

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

 IN THE MATTER OF THE DISCIPLINARY :
 PROCEEDINGS AGAINST :
 :
 RICHARD GRISMER, : FINAL DECISION AND ORDER
 : 96 ARC 017
 RESPONDENT. : LS 9811111 ARC

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Richard A. Grismer,
 247 1/2 Olympian Blvd.
 Beloit, WI 53511

The Examining Board of Architects, Landscape Architects, Professional Geologists,
 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 decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Richard Grismer (D.O.B. 2/1/53), Respondent herein, is duly licensed in the state of Wisconsin as an Architect (license #4970). This license was first granted on 6/27/80.
2. Richard Grismer's latest address on file with the Department of Regulation and Licensing is 247 1/2 Olympian Blvd. Beloit, WI 53511.

3. In the fall of 1996 Respondent was hired by John Hanson to perform architectural services detailing a proposed addition of a building Hanson owned - Marathon Food Center Gas Station, Milwaukee Road, Clinton, WI.

4. On or about October 21, 1996, Respondent prepared and submitted an architectural design for the new addition to the Department of Industry, Labor and Human Relations, Safety and Buildings Division for review and approval. Respondent prepared the design, Plan #96-10-0147B, without first reviewing a certified survey map or physically inspecting the building site but rather based solely on information he received from Mr. Hanson. A copy of Respondent's architectural design Plan #96-10-0147B is attached as **Exhibit 1** and is incorporated herein by reference.

5. On or about October 21, 1996, Respondent was informed by the Department of Industry, Labor and Human Relations, Safety and Buildings Division that approval of the submittal was withheld due to the proposed building being three feet from a lot line when a minimum of ten feet was required. A copy of the Department of Industry, Labor and Human Relations, Safety and Building Division October 21, 1996, withholding letter to Respondent is attached as **Exhibit 2** and is incorporated herein by reference.

6. In late October or early November 1996. Because of the withholding letter, (Exhibit 2) Respondent revised his initial design (Exhibit 1) and submitted this revision to the Department of Industry, Labor and Human Relations, Safety and Buildings Division for review and approval. Respondent, in preparing his revised plan, did not first review a certified survey map or physically inspect the building site, but again relied upon information he received from Mr. Hanson. A copy of Respondent's revised plan is attached as **Exhibit 3** and is incorporated herein by reference.

7. On or about November 6, 1996, the Department of Industry, Labor and Human Relations, Safety and Buildings Division found Respondent's revised plan to be unacceptable because a physical inspection by that agency disclosed that the building construction as already begun was within 3 feet from a property line even though Respondent's revised plan indicated that the distance was 13 feet. A copy of the Department of Industry, Labor and Human Relations Safety and Buildings Division November 6, 1996, denial letter is attached as **Exhibit 4** and is incorporated herein by reference.

8. Subsequent to receiving the November 6, 1996, denial letter (Exhibit 4), Respondent personally visited the building site and discovered that the lot was not squared to the building as he had originally surmised. This assumption on his part caused his original and revised design plans to be in error. A copy of a drawing depicting the correct configurations of the lot is attached as **Exhibit 5** and is incorporated herein by reference.

CONCLUSIONS OF LAW

1. The Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors has jurisdiction in this matter pursuant to Wis. Stats. section 443.11.

2. Respondent Richard Grismer, by failing to review a land survey map or otherwise physically inspect the property described above prior to preparing and submitting architectural designs (Exhibits 1&3) to the Department of Industry, Labor and Human Relations, Safety and Buildings Division for review and approval has violated, Wis. Admin. Code secs. A-E 8.03(2)(b), A-E 8.06(1) and Wis. Stats sec. 443.11(1)(e).

ORDER

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

IT IS FURTHER ORDERED that Respondent **Richard Grismer** be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Richard Grismer** pay partial costs of this matter in the amount of \$300.00 within 60 days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **Richard Grismer**, fails to pay the \$300.00 costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Richard Grismer**, his Architect license shall be immediately **suspended** without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing and his failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 96 ARC 017 be, and hereby is, closed.

