconsin (Commission) concerning engineering services that Respondents provided to Pioneer Power and Light Company (Pioneer) in the Village of Westfield, Wisconsin.

5. The Commission's complaint included a copy of their Order, dated July 22, 2013, which determined that Pioneer had failed to comply with Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 by purchasing and installing a new electrical transformer without first obtaining Commission approval.

6. According to the Commission's Order, Pioneer engaged the engineering services of Respondents in April 2012 to obtain bids for a new electrical transformer, to provide consulting advice on the final selection and to prepare and submit the required application to the Commission for consideration.

7. Respondents submitted the required application to the Commission for consideration on or about December 12, 2012.

8. The installation of the electrical transformer occurred in late December 2012 prior to the Commission rendering a decision regarding the December 12, 2012 application.

9. In response to the Commission's inquiry into the matter, Respondents submitted a letter to the Commission, dated April 22, 2013, acknowledging the statutory and regulatory violation and accepting full responsibility for the installation of the transformer before Commission approval was granted.

10. As a result of commencing construction of the project prior to obtaining Commission approval, Pioneer was reprimanded by the Commission on July 22, 2013.

11. In response to the Commission's complaint to the Department, Respondents submitted a letter, dated October 18, 2013, in which they acknowledged that they should have taken precautions to ensure that the electrical transformer was not installed until the required Commission approval was granted.

12. On or about October 21, 2013, the Commission informed the Department of two other instances in which Respondents failed to follow applicable law and Commission rules. One project was for the City of New London, Wisconsin and the other was for the City of Hartford, Wisconsin.

13. The City of New London engaged the engineering services of \_\_\_\_\_, under the Professional Engineer license of \_\_\_\_\_ for improvements to several substations in New London. Respondents' work was to include filing application materials with the Commission, obtaining the necessary Commission approval, and completing the project in compliance with such approvals and applicable law.

14. Respondents filed the required application with the Commission on March 1, 2013.

15. On or about May 24, 2013, the Commission issued a Certificate of Authority and Order for the City of New London project. The Commission directed that, in advance of any on-site construction for the project, the applicants contact the Wisconsin Historical Society for consultation and direction regarding a potential archaeological resource in the project area.

16. On or about May 24, 2013, the Commission received a phone call from Respondents indicating that site work, including ground excavation, had begun on May 19, 2013, prior to receiving Commission approval for the project and without consulting the Wisconsin Historical Society.

17. Respondents' submitted letters to the Commission, dated July 19, 2013 and August 27, 2013, acknowledging violations of Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 and accepting responsibility for commencement of the project prior to obtaining the Commission's approval.

18. As a result of commencing construction of the project prior to obtaining Commission approval, the City of New London was reprimanded by the Commission on October 21, 2013.

19. The City of Hartford also engaged the engineering services of \_\_\_\_\_, under the Professional Engineer license of \_\_\_\_\_ to modify an existing substation and to construct two new circuits to the distribution system in Hartford. Respondents' work was to include filing application materials with the Commission, obtaining the necessary Commission approval and completing the project in compliance with such approvals and applicable law.

20. Respondents filed the required application with the Commission on April 24, 2013.

21. On or about May 23, 2013, the Commission issued its approval for the City of Hartford project.

22. During the Commission's review of the application, however, it had been reported by the Commission's environmental staff that construction at the Hartford project site had begun even though the Commission had not yet granted approval of the project.

23. In response to an inquiry of why the project commenced without Commission approval, Respondents submitted a letter to the Commission, dated August 29, 2013, claiming that they were unaware of the statutory and administrative requirements to obtain Commission approval prior to beginning construction of a project of this nature. Ultimately, Respondents acknowledged that violations of Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 occurred. Respondents also admitted that they failed to properly advise the City of Hartford, their client, of the statutory and regulatory requirements.

24. As a result of commencing construction of the project prior to obtaining Commission approval, the City of Hartford was reprimanded by the Commission on October 17, 2013.

25. Respondents indicate that they have established better business practices to ensure that violations of Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 do not occur in the future.

26. In resolution of this matter, Respondents consent to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Engineer Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.11, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § A-E 8.06(1) by failing to use reasonable care and competence in rendering professional engineering services.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § A-E 8.09(1) by failing to comply with state codes which relate to the practice of professional engineering.

4. As a result of the violation of Wis. Admin. Code § A-E 8.09(1), Respondents engaged in misconduct in the practice of professional engineering pursuant to Wis. Admin. Code § A-E 8.03(3)(a).

5. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. §§ 443.11(1)(d) and (e).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondents \_\_\_\_\_ and \_\_\_\_\_ are REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay costs in the amount of \$815.00.

