

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
JAMES W. SHIELDS, :  
RESPONDENT. : LS0504134ARC

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Division of Enforcement Case No. 04 ARC 010

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

James W. Shields  
135 West Wells Street, Suite 800  
Milwaukee, WI 53203-6439

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

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

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 Architect 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:

FINDINGS OF FACT

1. James W. Shields ("Respondent"), date of birth April 14, 1957, was issued a registration as an Architect in the State of Wisconsin on June 17, 1986, having registration number 5950-5.
2. Respondent's last reported address on file with the Department of Regulation and Licensing is 135 W. Wells Street, Suite 800, Milwaukee, WI 53203.
3. Respondent's Architect registration expired on July 31, 1994.
4. Respondent filed an application for credential reinstatement on September 30, 2004, and paid the \$85.00 application fee, comprised of the \$60.00 renewal fee plus a \$25.00 late fee.
5. In November, 2004, Respondent's application for credential reinstatement was referred to the Division of

Enforcement to determine whether Respondent had engaged in the practice of architecture since the expiration of his Architect registration on July 31, 1994, and a Division of Enforcement case was formally opened against Respondent on December 30, 2004.

6. Division of Enforcement investigation revealed that during the time that Respondent's Architect registration has been in expired status, Respondent was listed on the internet as "architect" for several projects in Wisconsin, including:

the Cathedral of St. John the Evangelist renovation in Milwaukee, for which Respondent won an American Institute of Architects Wisconsin honor award in 2003;

St. Boniface Episcopal Church in Mequon, which was awarded the 2002 Interfaith Forum on Religion, Art and Architecture Design Award;

the "100 Wisconsin Avenue" luxury condominiums and office space on the Capitol Square in Madison, constructed in 2004, for which Respondent is listed on the project website as the "Building Architect."

7. Division of Enforcement investigation also revealed that during the time that Respondent's Architect registration has been in expired status, Respondent identified himself as a registered Wisconsin Architect on his biographical page on the University of Wisconsin-Milwaukee website.

8. The "100 Wisconsin Avenue" project website identifies Respondent as "a Wisconsin Registered Professional Architect."

9. Respondent contends that his formal role listed on projects since joining Hammel, Green and Abrahamson, Inc. in 1988 has been "designer" and maintains that he has never been listed as the "Project Architect" or "Principal Architect" on any projects since the expiration of his Architect credential in 1994. Nonetheless, Respondent acknowledges that he engaged in the "practice of architecture" within the meaning of Wis. Stat. § 443.01(5) during the period that his Architect registration has been expired.

10. Respondent has offered the following explanation for his failure to be registered since 1994:

"I was under the impression that HGA Architects was paying my dues for both state registration and the AIA. Several times in recent years, I logged onto Wisconsin DLR [sic] web site where I found my name on a list of 'Architects.' At that time, I mistakenly assumed that appearing on the list confirmed my registration. I now understand that I needed to personally take responsibility for insuring that my dues were paid, seeking written confirmation in the form of a certificate that I was licensed. I mention this history so that you and the Board will know that during the period of time in question I did believe that I was an Architect and could properly refer to myself as such. I now know that this was not true, and I sincerely regret any misrepresentations which may have unwittingly occurred.

In June 2004, I discovered that I was not licensed when I looked once again at the DLR [sic] website, noticing for the first time an icon where one could click and get additional information. Upon finding that my dues were not current, I immediately telephoned the Wisconsin DLR and informed them of my predicament."

11. Respondent has offered the following information as possible mitigating circumstances:

Respondent contends that during the period of time that his Architect registration has been expired, he never used his Architect stamp to seal a set of drawings. Respondent maintains that any projects on which he worked were overseen and sealed by a properly licensed Architect under whom he worked as an employee.

Respondent contends that his formal role listed on projects was that of "designer." Respondent provided the Division of Enforcement with several project contact lists in which every member of the team is identified with a specific role and title. For each of the project lists Respondent provided, he is listed as a "designer" and someone else is listed as the "Project Architect" or "Principal Architect." Respondent maintains that he has never served as "Project Architect" or "Principal Architect" during the time since the expiration of his Architect registration.

Respondent's business cards with Hammel, Green and Abrahamson, Inc. identify him as "James W. Shields, AIA,

Associate Vice President.”

Respondent updated his information on the UW-Milwaukee website and the Hammel, Green and Abrahamson, Inc. website so that neither website refers to him as an “architect” or “registered Wisconsin architect.” Respondent also requested of the marketing department at Hammel, Green and Abrahamson, Inc. that no future materials refer to him as an architect until such time that his Architect registration is fully reinstated.