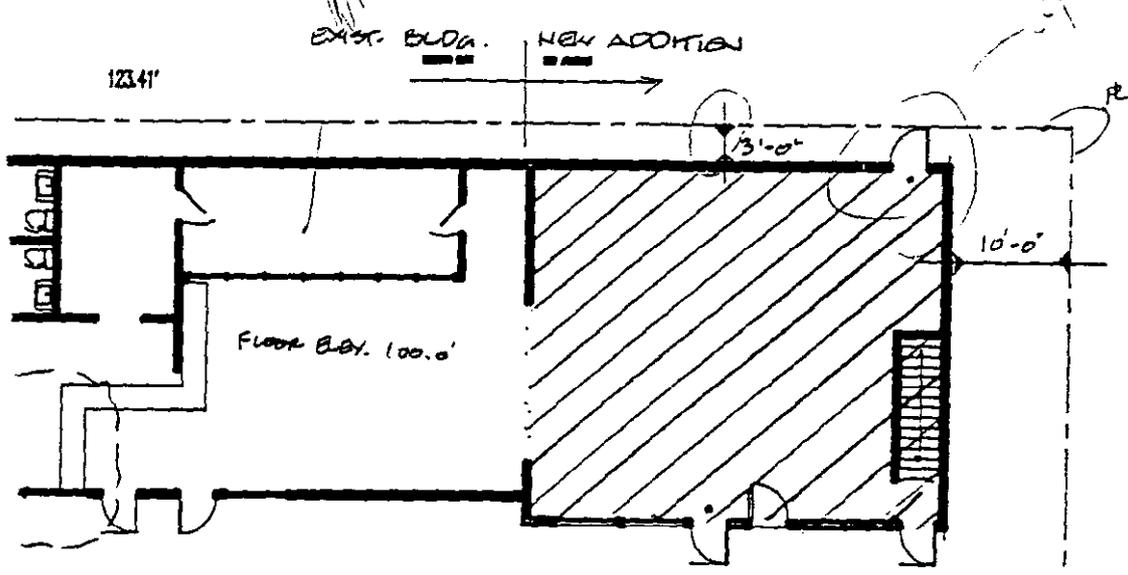
The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective ten (10) days following the date of its signing.