4. Within 90 days from the date of this Order, Respondent shall pay the COSTS of this matter in the amount of \$815.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondents to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit payment of costs as ordered, Respondents' licenses (no. 27850-006 or 1461-011) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of costs.

7. This Order is effective on the date of its signing.

ENGINEER SECTION OF THE EXAMINING BOARD  
OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL  
ENGINEERS, DESIGNERS AND LAND SURVEYORS

by:   
A Member of the Section

4/24/14  
Date



appearance or consent of the parties. Respondents waive all rights to any appeal of the Section's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondents, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondents are informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondents in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

\_\_\_\_\_  
Respondent

2-28-14  
Date

Verona, WI 53593  
License No. 27850-006

\_\_\_\_\_  
President

2-28-14  
Date

Oregon, WI 53575  
License No. 1461-011

Al Rohmeyer  
Al Rohmeyer, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

3-5-14  
Date

**Disciplinary Case Study #6 – Failure to Meet Continuing Education Requirement**

ORDER: 0004668

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL ENGINEER SECTION OF THE WISCONSIN EXAMINING  
BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS,  
DESIGNERS, AND PROFESSIONAL LAND SURVEYORS

---

IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
 :  
RESPONDENT. : **0004668**

---

Division of Legal Services and Compliance Case No. 15 ENG 057

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Winchester, VA 22602

The Professional Engineer Section of the Wisconsin Examining Board of Architects,  
Landscape Architects, Professional Engineers, Designers and Professional Land  
Surveyors  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Wisconsin Department of Safety and Professional Services  
P.O. Box 7190  
Madison WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Professional Engineer Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors (Section). The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent (DOB 07/19/1966) is registered by the State of Wisconsin as a Professional Engineer, having certificate of registration number first issued on November 8, 1996 and current through July 31, 2016. Respondent's most recent

address on file with the Department of Safety and Professional Services (Department) is Winchester, Virginia 22602.

2. In 2014, the Department initiated an audit of registered Professional Engineer professional development/continuing education (P.D./C.E.) for the 2012-2014 biennial registration period (August 1, 2012 to July 31, 2014).

3. Pursuant to the Department audit, Respondent was found to be noncompliant with the P.D./C.E. requirements for registered Professional Engineers in the 2012-2014 biennial registration period, as Respondent only completed eight professional development hours and equivalent continuing education units (P.D.H./C.E.U.) during that time period.

4. Between September 12, 2014 and October 20, 2015, Respondent completed nine approved P.D.H./C.E.U., which were retroactively applied to Respondent's P.D./C.E. requirements for the 2012-2014 biennial registration period. The courses taken by Respondent were:

- a. National Highway Institute: "FHWA-NHI-134065A Risk Management Executive Summary" (6 hours).
- b. TMS: "2015 DOT Security Awareness Training" (1.5 hours).
- c. TMS: "Information Systems Security Awareness for DOT" (1.5 hours).

5. The Department sent Respondent requests to his address of record for information pertaining to his continuing education on January 13, 2016 and January 20, 2016. Respondent did not reply to these requests.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Professional Engineer Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.11, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 13.03(1)(a) by failing to complete at least 30 hours of approved P.D.H./C.E.U., pertinent to the practice of professional engineering, within the 2012-2014 biennial registration period.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 8.08(3) by failing to respond in a timely manner to a request by the department for information in conjunction with an investigation of a complaint filed against him. There is a rebuttable presumption that a registrant who takes longer than 30 days to respond to a request for information has not acted in a timely manner.

4. As a result of the above violations, Respondent has engaged in misconduct in the practice of professional engineering as defined in Wis. Admin. Code § A-E 8.03(3)(a) and is subject to discipline pursuant to Wis. Stat. § 443.11(1)(d).

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED
3. The Professional Engineer certificate of registration issued to Respondent (certificate of registration number is LIMITED as follows:
  - a. Within 90 days of the date of this Order, Respondent shall complete 13 hours of approved P.D.H./C.E.U. in accordance with the requirements specified in Wis. Admin. Code § A-E 13.03.
  - b. Respondent shall submit proof that he has satisfied the ordered P.D.H./C.E.U. in the form of verification from the institution offering the P.D.H./C.E.U. to the Department Monitor at the address stated below.
  - c. The P.D.H./C.E.U. completed pursuant to this Order may not be used to satisfy any other registered Professional Engineer P.D./C.E. requirements with the Section.
  - d. This limitation shall be removed from Respondent's certification of registration and Respondent will be granted full, unrestricted registration after satisfying the Section or its designee that Respondent has successfully completed all of the ordered P.D.H./C.E.U.
4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$202.
5. Any P.D.H./C.E.U. listed above in Findings of Fact paragraph 4, that were completed and retroactively applied to Respondent's P.D./C.E. requirements for the 2012-2014 biennium, may not be used to satisfy any other registered Professional Engineer P.D./C.E. requirements with the Section.
6. Proof of successful completion of the P.D.H./C.E.U. ordered above and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

7. In the event Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered P.D.H./C.E.U. as set forth above, Respondent's certificate of registration (no. 31811-6) may, in the discretion of the Section, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the ordered P.D.H./C.E.U.

