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STATE OF WISCONSIN

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

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

PAUL H. DURAD,

FINAL DECISION AND ORDER

RESPONDENT

LS 0003033ENG

Division of Enforcement Case No. 99 ENG 014

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Paul H. Durand

18966 Muirkirk Dr.

Northridge, CA 91326

*Examining Board of Architects, Landscape Architects,
Professional Engineers, Designers and Land Surveyors
PO Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
PO 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 Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors. 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. Paul H. Durand (DOB 08/07/45) is duly licensed as a professional engineer in the state of Wisconsin (license #30298). This license was first granted on August 5, 1994.
2. Mr. Durand's most recent address on file with the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors is 18966 Muirkirk Dr., Northridge, CA 91326.
3. On December 5, 1996, the Arizona State Board of Technical Registration imposed discipline against Mr. Durand for misrepresenting himself by certifying that he was an Arizona Registered Land Surveyor, which was outside his category of registration as a Civil Engineer. A true and correct copy of the Arizona Board's Decision is attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.
4. On July 11, 1997, the Colorado State Board of Registration for Professional Engineers and Professional Land Surveyors imposed discipline against Mr. Durand based upon the Arizona Order referred to in ¶3, above. A true and correct copy of the Colorado Board's Stipulation and Final Agency Order is attached to this document as Exhibit B. Exhibit B is incorporated into this document by reference.
5. On July 18, 1997, the Nevada State Board of Professional Engineers and Land Surveyors imposed discipline against Mr. Durand for performing ALTA surveys in the State of Nevada without being licensed as a professional land surveyor. Discipline was also imposed based upon the Arizona Order referred to in ¶3, above. A true and correct copy of the Nevada Board's Amended Decision and Order is attached to this document as Exhibit C. Exhibit C is incorporated into this document by reference.
6. On March 17, 1998, the California Board of Registration for Professional Engineers and Land Surveyors imposed discipline against the license of Mr. Durand to practice civil and structural engineering in California. Respondent was found guilty of negligence in the

practice of land surveying for surveys done on the Senora Plaza Project and the Pine Street Property. The California action was also based upon the Arizona Order referred to in ¶3 and the Colorado Board's Order referred to in ¶4, above. A true and correct copy of the California Board's Stipulation, Decision and Order is attached to this document as Exhibit D. Exhibit D is incorporated into this document by reference.

7. On October 1, 1998, the Pennsylvania State Registration Board for Professional Engineers, Land Surveyors and Geologists imposed discipline against the license of Mr. Durand to practice Engineering in Pennsylvania. This action was based upon the Arizona, Nevada, Colorado and California Orders referenced above. A true and correct copy of the Pennsylvania Board's Consent Agreement and Order is attached to this document as Exhibit E. Exhibit E is incorporated into this document by reference.

8. On March 11, 1999, the State of Hawaii Board of Professional Engineers, Architects, Surveyors and Landscape Architects imposed discipline against the license of Mr. Durand to practice Engineering in the state of Hawaii. This action was based upon the Arizona, Nevada, Colorado, California and Pennsylvania Orders referenced above. A true and correct copy of the Hawaii Board's Order is attached to this document as Exhibit F. Exhibit F is incorporated into this document by reference.

9. In resolution of this matter, Mr. Durand consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to act in this matter and is authorized to enter into the attached Stipulation and Order, pursuant to sec. 443.11(1), Stats.
2. The conduct described in paragraph 3-8, above, constitutes a violation of Wisconsin Administrative Code § A-E 8.03(3).

ORDER

1. The license of Paul H. Durand to practice as a professional engineer in the state of Wisconsin (license #30298) is LIMITED as follows:

- a. Respondent shall on a quarterly basis submit a complete and detailed description of all engineering work that Respondent has performed in the state of Wisconsin during the preceding three-month reporting period. Respondent shall promptly reply to any questions that the Section may have concerning his work and shall submit full plans and specifications for any project within ten [10] days of a request by the Section or its designated agent. The Section may in the exercise of its discretion require Respondent to appear personally before the Section to answer questions related to his practice in Wisconsin.
- b. In the event that the Section concludes that Respondent's work imperils the public health, safety or welfare, the Section may initiate proceedings for the summary suspension of Respondent's license; in the alternative the Board may seek to impose additional conditions and limitations and/or other additional discipline for conduct in violation of the Wisconsin Statutes or Wisconsin Administrative Code.

2. Respondent may petition to eliminate or revise the limitations on his license at any time following one [1] year of full, complete and successful compliance with the terms of this Order. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats.

3. Any petition or report submitted under this Order shall be submitted to:

Department Monitor
C/O Division of Enforcement
PO Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Tel. (608) 267-7139

4. This Order shall become effective on the date of its signing.

PROFESSIONAL ENGINEERS SECTION

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

By:

Nancy Sobezak

A Member of the Board

March 3, 2000

Date