

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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REC'D & FILED
September 9, 1975
C. J. [Signature]

SEP 9 - 1975

STATE OF WISCONSIN

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

IN THE MATTER OF THE PROFESSIONAL
ENGINEERS LICENSE OF DELBERT J.
BOMKAMP, Respondent

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

The above entitled proceeding having come on for hearing before the Professional Engineers' Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors at General Executive Office Facility No. 1, Madison, Wisconsin, on March 21, 1975, and August 29, 1975, pursuant to notice of hearing and the complaint of the Wisconsin Society of Professional Engineers containing the issues involved and charges to be considered, duly served upon the respondent, Delbert J. Bomkamp, and respondent having filed answer and having appeared in person and by his attorney, Stephen E. Gavin, and the Professional Engineers' Section of the Examining Board, represented by Lowell E. Nass, Assistant Attorney General, having heard the evidence presented by William Dusso, attorney, in support of said charges, and the evidence presented by respondent, in opposition thereto, and the Board having considered the pleadings, testimony, exhibits, arguments and proceedings herein, hereby makes and files its findings of fact, conclusions of law and order, constituting its decision in this matter.

FINDINGS OF FACT

1. That Delbert J. Bomkamp, respondent, whose address is Route 1, Sun Prairie, Wisconsin, is, and was at all times hereinafter mentioned, duly registered by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors under the provisions of Section 443.01, Wisconsin Statutes, as a professional engineer, Certificate No. E-12724.

2. That the Wisconsin Society of Professional Engineers filed a complaint with this Examining Board against the respondent professional engineer based upon his conviction of a felony.

3. That it has been established by receipt in evidence herein of a certified copy of the record of conviction that Delbert J. Bomkamp, on February 8, 1974, was convicted, upon his plea of no contest, of the crime of conspiring to restrain trade in violation of secs. 133.01 (1) and (3), Wis. Stats., and was then sentenced to the Wisconsin State Prison for an indeterminate term of not more than two years, which sentence was stayed and respondent was placed on probation in the custody and control of the Department of Health and Social Services and he was fined \$5,000.

4. That respondent was involved in, charged with and convicted of conspiracy to restrain trade, a felony involving the elements of guilty knowledge and fraud and deceit against the public.

CONCLUSIONS OF LAW

That respondent Delbert J. Bomkamp was convicted of a felony involving moral turpitude on February 8, 1974 in violation of secs. 133.01 (1) and (3), Wis. Stats., and is subject to penalty as provided by sec. 443.01 (13) (a) 6, Stats.

O R D E R

IT IS ORDERED, that the certificate of registration, No. E-12724, of respondent Delbert J. Bomkamp to practice professional engineering in Wisconsin, and the same hereby is, suspended for three months, said suspension to take effect 30 days from the date of service of this order by certified mail.

Let a copy of these findings of fact, conclusions of law and order be served by certified mail upon Delbert J. Bomkamp and upon his attorney.

Dated this 6 day of September, 1975.

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

BY: 

THE STATE OF WISCONSIN
DANE COUNTY
(CRIMINAL & TRAFFIC COURTS)

DANE COUNTY } ss.

I, Carolyn Rankin Acting Chief Deputy Clerk of the County Criminal & Traffic Courts, in
and for the County of Dane, and State of Wisconsin, do hereby certify that I have carefully compared the foregoing
and annexed copy of

STATE CRIMINAL DOCKET, VOLUME 209, PAGE 64
JUDGMENT OF CONVICTION
CRIMINAL COMPLAINT & WARRANT

Title:

STATE OF WISCONSIN

versus

DELBERT J. BOMKAMP

with the original now on file and of record in my office; and that the same is a true and correct copy of the original, and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my

hand and affixed the Seal of the Court, at the City
of Madison, in said county, this 17th day of
March, A.D. 1975.