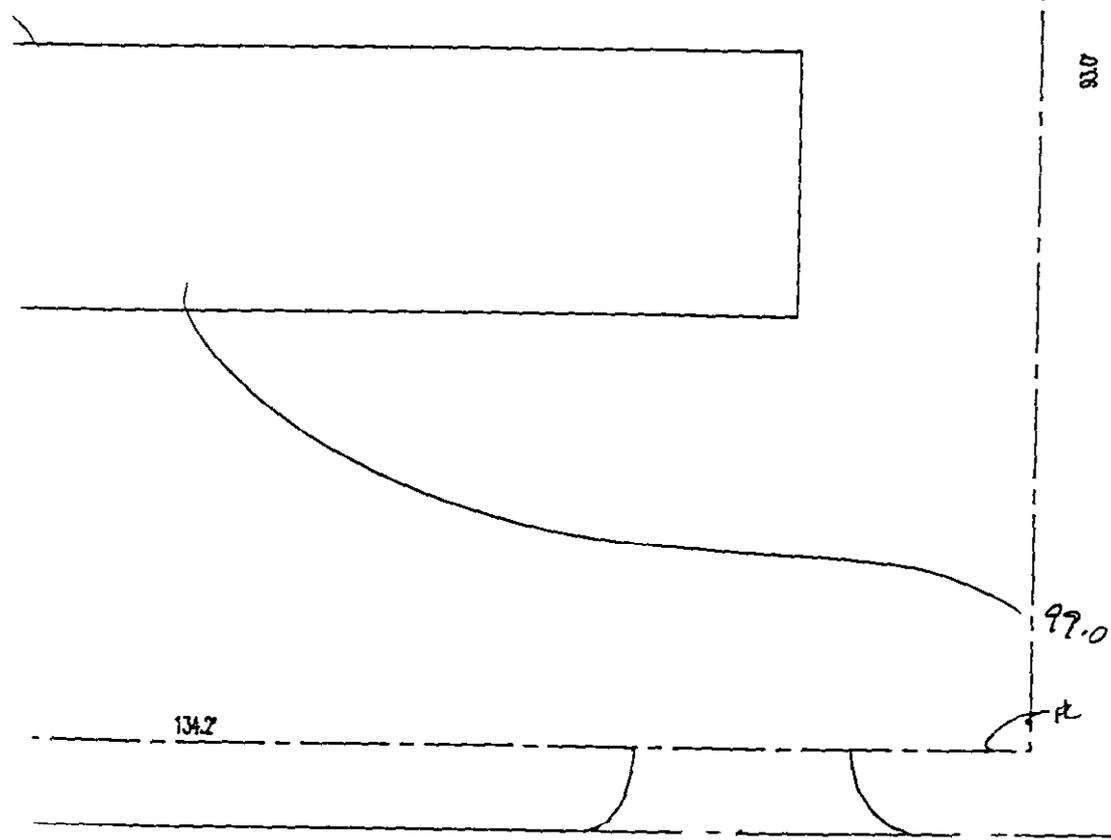
By: 
A Member of the Section

11/11/98
Date

Milwaukee Ave
Property Line
Light Court
Head



NEW ADDITION FOR
 MARATHON FOOD
 GAS STATION
 MILWAUKEE ROAD
 CLINTON, WIS.



INDEX OF DRAWINGS

1. SITE PLAN
2. FOUNDATION PLAN
3. FLOOR PLAN
4. ELEVATION
5. SECTIONS
6. HVAC PLAN
7. ELEC. PLAN

MILWAUKEE AVE

AN ← NORTH →

Exhibit 1



SAFETY & BUILDINGS DIVISION

201 E. Washington Avenue
P.O. Box 7969
Madison, Wisconsin 53707

22

State of Wisconsin
Department of Industry, Labor and Human Relations

October 21, 1996

RICK GRISMER, ARCHITECT
247 1/2 OLYMPIAN
BELOIT WI 53511

JOHN HANSEN
501 MILWAUKEE
CLINTON WI 53525

RE: MERCANTILE ESTB
JOHN HANSEN
SKIPPYS
501 MILWAUKEE
CLINTON County of ROCK
Plan Number 96-10-0147-B
Area: 3,480 square feet
Suprv. Professional, Building:

Your Building addition plans have been withheld.

Plan review and approval for the subject project has been withheld pending receipt of additional information and/or revised plans in accordance with the items cited below.

Upon receipt of the additional information and, if necessary, 4 sets of bound, revised plans, the plans will be reviewed for compliance with the code requirements.

If a response to this letter is not received within 2 months of the date of this letter, your plans will be stamped "NOT APPROVED" and returned.

It is strongly suggested that you contact the reviewing office, as shown on this letterhead, to schedule the review of your plans. Failure to call and schedule a review will result in additional delay in obtaining conditional approval for this project.

In order to insure proper processing of your resubmitted information, please enclose a copy of this letter with your resubmittal packet.

ILHR 51.03 (7)(e) The plans indicate this building is located closer

Exhibit 2



SAFETY & BUILDINGS DIVISION

201 E. Washington Avenue
P.O. Box 7969
Madison, Wisconsin 53707

**State of Wisconsin
Department of Industry, Labor and Human Relations**

RICK GRISMER, ARCHITECT
October 21, 1996
Page 2

than 10 feet to an adjoining property line and/or another building on this property. This is not acceptable. Buildings of this construction class cannot be set back less than 10 feet unless the wall facing the building and/or property line is an unpierced 4-hour fire division wall. No door openings are allowed

ILHR 51.164 Headroom is required to be 6'-8".

This building is classified as No. 8, wood frame construction.

Sincerely,

Lynne Le Count
Engineering Consultant Fire System
(608) 267-2496

LML:vs:0163
cc: State Building Inspector: R-1 Thompson (608) 884-4168 Mondays
Building Inspector, CLINTON

23

NOV 1 1996

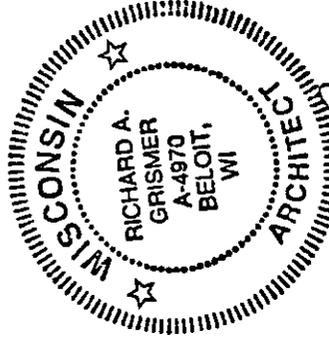
Edg Add
CONDITIONALLY APPROVED

INDUSTRY LABOR AND HUMAN RELATIONS

[Signature]

