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STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS, AND LAND SURVEYORS (ARCHITECTS' SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ARCHITECT OF DONALD ALLEN DAVIS,
RESPONDENT (A-02063)

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This action coming on to be heard before the Architects' Section of the Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors, on the 21st day of October, 1971, pursuant to notice duly given, and on the complaint of said Board, and the complainant having appeared by Sherwood K. Zink, attorney for said Board, and the respondent, Donald Allen Davis, having appeared in person and by Niebler and Niebler, his attorneys, by Chester J. Niebler, and the Architects' Section of the Board having heard the evidence and being fully advised in the premises, and upon the pleadings, exhibits and other documents on file herein, makes the following:

FINDINGS OF FACT

1. The respondent, Donald Allen Davis, of 536 North 27th Street, Milwaukee, Wisconsin, is duly registered under the provisions of Sec. 443.01, Wis. Stats., as an Architect, Certificate No. A-02063.
2. C. F. Hurc is Secretary of said Architects' Section and has been directed by said Section to initiate these proceedings under the provisions of Sec. 443.01 (13), Wis. Stats.
3. On or about April 14, 1970, the respondent submitted for approval plans and specifications for the remodeling, and addition to, a furniture store located at 217 South Main Street, Cuba City, Wisconsin, owned by one Stanley F. Donohoo of 7622 West Wisconsin Avenue, Wauwatosa, Wisconsin, to the Department of Industry, Labor and Human Relations.
4. The respondent, at the direction of the owner, prepared the said plans and specifications for, and supervised the construction of, said project.

5. The said plans and specifications failed to show the size of the existing wall footings and pier footings pursuant to the requirements of Sections IND. 50.10, IND. 53.001, IND. 53.01, and IND. 53.02 (2), Wis. Adm. Code.

6. The said plans were, on or before April 29, 1970 approved by said Department upon the condition that certain items requiring correction be so corrected by May 29, 1970.

7. The conditions of said approval were not met by May 29, 1970, although the remodeling of, and addition to, said store was under way.

8. The said remodeled store, and addition thereto, was occupied prior to the submittal of revised plans and specifications showing confirmation of soil bearing values or footing sizes, to the Department of Industry, Labor and Human Relations.

9. A completion statement, as required by Section IND 52.001 (2), Wis. Adm. Code, was not filed with the Department of Industry, Labor and Human Relations, prior to the time when the remodeled portion and the addition, of the said store was used and occupied.

CONCLUSIONS OF LAW

1. The failure to meet the conditions of approval as set forth by the Department of Industry, Labor and Human Relations, within the 30 days provided, is an undue delay in performing professional duties as an architect and constitutes negligence in the practice of architecture on the part of said Donald Allen Davis.

2. The failure to submit sufficient and adequate data regarding the existing footings, as a part of plans and specifications, to the Department of Industry, Labor and Human Relations, constitutes incompetency in the practice of architecture by the respondent, Donald Allen Davis.

3. The failure to conform to the requirements of Chapters IND. Wis. Adm. Code, constitutes misconduct in the practice of architecture on the part of the respondent, Donald Allen Davis.

4. It is in the public interest to suspend the certificate of registration as an architect of the respondent, Donald Allen Davis, for a period of 30 days, for incompetency in submitting insufficient and inadequate plans to the Department of Industry, Labor and Human Relations, for approval.

5. It is also in the public interest to reprimand the respondent, Donald Allen Davis, for misconduct in failing to conform to the requirements of Chapters IND., Wis. Adm. Code.

ORDER

NOW THEREFORE, IT IS ORDERED, that the certificate of registration, No. A-02063, of the respondent, Donald Allen Davis, as an architect, be, and the same hereby is, suspended for a period of 30 days, said suspension to take affect 30 days from the date of this order.

IT IS FURTHER ORDERED, that the respondent, Donald Allen Davis, be, and he hereby is, reprimanded.

IT IS FURTHER ORDERED, that a copy of these findings of fact, conclusions of law and order be served upon the respondents attorneys by certified mail.

Dated this 15 day of November, 1971.

EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND
LAND SURVEYORS (ARCHITECTS' SECTION)

By: Paul C Brust
Chairman, Paul C. Brust

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS, AND LAND SURVEYORS (ARCHITECTS' SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ARCHITECT OF DONALD ALLEN DAVIS,
RESPONDENT (A-02063)

NOTICE OF HEARING

To: Donald Allen Davis
536 North 27th Street
Milwaukee, Wisconsin

PLEASE TAKE NOTICE, That a hearing will be held on the 20th day of
September, 1971, at 110 North Henry Street, Madison, Wisconsin, at 10:00
o'clock in the forenoon, or as soon thereafter as the matter can be heard,
on the question of whether the certificate of registration as an Architect
in the State of Wisconsin, heretofore issued to the above named respondent,
pursuant to Section 443.01, Wis. Stats., shall be suspended or revoked.
The issues involved and the charges then and there to be considered are set
forth in the attached Complaint, to which you are required to make answer in
writing at least 15 days before the date set for said hearing.

Dated at Madison, Wisconsin, this 18th day of August, 1971.

EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS,
AND LAND SURVEYORS
(ARCHITECTS' SECTION)

By



Secretary

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS, AND LAND SURVEYORS (ARCHITECTS' SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ARCHITECT OF DONALD ALLEN DAVIS,
RESPONDENT (A-02063)

COMPLAINT

The Architects' Section of the Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors, by C. F. Hurc, its Secretary, complains against the respondent, and alleges:

admits — 1. That C. F. Hurc is the Secretary of said Architects' Section, and has been directed by said Section to institute these proceedings to revoke the registration as an Architect of said Donald Allen Davis, under the provisions of Section 443.01(13), Wis. Stats.

puts or purports to be
admits 2. That Donald Allen Davis, whose last known address is 536 North 27th Street, Milwaukee, Wisconsin, is duly registered by the Architects' Section of the Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors, under the provisions of Section 443.01, Wis. Stats., as an Architect, Certificate No. A-02063.

admits 3. On information and belief, that the respondent, Donald Allen Davis, prepared plans and specifications for, and at all times referred to herein, ~~was responsible for supervising the construction of~~ *remodeling and addition to* a furniture store located at 217 South Main Street, Cuba City, Wisconsin, and owned by Stanley F. Donohoo, 7622 West Wisconsin Avenue, Wauwatosa, Wisconsin.

admits and avers 4. That on or about April 14, 1970, the respondent submitted for approval plans and specifications to the Department of Industry, Labor and Human Relations, for the above said furniture store, and which plans were, on or about April 29, 1970, approved by said Department on the condition that certain items requiring correction regarding said plans and specifications be so corrected within 30 days from April ~~14~~ *29, 1970*, 1970.

Denies 5. On information and belief, that as of July 2, 1970, said conditions were not met in that the aforesaid corrections had not been made, but that construction had commenced on said store *remodeling and addition*.

Denies 6. On information and belief, that the respondent failed to maintain a complete set of approved plans, or a complete set of approved revised plans, on the building site, as required by Section IND 50.11, Wis. Adm. Code.

Denies 7. That as of November 11, 1970, the respondent had not provided the Department of Industry, Labor, and Human Relations with confirmation of soil bearing values or revised footing sizes pursuant to Section IND 53.01 and IND 53.02(2) Wis. Adm. Code.

Admits 8. On information and belief, that said *including the addition* building was occupied on or before October 28, 1970.

Denies 9. On information and belief, that, as of October 28, 1970, the respondent had failed to provide the Department of Industry, Labor, and Human Relations with a completion statement as required by Section IND 52.001(2), Wis. Adm. Code.

Denies 10. That the respondent's failure to provide corrections to the conditionally approved plans and specifications within 30 days of conditional approval, the failure to maintain approved and revised plans on the building site, and the failure to furnish required information to the Department of Industry, Labor, and Human Relations, all constitutes gross negligence, misconduct and incompetency in the practice of architecture pursuant to Section 443.01(13), Wis. Stats. *misconduct pursuant to A-E 4.06*

WHEREFORE, complainant prays that the certificate of registration as an Architect of said respondent, Donald Allen Davis, be revoked.

EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS,
AND LAND SURVEYORS
(ARCHITECTS' SECTION)

By *C. J. June*
Secretary