

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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71

STATE OF WISCONSIN

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

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ENGINEER OF ERWIN G. DUERINGER,
RESPONDENT (E- 05119)

NOTICE OF HEARING

TO: Erwin G. Dueringer
Melvin, Illinois

PLEASE TAKE NOTICE, That a hearing will be held on the 30th day of
April, 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 a pro-
fessional engineer in the State of Wisconsin, heretofore issued to the
above named respondent, pursuant to Section 443.01, Wis. Stats., should
be revoked by the Examining Board of Architects, Professional Engineers,
Designers, and Land Surveyors (Engineers' Section). 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 fifteen (15) days before the date set for said hearing.

Dated at Madison, Wisconsin, this 30th day of March, 1971.

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

By C. F. Hurc
C. F. Hurc, Secretary

Post Office Address:

110 North Henry Street
Madison, Wisconsin 53703

STATE OF WISCONSIN

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

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ENGINEER OF ERWIN G. DUERINGER,
RESPONDENT (E-05119)

COMPLAINT

The Engineers' 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 Erwin G. Dueringer, of Melvin, Illinois, is duly registered by the Engineers' Section, under the provisions of Section 443.01, Wis. Stats., as a Professional Engineer, Certificate Number E-05119.

2. That C. F. Hurc is the Secretary of said Engineers' Section and has been directed by said Section to initiate these proceedings to revoke the Certificate of Registration as a Professional Engineer of said Erwin G. Dueringer, under the provisions of Section 443.01 (13), Wis. Stats.

admits 3. On information and belief, that some time prior to August of 1969, the respondent, Erwin G. Dueringer, did prepare plans and specifications for a swimming pool to be constructed at the KOA Kampground at Rice Lake, Wisconsin, and a swimming pool to be constructed at the KOA Kampground at Menomonee, Wisconsin.

*Denies
affirms* 4. On information and belief, that the respondent permitted construction to commence on said swimming pools without first obtaining approval of the plans and specifications for said pools from the Department of Health and Social Services, as required by Section H 71.04 (2), Wis. Adm. Code.

*Denies,
Denies and
affirms* 5. That the plans for said pools provide for a bottom slope exceeding the maximum allowed in Section H 71.08 (2), Wis. Adm. Code.

Denies 6. On information and belief, that the deficiencies set forth in paragraph number five (5) have not been corrected.

Admits

7. That on or about May 20, 1968 the respondent submitted plans bearing his seal and signature for a swimming pool to be located at the intersection of Amhurst Street and Pheasant Lane in Middleton, Wisconsin, to the Department of Health and Social Services.

Denies

8. On information and belief, that the plans referred to in paragraph number seven (7) are the same plans as were prepared by one Lyle Pozorski and submitted to the Department of Health and Social Services on or about February 29, 1968 bearing the seal and signature of said Lyle Pozorski, as an Architect, certificate number A-02005.

*Denies
affirmative allegations*

9. That the plans referred to in paragraph number seven (7) were deficient in that they did not meet the requirements of chapter H 71, Wis. Adm. Code.

?

10. That the failure of the respondent, Erwin G. Dueringer, to obtain approval of plans and specifications from the Department of Health and Social Services, as required by Section H 71.04, Wis. Adm. Code, and the preparation of plans and specifications that did not meet the requirements of chapter H 71, Wis. Adm. Code, constitutes gross negligence, incompetency and misconduct in the practice of Professional Engineering, pursuant to Section 443.01 (13), Wis. Stats.

11. That the submission of plans and specifications not prepared by the respondent, Erwin G. Dueringer, to the Department of Health and Social Services, is in violation of Section 443.01 (1) (f), Wis. Stats., and constitutes grounds for revocation pursuant to Section 443.01 (13), Wis. Stats.

WHEREFORE, complainant prays that the Certificate of Registration as a Professional Engineer of the respondent, Erwin G. Dueringer, be revoked.