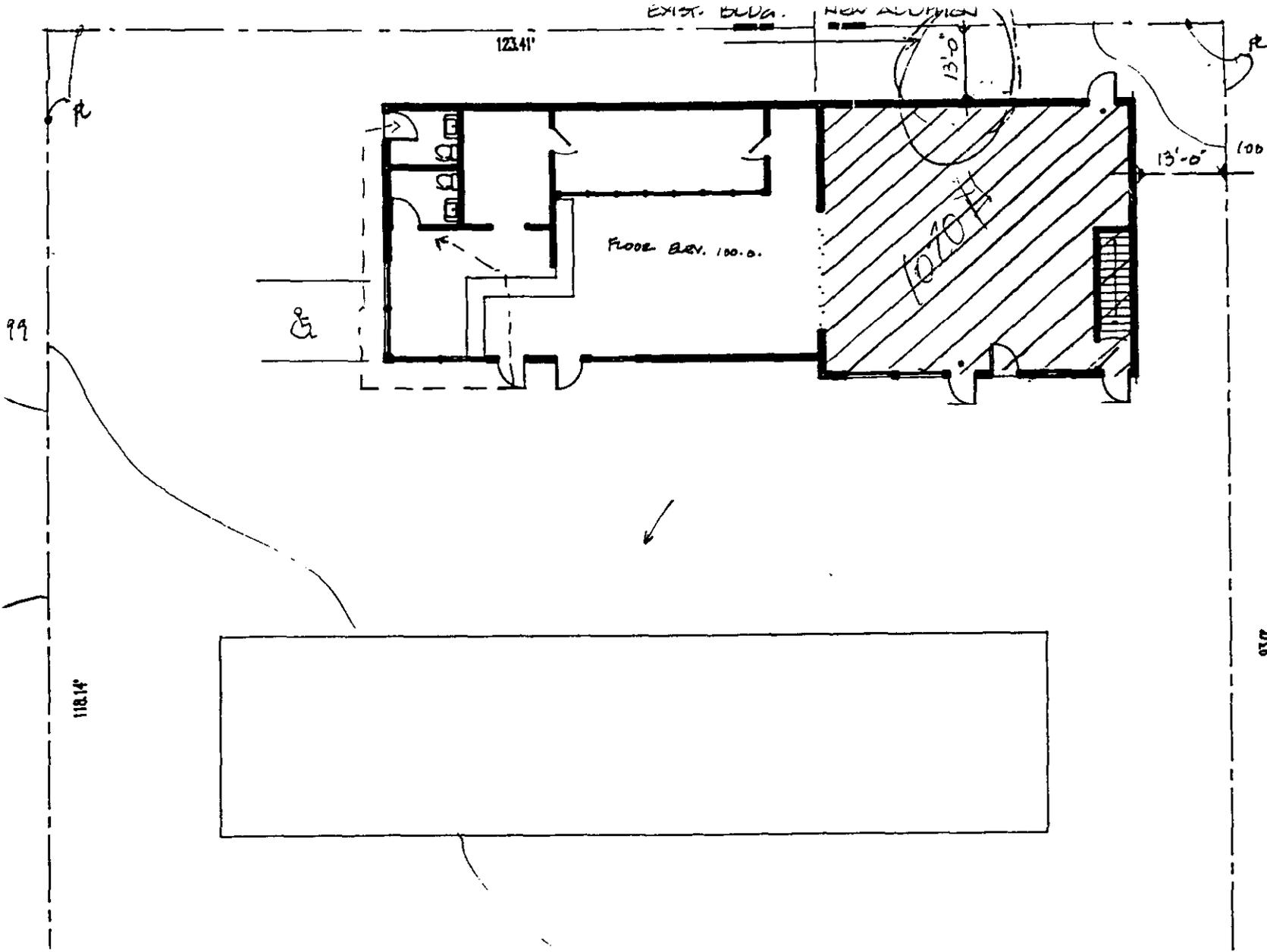
SEE CORRESPONDENCE

16-10-0147-B



Richard Grismer
10.21.96

Richard Grismer Architect
247 1/2 Olympian Blvd. Beloit, Wisconsin 53511 (608) 365-1893



NEW ADDITION FOR
MARATHON FOOD CEN
GAS STATION

MILWAUKEE ROAD
CLINTON, WIS.