8. This Order is effective on the date of its signing.

THE PROFESSIONAL ENGINEER SECTION OF THE WISCONSIN EXAMINING BOARD  
OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS,  
DESIGNERS AND PROFESSIONAL LAND SURVEYORS

by:   
A Member of the Section

4-24-14  
Date



5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

4/12/16

Date

Winchester, VA 22602  
Registration no. 31811-6



Renee M. Parson, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

4/15/2016

Date

**Disciplinary Case Study #7 – Failure to Notify Department of  
Disciplinary Action in Another Jurisdiction**

ORDER: 0004674

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL ENGINEER SECTION OF THE WISCONSIN EXAMINING  
BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS,  
DESIGNERS AND PROFESSIONAL LAND SURVEYORS

---

IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
 :  
RESPONDENT. :

**0004674**

---

Division of Legal Services and Compliance Case No. 14 ENG 011

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Cypress, TX 77433

Professional Engineer Section of the Wisconsin Examining Board of Architects,  
Landscape Architects, Professional Engineers, Designers and Professional Land  
Surveyors  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Professional Engineer Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors (Section). The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent (DOB 02/23/1975) is registered by the State of Wisconsin as a Professional Engineer, having certificate of registration number first issued on August 13, 2008 and current through July 31, 2016. Respondent's most recent address

on file with the Wisconsin Department of Safety and Professional Services (Department) is Cypress, Texas 77433.

2. On June 26, 2014, Respondent was disciplined by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors for affixing his professional engineer's seal to the calculations and design drawings for a project which was not prepared by him or under his direct control and personal supervision.

3. Respondent was fined \$2,500.00 and was required to take and pass an online Intermediate Studies in Engineering Ethics course. Respondent completed the ordered discipline and payment of fine.

4. On August 14, 2014, Respondent notified the Department of the Oklahoma discipline.

5. On October 8, 2014, the Division of Legal Services and Compliance opened Case No. 14 ENG 011 for investigation.

6. On October 22, 2014, the Department sent Respondent a request for more information regarding his Oklahoma discipline. Respondent replied on December 30, 2014.

7. On November 18, 2015, the Department requested follow up information. Respondent replied on January 27, 2016.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Professional Engineer Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.11, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in misconduct pursuant to Wis. Admin. Code § A-E 8.03(3)(a) by violating federal or state laws, local ordinances or administrative rules relating to the practice of professional engineering.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 8.08(4) by failing to notify the department within 48 hours in writing when he was disciplined in Oklahoma.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 8.08(3) by failing to respond in a timely manner to a request by the Department for information in conjunction with an investigation of a complaint filed against him. There is a reasonable presumption that a registrant who takes longer than 30 days to respond to a request for information has not acted in a timely manner.

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 8.09(1) by failing to comply with the requirements in Wis. Stat. ch. 443, rules in Wis. Admin. Code ch. A-E 8 and all other federal, state and local codes relating to professional engineering.

6. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 443.11(1)(b), (d) and (e).

ORDER

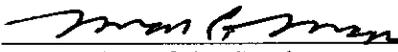
1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$680.00.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

5. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's license (no. 39865-6), or Respondent's right to renew his license, may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

6. This Order is effective on the date of its signing.

THE PROFESSIONAL ENGINEER SECTION OF THE WISCONSIN EXAMINING BOARD  
OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS,  
DESIGNERS AND PROFESSIONAL LAND SURVEYORS

by:   
A Member of the Section

4-26-16  
Date

STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL ENGINEER SECTION OF THE WISCONSIN EXAMINING  
BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS,  
DESIGNERS, AND PROFESSIONAL LAND SURVEYORS

---

IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
 :  
RESPONDENT. : **0004674**

---

Division of Legal Services and Compliance Case No. 14 ENG 011

Respondent and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Professional Engineer Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

3/8/16  
Date

Cypress, TX 77433  
Registration no. 39865-6

  
Renee M. Parton, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

3/8/2016  
Date