Carolyn Rankin
Acting Chief Deputy Clerk of County Criminal & Traffic Courts

Exh 2 8/29/75

State of Wisconsin

Versus

DELBERT J. BOMKAMP

Complaint for CONSPIRING TO RESTRAIN TRADE
133.01(1)(and (3))

Complainant Ernest V. Smith

Hon. Ervin M. Bruner, Judge. Complaint subscribed and sworn to by complainant. Warrant issued by order of Judge P. Charles Jones, returnable forthwith and delivered by Ernest Smith, Wis. Department of Justice

Fees: Arrest, \$_____, Mileage, \$_____, Conveying Prisoner, \$_____, Committing, \$_____, Attending Court, \$_____,
Assistance, \$_____, Total, \$_____

December 7, 1973

Hon. Ervin M. Bruner, Judge. Warrant returned. Defendant arrested.
Defendant present in Court with Attorney Richard Lent.
Marvin Strawn, appearing in Court from the assistant attorney general's office.
Motion by Mr. Lent to waive the reading of the complaint.
Court granted motion.
Defendant stood mute.
Court ordered a preliminary hearing to be held on December 13, 1973 at 1:30 P.M. in County Court Branch V.
Court set bail at \$5000 and permitted defendant to sign his recognizance.
Defendant signed his recognizance.

December 13, 1973

Judge William D. Byrne

Defendant present in Court with Attorney Richard Lent.
Daniel Milan, assistant attorney general, present in Court for the State.
Joint requests by attorneys for a continuance.
Defendant waived his right to a preliminary hearing within 20 days.
Court ordered case continued until January 3, 1974 at 1:30 P.M.

January 3, 1974

Judge William D. Byrne

Defendant did not appear. Attorney Gary Miller present in Court on behalf of the defendant.
Daniel Milan, assistant attorney general, present in Court for the State.

Continued on page 64-A

CONSPIRING TO RESTRAIN TRADE

Complainant Ernest V. Smith

Continued from page 64

Motion by Mr. Milan to consolidate hearings for purposes of preliminary.
No objection by Mr. Miller.
Court ordered the cases consolidated for the purposes of a preliminary hearing.
Court ordered hearing continued until January 17, 1974 at 1:30 P.M.

February 8, 1974
Judge William D. Byrne

Defendant present in Court with Attorney Richard Lent.
Michael Zaleski, assistant attorney general, present in Court for the State.
Defendant waived his right to a preliminary hearing.
Court retained jurisdiction.
Defendant entered a plea of no contest.
Information filed with the Court.
Defendant advised of his constitutional rights by the Court.
Defendant waived reading of the information.
Defendant entered a plea of no contest to the information.
Court found defendant guilty.
Court adjudged that defendant be sentenced to the Wisconsin State Prisons for a term of not more than 2 years.
The State Prison at Waupun is designated as the Reception Center to which defendant shall be delivered by the Sheriff.
Court further ordered and adjudged that sentence be stayed and placed defendant on probation to the State Department of Health and Social Services for a period of 2 years.
As a condition of probation, defendant is to pay a fine of \$5000 and Court granted defendant a stay of execution until April 8, 1974 at 4:00 P.M.
Probation Order completed.

April 16, 1974

Form letter sent.

May 7, 1974

Defendant paid \$5000 fine. Receipt #35378.

May 13, 1974

Notice of Motion to vacate judgment filed.

STATE OF WISCONSIN, COUNTY COURT, DANE COUNTY
Branch V

STATE OF WISCONSIN, Plaintiff,
v. DELBERT J. BOMKAMP, Defendant.

Case No. 209-64
JUDGMENT OF CONVICTION
SENTENCE IMPOSED & STAYED
& ORDER OF PROBATION

Upon all the files, records, and proceedings, it is adjudged that the defendant has been convicted upon his plea of ~~(Guilty)~~ (No Contest) on the 8th day of Feb., 1974 of the crime(s) of Conspiring to restrain trade or commerce

in violation of s. 133.01(1) and (3) committed on or about 25th day of September, 1969, and continuing thereafter until at least October 20, 1971

IT IS ADJUDGED that the defendant is guilty as convicted.