INDEX OF DRAWINGS

1. SITE PLAN
2. FOUNDATION PLAN
3. FLOOR PLAN
4. ELEVATION
5. SECTIONS

Exhibit 3



State of Wisconsin

SAFETY & BUILDINGS DIVISION

201 E. Washington Avenue
P.O. Box 7969
Madison, Wisconsin 53707

24

November 6, 1996

RICK GRISMER, ARCHITECT
247 1/2 OLYMPIAN
BELOIT WI 53511

JOHN HANSEN
501 MILWAUKEE
CLINTON WI 53525

RE: MERCANTILE ESTB
JOHN HANSEN
SKIPPYS
501 MILWAUKEE
CLINTON County of ROCK
Plan Number 96-10-0147-B
Suprv. Professional, Building: RICK GRISMER, ARCHITECT

ILHR 50.16 It has come to my attention that the property line as indicated on your revised building plan is closer than the allowable 10 feet to the adjoining property line. This is not acceptable. Buildings of this class cannot be setback less than 10 feet unless the wall facing the property line is an unpierced 4- hr wall. Also according to the local building inspector the canopy is not in the location as indicated on the revised plans. Therefore the approval is revoked as specified by this code section.

I am forwarding a copy of this letter to the state and local inspectors.

Sincerely,

Lynne Le Count
Engineering Consultant Fire System
(608) 267-2496

LML:vs:0055

cc: State Building Inspector: R-1 Thompson (608) 884-4168 Mondays
Building Inspector, CLINTON

MILWAUKEE Road

sidewalk

sidewalk

Durand St.

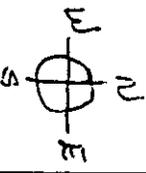
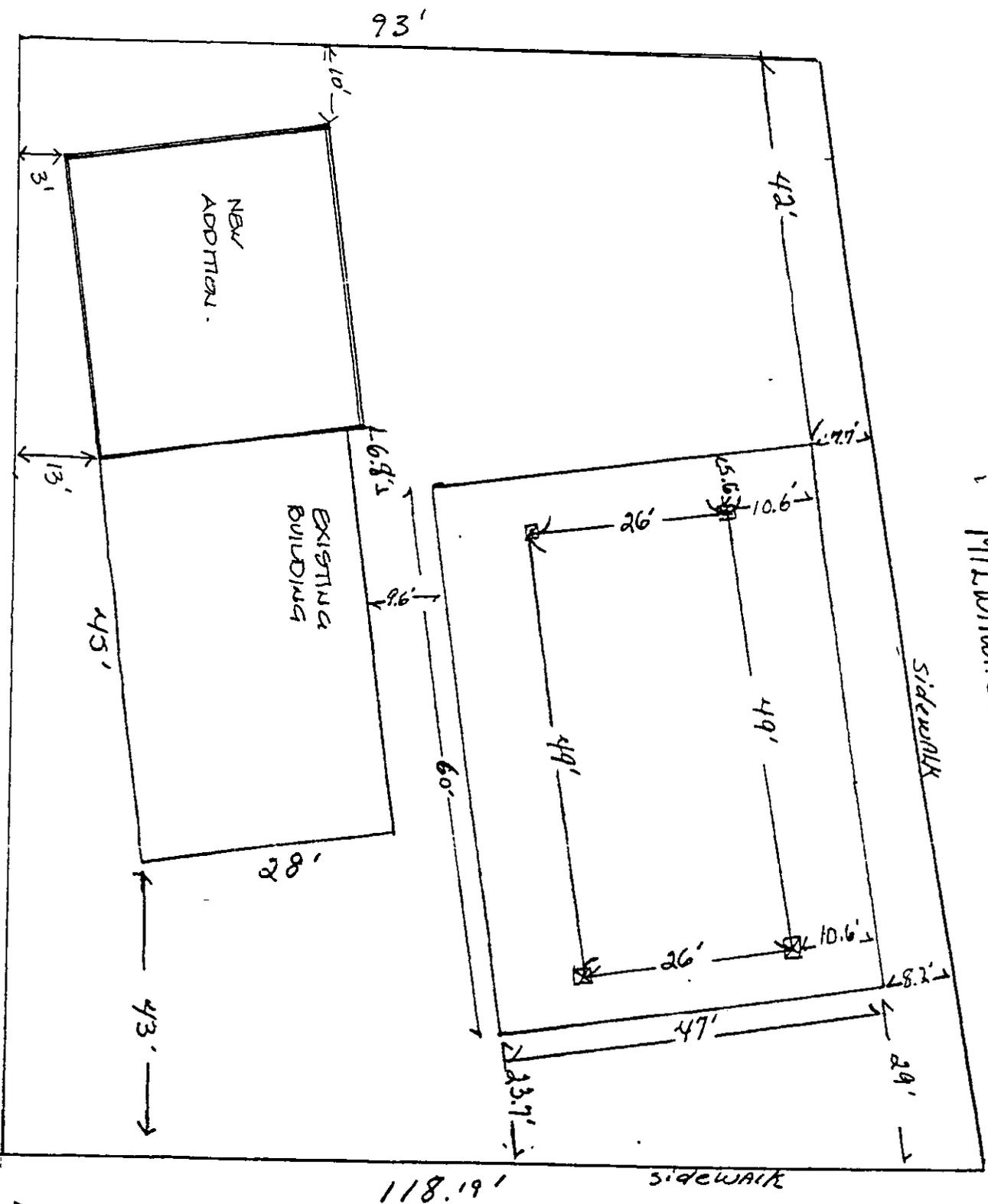