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

By C. F. Hurc
C. F. Hurc, Secretary

STATE OF WISCONSIN

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

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ENGINEER OF ERWIN G. DUERINGER,
RESPONDENT (E-05119)

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This action coming on to be heard before the Engineers' Section of the Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors on the 18th day of June, 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, Erwin G. Dueringer, having appeared in person and by Foley and Lardner, his Attorneys, by Walter F. Kelly, and the Engineers' Section of the Board having heard the evidence and being advised in the premises, and upon the stipulation of the respondent, made by his Attorneys, makes the following:

FINDINGS OF FACT

1. The respondent, Erwin G. Dueringer, is duly registered by the Engineers' Section of the Examining Board, under the provisions of Section 443.01, Wis. Stats., as a Professional Engineer, Certificate No. E-05119.
2. C. F. Hurc is Secretary of said Engineers' Section and has been directed by said Section to initiate proceedings to revoke the certificate of registration as a Professional Engineer of the respondent under the provisions of Section 443.01(13), Wis. Stats.
3. On or about May 20, 1968, the respondent placed his seal and signature on plans for a swimming pool which was to be located at the intersection of Amhurst Street and Pheasant Lane in the City of Middleton, Wisconsin, and submitted said plans to the Department of Health and Social Services.

4. The said plans were originally prepared by, or under the direction and control of, one Lyle Pozorski, Architect.

CONCLUSIONS OF LAW

1. The signing and sealing of plans by the respondent, Erwin G. Dueringer, which were not prepared by him, or under his direction and control, was in violation of Section 443.01(1)(f), Wis. Stats.

2. The violation of Section 443.01(1)(f), Wis. Stats., constitutes misconduct in the practice of professional engineering within the meaning and intent of Section 443.01(13), Wis. Stats.

3. It is in the public interest to suspend the certificate of registration as a Professional Engineer of the respondent, Erwin G. Dueringer, for a period of 60 days.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the respondent, Erwin G. Dueringer, be, and he hereby is, suspended for a period of 60 days, commencing September 1, 1971, for having committed acts of misconduct in the practice of professional engineering.

Dated this 26th day of August, 1971.

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

By: C. F. Hurc
C. F. Hurc, Secretary

STATE OF WISCONSIN

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

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS
AN ENGINEER OF ERWIN G. DUERINGER
RESPONDENT (E-05119)

STIPULATION

ERWIN G. DUERINGER, respondent, by his Attorneys, Foley and Lardner,
by James O. Huber, and the Examining Board of Architects, Professional
Engineers, Designers, and Land Surveyors (Engineers' Section), by its
Attorney, Sherwood K. Zink, pursuant to a hearing on the 18th day of June,
1971, at 10:00 in the forenoon, at the City of Madison, Wisconsin, hereby
agrees and stipulates to the following:

1. That the respondent, Erwin G. Dueringer, is duly registered by the
Engineers' Section of the Examining Board, under the provisions of Section
443.01, Wis. Stats., as a Professional Engineer, Certificate No. E-05119.

2. That C. F. Hurc is Secretary of said Engineers' Section and has
been directed by said Section to initiate proceedings to revoke the certifi-
cate of registration as a Professional Engineer of the respondent under the
provisions of Section 443.01(13), Wis. Stats.

3. That on or about May 20, 1968, the respondent submitted plans bearing
his seal and signature for a swimming pool which was to be located at the
intersection of Amhurst Street and Pheasant Lane in the City of Middleton,
Wisconsin, to the Department of Health and Social Services.

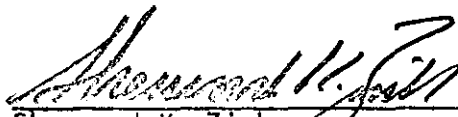
4. That the said plans were originally prepared by, or under the
direction and control of, one Lyle Pozorski, Architect.

5. That the respondent, by placing his seal and signature upon plans,
not prepared by him, or under his direction and control, violated Section
443.01(1)(f), Wis. Stats.

6. That the Order of the Examining Board, dated August 26, 1971, suspending the respondent's certificate of registration as a Professional Engineer, No. E-05119, for a period of 60 days beginning September 1, 1971, is hereby acknowledged and agreed to.

Dated this _____ day of _____, 1971.

FOLEY AND LARDNER
Attorneys for Respondent
Erwin G. Dueringer
By James O. Huber



Sherwood K. Zink 8-26-71
Attorney for Complainant
EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS,
AND LAND SURVEYORS (ENGINEERS' SECTION)