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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 THEODORE
SCHUURMANS, RESPONDENT (E-8415)

COMPLAINT

The Engineers' Section of the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors complains against the respondent Theodore Schuurmans and alleges:

1. That Theodore Schuurmans, respondent, whose address is P.O. Box 723, Green Bay, Wisconsin, 54305, is, and was at all times hereinafter mentioned, registered by the State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors (hereinafter "Board"), as a Professional Engineer, Certificate Number E-8415;

2. That C. F. Hurc is the Executive Secretary of the Board and the Secretary of the Engineers' Section of the Board and has been directed by motion of the Engineers' Section to institute these proceedings;

3. On information and belief, that the facts which together indicate that respondent has violated provisions of Chapter 443, Wis. Stats. and rules promulgated by the Board are:

- a) M. B. Harmison of 1321 Bond Street, Green Bay, Wisconsin contacted an unregistered "designer" named Russ Ahlbum in the Spring of 1974 about designing a four or five unit apartment building to be built on Harmison's property in New London, Wisconsin. Ahlbum operates a business under the name "Design Graphics" at Rural Route 4, Green Bay. For a fee, Ahlbum prepared sketches of the building and consulted with Harmison on plans for the building. Harmison and Ahlbum agreed on basics of the design and Ahlbum prepared plans accordingly. Ahlbum informed Harmison that the proposed building was greater than 50,000 cubic feet in volume and that an architect or professional engineer must seal the plans in order to obtain state approval;

- b) Ahlbum took the plans he had prepared for Harmison to Theodore Schuurmans, respondent, who indicated he would design the building structurally and take over all supervision of the project. Schuurmans told Ahlbum that he would be in absolute charge of the plans, design and supervision of the project. Ahlbum was to be the contact with the owner and would do any necessary billing. Schuurmans fee was to be 1% of the total costs of the building, plus time and expenses of periodic inspections, supervision of construction and final inspection;
 - c) Schuurmans went over the plans which Ahlbum had prepared for Mike Harmison with Ahlbum and with a red pencil indicated to Ahlbum the revisions that were necessary. Ahlbum then redrafted the plans at his home and returned the plans to Schuurmans who reviewed the plans and sealed and signed the plans. The plans were then submitted to the Department of Industry, Labor and Human Relations (hereinafter "DILHR"). DILHR conditionally approved the plans on October 4, 1974. Ahlbum delivered the approved plans to Harmison;
 - d) Prior to and during the time within which plans for the building were prepared, submitted to DILHR, and approved, Schuurmans had no contractual agreement nor any direct contact with Harmison. Ahlbum was not working on the Harmison project as an employee of Schuurmans. Schuurmans regarded Ahlbum as his client;
 - e) During the time Schuurmans worked with Ahlbum on the Harmison project Schuurmans did not inspect the site of the proposed building in New London;
 - f) Harmison was unable to obtain financing for the apartment and built instead a duplex on the site. Schuurmans has attempted, through Ahlbum, to collect from Harmison a fee for his (Schuurmans') services;
4. That in signing and sealing plans for the apartment building in the circumstances described above in paragraph 3, respondent aided and abetted Russ Ahlbum in the unauthorized practice of architecture and professional engineering contrary to the provisions of Wis. Stat. s. 443.01(1)(f) and Wis. Adm. Code s. A-E 4.04(3).


5. That in signing and sealing plans for the apartment building in the circumstances described above in paragraph 3, respondent sealed documents which were not prepared by him or under his direction and control contrary to the provisions of Wis. Stat. s. 443.01(1)(f).

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

Dated this 8th day of September, 1975.

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

By



C. F. Hurc, Secretary

STATE OF WISCONSIN

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

IN THE MATTER OF THE PROFESSIONAL ^{ENGINEER'S} LICENSE
OF THEODORE SCHUORMANS, RESPONDENT (E-84/5).

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 MAY 28, 1976, pursuant to notice of hearing containing the issues involved and charges to be considered, duly served upon the respondent, THEODORE SCHUORMANS, and respondent having filed answer on September 23, 1975, and having appeared in person, and by the law firm of Berk, Pressentin & Hoide, by Attorney Bernard Berk, Professional Engineers' Section of the Examining Board, represented by Lowell E. Nass, Assistant Attorney General, having heard the evidence presented by William Dusso, Board Counsel in support of said charges, and the evidence presented by respondent, in opposition thereto, and the Board having considered the pleadings, testimony, exhibits, arguments, briefs 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 Theodore Schuurmans, respondent, whose address is P.O. Box 723, Green Bay, Wisconsin, 54305, is, and was at all times hereinafter mentioned, registered by the State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors (hereinafter "Board"), as a Professional Engineer, Certificate Number E-8415;