Exhibit 5



* THIS IS THE CORRECT LAYOUT. - I RESERVED THIS SITE LAYOUT FROM J. HANSON.

JDB NO: 850318

Skippy's Auto,
501 N. Milwaukee
Clinton, WI 5
608-676-55

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

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
RICHARD GRISMER	:	96 ARC 017
RESPONDENT	:	

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into for the purpose of resolving a pending Investigation relating to Richard Grismer, hereinafter the respondent, by the Division of Enforcement (96 ARC 017). Respondent consents to the resolution of this matter pursuant to the terms of this Stipulation and the attached Final Decision and Order.

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of his right to seek legal representation regarding these matters and the legal implications of this Stipulation and has been provided the opportunity to seek legal advice prior to signing this Stipulation.

4. Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

5. With respect to the attached Final Decision and Order, Respondent neither admits nor denies the facts as set forth in the Findings of Fact, however, Respondent agrees that the Section may make the Findings of Fact and may reach the Conclusions set forth in the Conclusions of Law and may enter the Order attached hereto.

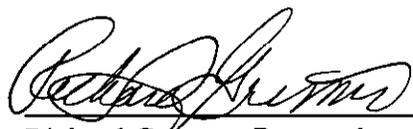
6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order. The matter shall then be returned to the Division of Enforcement for further proceedings. In the event

that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

7. If the Board accepts the terms of this Stipulation, 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.

8. Respondent agrees that Complainant's attorney, Gerald M. Scanlan, may appear at any meeting of the Board with respect to the Stipulation and that his appearance is limited to statements in support of the Stipulation and to answer any questions the Board may have regarding the Stipulation. Respondent waives any right he may have to notice of that meeting and to be present at that meeting.

9. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.


Richard Grismer, Respondent

8-6-98
Date


Gerald M. Scanlan, Attorney
Division of Enforcement

8-24-98
Date

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND
SURVEYORS

In the Matter of the Disciplinary Proceedings Against

Richard Grismer,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

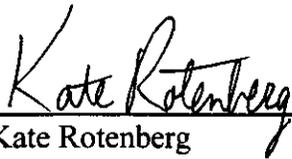
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

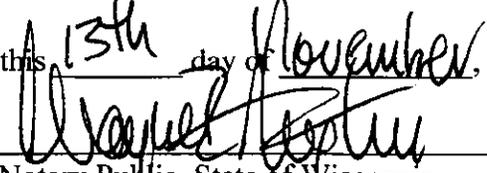
2. On November 12, 1998, I served the Final Decision and Order dated November 11, 1998, LS9811111ARC, upon the Respondent Richard Grismer by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is Z 233 819 960.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Richard Grismer
247 1/2 Olympian Boulevard
Beloit WI 53511



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me
this 13th day of November, 1998.


Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: RICHARD GRISMER

You have been issued an Order. For purposes of service the date of mailing of this Order is 11/12/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Order is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:
STATE OF WISCONSIN EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL
GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

1400 East Washington Avenue
P.O. Box 8935
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