

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

**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**
DANIEL J. PRUNUSKE. :
RESPONDENT. : **LS0710253ENG**
:

Division of Enforcement Case File #: **05 ENG 003**

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

Daniel J. Prunusky
P.O. Box 293
Beaver Dam, WI 53916

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:

FINDINGS OF FACT

1. Daniel J. Prunuske (“Respondent”), date of birth 12/21/50, is registered in the State of Wisconsin as a professional engineer having registration #06-25379. This registration was first granted on 02/26/88.
2. Respondent's last reported home address on file with the Department of Regulation and Licensing (“Department”) is P.O. Box 293, Beaver Dam, Wisconsin 53916.
3. Respondent is the owner of Design Tech Engineering LLC (“Design Tech”). Design Tech is duly registered as an architecture or engineering corporation having registration #011-86339. This license was first granted on 01/13/00.

4. The current address on file with the Department for Design Tech is: P.O. Box 293, Beaver Dam, Wisconsin 53916.

5. On or October 17, 2005, the Department received consumer complaint alleging the Respondent provided an inaccurate professional engineering report to the Wisconsin Department of Natural Resources (DNR) on three rebuilt United Life Waste Recyclers (UWLR) waste storage tanks, located in Clyman, Wisconsin. The matter was subsequently opened for investigation.

6. On or about June 29, 2005, the Respondent submitted a tank inspection report to a DNR Wastewater Engineer. The cover letter accompanying the report, the Respondent certified to the DNR that three UWLR waste storage tanks had been inspected. The Respondent certified to the DNR that the three waste storage tanks: (1) were in good structural condition, (2) had been properly erected in accordance with the design drawings furnished by the manufacturer, and (3) are not being subjected to loadings or uses beyond those recommended by the manufacturer. A true and correct copy of the June 29, 2005 cover letter and tank inspection report are attached as **Exhibits A and B** and are incorporated herein by reference.

7. During the Department's investigation, it was revealed that the three waste storage tanks structural condition, design drawings and usage was considered questionable because the manufacturer (Engineered Storage Products Company or its predecessor, A.O. Smith Harveststore Products, Incorporated) of the tanks had not provided anyone with designs for a structure similar to the three waste storage tanks.

8. Because the manufacturer had not provided anyone with the type of designs discovered in the storage tanks, a conclusion was reached by the Department that the tanks had not been erected in accordance with the design drawings of the manufacturer.

9. During the Department's investigation, the Respondent admitted that he may have relied on improper design drawings to reach the conclusions set forth in **Exhibit B**. The Respondent also admitted that inspecting waste storage tanks is one of his standard practice areas in professional engineering.

10. On or about May 23, 2006, the Respondent provided a written letter to the DNR in which he rescinded the June 29, 2005, certification of all three waste storage tanks. A true and correct copy of the May 23, 2006 letter is attached as **Exhibit C** and is incorporated herein by reference.

11. In resolution of this matter, Daniel J. Prunuske consents to the entry of the following Conclusions of Law and C

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, Daniel J. Prunuske 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 in which sufficient knowledge had been established.

ORDER

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

IT IS FURTHER ORDERED that Respondent, license # 006-53916 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 Respondents pay to the Department of Regulation and Licensing **COSTS of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)**.

IT IS FURTHER ORDERED, that a down payment of **FIVE HUNDRED DOLLARS (\$500.00)** shall be submitted ninety (90) days from the date of this order and four more payments of **FIVE HUNDRED DOLLARS (\$500.00)** will due every sixty (60) days from the previous payment until the full **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)** is paid. The payment schedule shall be as follows:

PAYMENT DATE	PAYMENT AMOUNT
January 25, 2008	\$500.00
March 25, 2008	\$500.00
May 25, 2008	\$500.00
July 25, 2008	\$500.00
September 25, 2008	\$500.00

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

**Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 261-7904
Fax (608) 266-2264**

IT IS FURTHER ORDERED that in the event Respondent fails to pay the **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)** costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent, his license #06-25379 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, **05 ENG 003** be, and hereby is, closed as to the Respondent.

Dated this 25th day of October, 2007.

PROFESSIONAL ENGINEERS SECTION

By: Martin J. Hanson
A member of the Section