IT IS ADJUDGED that the defendant is hereby committed to the Wisconsin State Prisons for an indeterminate term of not more than two years.

The State Prison at Waupun, Wisconsin is designated as the Reception Center to which the said defendant shall be delivered by the Sheriff.

It appearing to the satisfaction of this court that the defendant is eligible for probation pursuant to s. 973.09,

IT IS ADJUDGED that execution of the sentence be stayed and that the defendant is placed on probation for the period of two years in the custody and control of the Department of Health and Social Services subject to its rules and orders and subject to the following conditions: **Defendant is to pay a fine of \$5,000.00 by April 8, 1974 at 4:00 P.M.**

As a further condition of probation the defendant shall make payments in such manner as the Department shall direct as follows:

Restitution. \$ None Costs \$ None Support: \$ None

Other: _____

The sheriff is ordered and directed to deliver the defendant into the custody of the Department of Health and Social Services as it directs.

Dated February 8, 1974

BY THE COURT:

Judge William D. Byrne

Defense Attorney Richard Lent

Robert Kuepper
Chief Deputy Clerk
Criminal and Traffic Courts

Michael Zaleski, Assistant Attorney General

STATE OF WISCONSIN : COUNTY COURT : DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

ARREST WARRANT

DELBERT J. BOMKAMP,

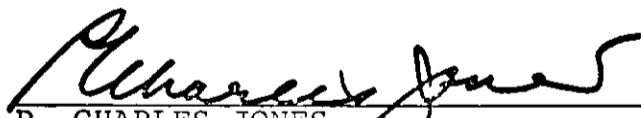
Defendant.

THE STATE OF WISCONSIN TO ANY LAW ENFORCEMENT OFFICER OR
AGENT OF THE WISCONSIN DEPARTMENT OF JUSTICE:

A complaint, a copy of which is attached, having been filed
with me accusing the defendant of committing the crime of con-
spiring to restrain trade, contrary to sec. 133.01 (1) and (3),
Wisconsin Statutes, and I have found that probable cause exists
that the crime was committed by the defendant.

You are, therefore, commanded to arrest the defendant and
bring him before me, or if I am not available, before some other
judge of this county.

Dated this 4th day of December, 1973.



P. CHARLES JONES
County Court Judge, Branch I
Dane County, Wisconsin

CRIMINAL & TRAFFIC
COURTS
DANE COUNTY, WISCONSIN
FILED
DEC 7 10 21 AM 1973
Judith A. Jones, Clerk
CHIEF DEPUTY CLERK

STATE OF WISCONSIN,

Plaintiff,

vs.

CRIMINAL COMPLAINT

DELBERT J. BOMKAMP,
JOHN E. CULLINANE,
RICHARD H. ENGELHART,
JOHN L. FOX,
LENNES E. SCHLOBOHM,

Defendants.

ERNEST V. SMITH, being first duly sworn, on oath says that on or about September 25, 1969, the exact date being unknown to the complainant, and continuing thereafter until at least October 20, 1971, at the City of Madison, in said county, the defendants did feloniously, intentionally engage in a combination in the nature of a conspiracy in restraint of trade or commerce, contrary to sec. 133.01 (1) and (3) of the Wisconsin Statutes, an offense punishable by a fine of not more than \$5,000 or imprisonment for not more than five years or both, and against the peace and dignity of the State of Wisconsin, and prays that the defendants be dealt with according to law.

AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SAID OFFENSE IS:

1. As used herein, the term "sewer and water contracting" means engaging in the construction or installation of sewage and water conduits and other excavating, trenching and grading work, and the supply of articles, equipment and materials used in connection therewith.

2. As used herein, the term "sewer and water contractor" means individuals and business entities engaged in sewer and water contracting.