Respondent explained that in the last 10 years, roughly two-thirds of his time has been spent as an Associate Professor of Architecture at the University of Wisconsin-Milwaukee where he teaches design and construction technology. Professional licensure is not required for this position.

During the past 10 years, Respondent has maintained a strong service commitment to the community and to the Architecture profession, including:

- 17 years of community service on the City of Milwaukee’s Historic Preservation Commission, serving as the “Architectural Historian” and as Chair of the Commission, an institution devoted to the preservation and appreciation of historic architecture;
- 4+ years of service to the profession on the Board of the Wisconsin Architectural Foundation, a not-for-profit organization that supports architectural education in Wisconsin, currently serving as President of the board, a board not restricted to architects;
- Community service to St. John’s Cathedral in Milwaukee, including working to develop a funding source for programs for the homeless; and
- Instrumental in founding the Gallery of Architecture and Urbanism at UW-Milwaukee; serving more than 10 years as Gallery Curator and in that capacity organizing or overseeing the development of over 40 shows, most of which highlight and celebrate Wisconsin Architecture; shows are open, free of charge, to students and the general public.

12. The Section has reviewed Respondent’s application for reinstatement of his Architect registration and has determined that Respondent meets the requirements of Wis. Admin. Code § A-E 2.05(2)(a) and is competent to practice Architecture in Wisconsin.

### CONCLUSIONS OF LAW

1. The State of Wisconsin Architect Section of the 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 pursuant to Wis. Stat. § 443.02(1) – (3), Wis. Admin. Code § A-E 2.05(2)(b) and Wis. Stat. § 227.44(5).

2. Wis. Stat. § 443.02(2) provides:

**443.02 Practice requirements and registration: general provisions.**

(2) No person may practice architecture . . . in this state unless the person has been duly registered, is exempt under s. 443.14 or has in effect a permit under s. 443.10(1)(d).

Respondent’s practice of architecture while his registration has been expired is a violation of Wis. Stat. § 443.02(2).

3. Wis. Stat. § 443.02(3) provides:

**443.02 Practice requirements and registration: general provisions.**

(3) No person may offer to practice architecture . . . or use in connection with the person’s name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect . . . or advertise to furnish architectural . . . services unless the person has been duly registered or has in effect a permit under s. 443.10(1)(d) in this state unless the person has been duly registered, is exempt under s. 443.14 or has in effect a permit under s. 443.10(1)(d).

Respondent's use of the title "architect" and identification of himself as a registered Wisconsin architect while his registration has been expired are a violation of Wis. Stat. § 443.02(3).

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED:

1. That Respondent James W. Shields, registration number 5950-5, be and hereby is **REPRIMANDED**.
2. That Respondent shall, within thirty (30) days from the date of this Order pay the missed renewal fees for 1994, 1996, 1998, 2000 and 2002, plus 12% interest per year, totaling **FOUR HUNDRED DOLLARS AND SEVENTY-SIX CENTS (\$400.76)**, and calculated as follows:

1994	\$40 renewal fee + (12% of \$40 x 10 years of interest) = \$40 + (\$4.80 x 10) =	\$88.00
1996	\$46 renewal fee + (12% of \$46 x 8 years of interest) = \$46 + (\$5.52 x 8) =	\$90.16
1998	\$44 renewal fee + (12% of \$44 x 6 years of interest) = \$44 + (\$5.28 x 6) =	\$75.68
2000	\$49 renewal fee + (12% of \$49 x 4 years of interest) = \$49 + (\$5.88 x 4) =	\$72.52
2002	\$60 renewal fee + (12% of \$60 x 2 years of interest) = \$60 + (\$7.20 x 2) =	\$74.40
	TOTAL =	\$400.76

Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

**Department Monitor**  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817

3. That Respondent shall, within one hundred twenty (120) days from the date of this Order, pay **COSTS** of this proceeding in the amount of **ONE THOUSAND FIFTY DOLLARS (\$1,050.00)**. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

**Department Monitor**  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

4. IT IS FURTHER ORDERED that the Architect registration of James W. Shields, registration #5950-5, be, and hereby is, **REINSTATED**.

5. 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. In its discretion the Section 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 and renewal fees set forth above, Respondent's license (#5950-5) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

**ARCHITECT SECTION**

By: James Hubertus  
A member of the Section

4-13-05  
Date