

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
DENNIS S. NELSON, : LS0708162ENG
RESPONDENT. :

Division of Enforcement Case No. 06 ENG 004

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

Dennis S. Nelson
3348 Jill Avenue
Eau Claire, Wisconsin 54701

Professional Engineer Section
Examining Board of Architects, Landscape Architects,
Professional Engineers, Designers and Land Surveyors
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

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 Professional Engineer Section, Wisconsin 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. Dennis S. Nelson (Date of Birth: September 5, 1951) is duly registered to practice as a professional engineer in the state of Wisconsin (using registration number 6-19164). This registration was first granted on November 16, 1979, and is current until July 31, 2008.
2. Mr. Nelson's most recent address on file with the Department of Regulation and Licensing is 3348 Jill Avenue, Eau Claire, Wisconsin 54701.
3. On or about November 22, 2005, the West Virginia State Board of Registration for Professional Engineers imposed discipline against the license of Mr. Nelson to practice as a professional civil engineer in West Virginia. Prior to that discipline, Mr. Nelson's West Virginia professional engineer license had been suspended since November 19, 2004, for failure to respond to an audit of his professional development hours.

4. The factual basis for the West Virginia's Board's action was based on Mr. Nelson's disregard of the Board's request for information concerning an investigation. A hearing was scheduled to be held on September 19, 2005. Prior to the hearing date, Mr. Nelson furnished with the West Virginia Board with the requested information, and waived his right to hearing.

5. The West Virginia Board Order required Mr. Nelson to pay civil penalties of \$1,000.00 and \$200.00 in costs. Mr. Nelson was also prohibited from practicing until he is registered with the Board and his firm can't practice unless it employs an engineer licensed in West Virginia.

6. A true and correct copy of the West Virginia State Board of Registration for Professional Engineers Consent Order is attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.

7. In resolution of this matter, Dennis S. Nelson 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 – Professional Engineer Section has jurisdiction to act in this matter pursuant to Wis. Stat. Sec. 443.11.

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

3. By the conduct described in above Findings of Fact, Dennis S. Nelson violated Wis. Stat. 443.11(1)(d). The examining board may reprimand an architect, registered landscape architect or professional engineer or limit, suspend or revoke the certificate of registration of any registrant, and the certificate of record of any engineer in training, who is found guilty of:

d. Any gross negligence, incompetency or misconduct in the practice of architecture as a registered architect, of landscape architecture as a registered landscape architect, or of professional engineering as a registered professional engineer, or in the professional activity of a holder of a certificate of record as engineer-in-training.

4. By the conduct described in above Findings of Fact, Dennis S. Nelson violated Wisconsin Administrative Code § A-E 8.03(3)(a). "Misconduct in the practice of architecture, landscape architecture, professional engineering, designing or land surveying" means an act performed by an architect, landscape architect, professional engineer, designer or land surveyor, in the course of the profession which jeopardizes the interest of the public, including any of the following:

a. Violation of federal or state laws, local ordinances or administrative rules relating to the practice of architecture, landscape architecture, professional engineering, designing or land surveyor.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the registration of Dennis S. Nelson to practice as a professional engineer in the state of Wisconsin (using registration number 6-19164) is **REPRIMANDED**.

IT IS ALSO ORDERED that Mr. Nelson shall within one (1) year from the effective date of this Order, successfully complete the Engineering Ethics and Its Relationship to Society On-Line distance learning course offered by Texas Tech University, College of Engineering, Murdough Center for Engineering Professionalism. The address, telephone number and internet website contact information is Box 41023, Lubbock, Texas 79409-1023, 806-742-3525, 806-742-0444 (fax) and www.murdough.ttu.edu. Mr. Nelson shall submit proof of successful completion of the course to the Department Monitor.

IT IS FURTHER ORDERED that Mr. Nelson shall inform the Department Monitor of any investigation and/or pending disciplinary action regarding his engineering licensure and/or certification in any other state or territory of the United States, within thirty (30) days of his notification of the investigation or pending disciplinary action. Mr. Nelson shall also inform the

Department Monitor of any change in his engineering licensure and/or certification in any other state or territory of the United States, within thirty (30) days of any change. If Mr. Nelson's engineering licensure and/or certification changes in any state or territory of the United States, then the Section may in its discretion revisit the terms and conditions of this Order, and may impose additional terms, conditions and limitations of this Order.

Mr. Nelson shall pay full costs in the amount of **seven hundred dollars (\$700.00)**. All costs shall be payable in the form of a money order or cashiers check to the Department of Regulation and Licensing and shall be sent to the Department Monitor. Payment shall be submitted in four (4) installments. The installments shall be submitted on the following payment schedule:

Payment Number	Due Date	Payment Amount
1	September 15, 2007	\$175.00
2	December 15, 2007	\$175.00
3	March 15, 2008	\$175.00
4	June 15, 2008	\$175.00

Mr. Nelson may pay the full amount of the costs at any time prior to each monthly due date for payment.

IT IS FURTHER ORDERED that in the event that Mr. Nelson fails to abide by the terms and conditions of this Order, then that violation shall be construed as conduct imperiling the health, safety and welfare of the public and shall result in the summary suspension of Mr. Nelson's registration to practice as a professional engineer in the state of Wisconsin. The Section in its discretion may in the alternative impose additional terms, conditions and limitations for any violation of this Order.

At any time following three (3) years from the effective date of this Order, Mr. Nelson may petition the Section for removal of any and all terms and conditions imposed by this Order.

All petitions shall be sent to the Department Monitor. At such time as the Section considers any petition, Mr. Nelson shall personally appear before the Section to answer any questions that the Section may have. Denial in whole or in part of any petition under this paragraph shall not constitute denial of a registration or license and shall not give rise to a contested case within the meaning of Wis. Stat. Secs. 227.01(3) and 227.42.

Any costs associated with fulfilling any of the terms of this Order shall be the sole responsibility of Mr. Nelson.

Any petition, proof of completion, report or payment of costs associated with this Order shall be submitted to:

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-261-7904

This Order shall become effective upon the date of its signing.

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

By Martin Hanson
A Member of the Professional Engineers Section

8/16/07
Date

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

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
DENNIS S. NELSON, : STIPULATION
RESPONDENT. : LS# _____ ENG
 :

Division of Enforcement Case No. 06 ENG 004

It is hereby stipulated between Dennis S. Nelson and Claudia Berry Miran, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (06 ENG 004). Mr. Nelson consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Nelson 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. Mr. Nelson is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.
4. Mr. Nelson agrees to the adoption of the attached Final Decision and Order by the Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and 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. Mr. Nelson 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 this Stipulation agree that the attorney or other agent for the Division of Enforcement 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 Mr. Nelson or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with the Section's deliberations on the Stipulation. Additionally, any such Section advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.
7. Mr. Nelson 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 accord with standard Department procedure.

8. The Division of Enforcement joins Dennis S. Nelson in recommending the Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors adopt this Stipulation and issue the attached Final Decision and Order.

Dennis S. Nelson

Respondent

3348 Jill Avenue

Eau Claire, Wisconsin 54701

Registration Number 6-19164

Date

Claudia Berry Miran

Attorney

Division of Enforcement

Wisconsin Department of Regulation and Licensing

Post Office Box 8935

Madison, Wisconsin 53708-8935

Date