3. Whenever reference is made herein to any act, deed or transaction of any corporation, such allegation shall be deemed to mean that such corporation engaged in such act, deed or transaction by or through its officers, directors, agents,

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DANE COUNTY, WISCONSIN
DEC 1 21 AM '73

employees or representatives while they were actively engaged in the management, direction, control or conduct of its business or affairs.

4. Complainant is a Special Agent employed by the Wisconsin Department of Justice, Division of Criminal Investigation, and in such capacity is currently assigned to the investigation of unlawful contracts, combinations and conspiracies in restraint of trade or commerce in conjunction with the John Doe Proceeding in Dane County, Wisconsin, ordered by the Honorable P. Charles Jones, County Court Judge, Dane County, Wisconsin, on July 30, 1973.

5. Complainant bases this complaint on information and belief in that he has ascertained the following facts from reading certified true transcripts of testimony given by certain sewer and water contractors, namely, Stephen F. Garrett, James L. Lunder, Leonard D. Lunder and John K. Walsh, who appeared as witnesses before the Honorable P. Charles Jones, presiding judge of the said Dane County John Doe Proceeding, and the complainant believes the testimony of said witnesses to be truthful and reliable because it was given under oath and pursuant to a grant of immunity from criminal prosecution and because said witnesses were co-conspirators and directly participated in the activities hereinafter described. Complainant has also personally reviewed the bidding procedure utilized by the City of Madison for the solicitation and awarding of sewer and water contracting work, as well as the summaries of bids submitted on said work for the period of September 25, 1969, to October 20, 1971.

6. Between September 25, 1969, and October 20, 1971, the City of Madison periodically conducted bid lettings for sewer and water construction projects to be let by that municipality.

7. Between September 25, 1969, and October 20, 1971, the exact dates being unknown to the complainant, meetings were held periodically at the offices of H. M. Engelhart Company, Inc., and Burch Construction Company, to divide and allocate work among the corporations listed in paragraph number 8, and to establish

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U.S. DEPARTMENT OF JUSTICE
MADISON, WISCONSIN
OCT 10 1973
CHIEF OF BUREAU

bid prices, prior to submitting bids on public sewer and water contracting work to be let by the City of Madison, Wisconsin.

8. Those in attendance at such meetings were:

<u>Individual</u>	<u>Representing</u>	<u>Corporation</u>
Delbert J. Bomkamp		Central Contracting Corporation of America, Oshkosh
John E. Cullinane		Mike Oliver Company, Madison
Richard H. Engelhart		H. M. Engelhart Company, Inc., Madison
John L. Fox		Burch Construction Company, Madison
Lennes E. Schlobohm		Len Schlobohm Excavating, Inc., Madison
Stephen F. Garrett		Monona Road Construction Company, Inc., Madison
James L. Lunder and Leonard D. Lunder		L. S. Lunder Construction Company, Madison
John K. Walsh		J. K. Walsh, Inc., Madison

9. The representatives of the above-stated corporations submitted to the meetings their bid proposals for sewer and water contracting projects to be let by the City of Madison.

10. The submitted bid proposals were averaged and this figure was assigned to one of the above-named corporations, so that it could submit a lower bid than the other said corporations.

11. The other corporations listed above which were to submit bids on the project agreed to submit a higher bid than said average bid.

12. During this same period of time the above-named individuals engaged in a similar course of conduct by use of the telephone and other personal contacts to accomplish the same purpose.

13. These pre-arranged bids were then submitted to the City of Madison for specific sewer and water contracting projects which were let from September 25, 1969, to October 20, 1971.

Ernest V. Smith
Complainant

Subscribed and sworn to before me
this 4th of December, 1973.