2. That one M.B. Harmison of 1321 Bond Street, Green Bay, Wisconsin, contacted

an unregistered "designer" named Russ Ahlbum in ~~May~~ 1974 about designing a four or five unit apartment building to be built on Harmison's property in New London, Wisconsin. Ahlbum operates a business under the name "Design Graphics" at Rural Route 4, Green Bay. For a fee, Ahlbum prepared sketches of the building and consulted with Harmison on plans for the building. Harmison and Ahlbum agreed on basics of the design and Ahlbum prepared plans accordingly. Ahlbum informed Harmison that the proposed building was greater than 50,000 cubic feet in volume and that an architect or professional engineer must seal the plans in order to obtain state approval. Ahlbum has never been licensed as an engineer or architect in any state, including the State of Wisconsin;

3. That

Ahlbum took the plans he had prepared for Harmison to Theodore Schuurmans, respondent, ^{in August 1974,} who indicated he would design the building structurally and take over all supervision of the project. Schuurmans told Ahlbum that he would be in absolute charge of the plans, design and supervision of the project. Ahlbum was to be the contact with the owner and would do any necessary billing. Schuurmans fee was to be 1% of the total costs of the building, plus time and expenses of periodic inspections, supervision of construction and final inspection;

4. That

Schuurmans went over the plans which Ahlbum had prepared for M.B. Harmison with Ahlbum and with ~~red ink~~ ^{ink} indicated to Ahlbum the revisions that were necessary. Ahlbum then redrafted the plans at his home and returned the plans to Schuurmans who reviewed the plans and sealed and signed the plans. The plans were then submitted to the Department of Industry, Labor and Human Relations (hereinafter "DILHR"). DILHR conditionally approved the plans on October 4, 1974. Ahlbum delivered the approved plans to Harmison;

5. That,

Prior to and during the time within which plans for the building were prepared, submitted to DILHR, and approved, Schuurmans had no contractual agreement nor any direct contact with Harmison. Ahlbum was not working on the Harmison project as an employee of Schuurmans. Schuurmans ~~was~~ regarded Ahlbum as his client, not as an employee;

6. That

During the time Schuurmans worked with Ahlbum on the Harmison project, Schuurmans did not inspect the site of the proposed building in New London;

7.)

Harmison was unable to obtain financing for the apartment and built instead a duplex on the site. Schuurmans has attempted, through Ahlbum, to collect from Harmison a fee for his (Schuurmans') services;

CONCLUSIONS OF LAW

1. That Ahlbum was not an employee of Schuurmans within the meaning of sec. 443.01(7)(a), Stats., nor was he ~~a~~ person exempt from the provisions of sec. 443.01, Stats., ~~within the meaning of sec. 443.01(7)(a), Stats.;~~

2. That in signing and sealing plans for the apartment building in the circumstances described above in paragraphs 1, ~~through 7~~ knowingly respondent aided and abetted Russ Ahlbum in the unauthorized practice of ~~architecture and~~ professional engineering contrary to the provisions of ~~sec. 443.01(1)(f), and~~ ^{Stats.} ~~sec. A-E 4.04(3), Wis. Adm. Code,~~ and respondent is

therefore subject to penalty as provided by sec. 443.01(13), Stats.;

ORDER

IT IS ORDERED that respondent Theodore Schuurmans be and hereby is reprimanded.

Let a copy of these findings of fact, conclusions of law and order be served by certified mail upon Theodore Schuurmans and ~~his counsel~~ the law firm of Berk, Pressanti + Haida, his counsel.

Dated this _____ day of October, 1976.

Examining Board of Architects,
Professional Engineers, Designers
and Land Surveyors

C. F. NURC
Secretary of the Board

BY: _____

Notary Public for the State of Wisconsin



SARAH DEAN
SECRETARY

State of Wisconsin \ DEPARTMENT OF REGULATION AND LICENSING

EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS
CASS F. HURC, P. E., SECRETARY

1400 EAST WASHINGTON AVENUE
MADISON, WISCONSIN 53702
(608) 266-1397
(ENTER AT 77 NORTH DICKINSON STREET)

PRESS RELEASE

October 22, 1976

The Examining Board of Architects, Professional Engineers, Designers and Land Surveyors has reprimanded a Professional Engineer, Theodore Schuurmans, P.O. Box 723, Green Bay, Wisconsin.

The Board found that Mr. Schuurmans knowingly aided and abetted an unlicensed person in the unauthorized practice of professional engineering contrary to Wisconsin Statutes and Board Rules.