P. Charles Jones
P. Charles Jones, Judge

Dec 10 21 AM 1973
CHIEF DEPUTY CLERK
CITY OF MADISON

Approved for filing:

Daniel A. Milan
Daniel A. Milan, Assistant Attorney General

Marvin I. Strawn
Marvin I. Strawn, Assistant Attorney General

STATE OF WISCONSIN

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

* * * * *
*
In the Matter of the *
Professional Engineers *
License of *
DELBERT J. BOMKAMP, *
*
Respondent. *
*
* * * * *

COMPLAINT

The Wisconsin Society of Professional Engineers, by the
Chairman of its Ethical Review Board, Willard Warzyn, P.E.,
complains against the Respondent and alleges:

1. That the Wisconsin Society of Professional Engineers
is an association of persons licensed to practice professional
engineering in the State of Wisconsin and is affiliated with the
National Society of Professional Engineers.

2. That the Wisconsin Society of Professional Engineers
was organized to uphold and advance the honor and dignity of the
engineering profession and to promote high standards of ethical
conduct among professional engineers.

3. That the Ethical Review Board of the Wisconsin Society
of Professional Engineers was created to oversee and coordinate
the activities of the Society in the promotion of ethical stan-
dards and to take or recommend action, after appropriate investi-
gation, on alleged unprofessional or unethical acts by professional
engineers.

4. That Willard Warzyn, P.E., 4212 Jerome Street, Madison,
Wisconsin, is the Chairman of the Ethics Review Board of the
Wisconsin Society of Professional Engineers and has been author-
ized by the Board to make this complaint on behalf of the Society.

5. That he is informed and believes that Respondent,
Delbert J. Bomkamp, Route 1, Sun Prairie, Wisconsin, is, and

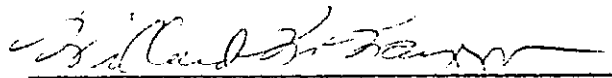
EXH 3 8/29/75

was at all times relevant, a professional engineer registered with the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors of the State of Wisconsin under sec. 443.01(6), Wisconsin Statutes, holding certificate E-12724.

6. That he is informed and believes that Respondent, Delbert J. Bomkamp, was, on the eighth day of February, 1974, in Branch V of County Court for Dane County, Wisconsin, convicted of violating sec. 133.01(1), Wisconsin Statutes, as shown in the Judgment of Conviction attached to this Complaint as Exhibit "A", violation of which constitutes a felony under secs. 939.60 and 973.02, Wisconsin Statutes.

7. That conviction of a felony constitutes grounds for the revocation of Respondent's certificate of registration pursuant to sec. 443.01(13)(a)6, Wisconsin Statutes.

WHEREFORE, Complainant demands that the Professional Engineers Section of the Examining Board hear evidence relevant to matters recited herein and determine whether the license of Respondent to practice professional engineering should be revoked or suspended, or whether Respondent should receive an official reprimand.

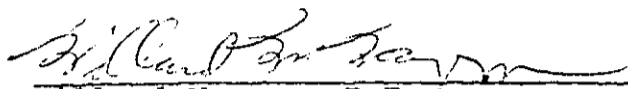


Willard Warzyn, P.E.,
Chairman, Ethical Review
Board, for the Wisconsin
Society of Professional
Engineers

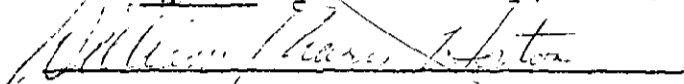
STATE OF WISCONSIN)
) ss.
DANE COUNTY)

Willard Warzyn, P.E., being first duly sworn, on oath deposes and says that he is the Chairman of the Ethical Review Board of the Wisconsin Society of Professional Engineers, and is duly authorized to make this verification, that he has read

the foregoing Complaint and knows the contents thereof, that the same is true to his own knowledge, except as to those matters alleged on information and belief, and as to those matters, he believes it to be true.


Willard Warzyn, P.E.

Subscribed and sworn to before me
this 21 day of January, 1975.



Notary Public, State of Wisconsin
My Commission is Permanent

