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77

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 JOHN D. SEARS,
RESPONDENT (E-14143)

FINDINGS OF FACT,
CONCLUSION 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 its office at 1400 East Washington Avenue, Madison, Wisconsin, on April 13, 1977, pursuant to Notice of Hearing containing the issues involved and charges to be considered, duly served upon the respondent, John D. Sears, and respondent having filed answers on March 4 and 28, 1977, and having appeared in person, 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, 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, and proceedings herein, hereby makes and filed its Findings of Fact, Conclusion of Law and Order, constituting its decision in this matter.

FINDINGS OF FACT

1. That John D. Sears (hereinafter, Sears) is and was at all times relevant to matters stated herein a Professional Engineer registered with the Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors holding registration number E-14143 and that the address of Sears is 421 East Baupre, Green Bay, Wisconsin 54301;

2. That Classroom Distributors, Inc., is a corporation organized under the laws of Wisconsin with its principal place of business located at 1733 Superior Avenue;

3. That officers and employees of Classroom Distributors, Inc., prepared and submitted to the Wisconsin Department of Industry, Labor and Human Relations (DILHR), Division of Safety and Buildings, certain plans for the construction of portable classrooms, copies of which are filed herein as Exhibit A, and that Wis. DILHR Approval No. 750407 was granted to Classroom Distributors on April 18, 1975;

4. That on August 30, 1976, the Division of Safety and Buildings received a Plans Approval Application, form SB-118, from First American Homes of Shawano, Wisconsin, for a classroom to be located at Polk Avenue and Third Street in the Village of Wausaukee in Marinette County, Wisconsin, accompanied by plans for a classroom, a copy of which is filed herein marked Exhibit B, which were signed and sealed by Sears and dated August 19, 1976;

5. That Exhibit B referred to in paragraph 4, above, was prepared by Gary L. Mielke, an employe of First American Homes, who is not a licensed professional engineer in this state, nor an employe of Sears;

6. That sheets 3, 4 and 6 of the plans for the Wausaukee classroom referred to in paragraph 4, above, are copies of the plans prepared by employes of Classroom Distributors, Inc., and which were previously submitted and approved by the Division of Safety and Buildings and included within DILHR approval 750407;

7. That John D. Sears provided only indirect or casual supervision of the preparation of Exhibit B by Gary L. Mielke, within the meaning of A-E4.004, Wis. Adm. Code;

CONCLUSION OF LAW

That in placing his signature and seal on said sheets 3, 4 and 6, referred to in paragraphs 4 and 6, above, Sears violated s. 443.01 (1)(f), Wis. Stats., and A-E4.07, Wis. Adm. Code, by impressing his seal or stamp upon documents which have not been prepared by him or under his direction and control; wherefore

ORDER

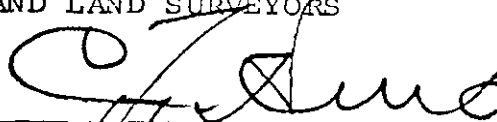
IT IS ORDERED that respondent John D. Sears be and hereby is reprimanded.

Let a copy of these Findings of Fact, Conclusion
of Law and Order be served by certified mail upon John D.
Sears.

Dated this 28th day of April, 1977.

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

BY:


C.F. HURC, Secretary

370-996

STATE OF WISCONSIN

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

IN THE MATTER OF THE PROFESSIONAL
ENGINEERS LICENSE OF

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COMPLAINT

John D. Sears (E-14143)
Respondent

Classroom Distributors, Inc., a corporation organized under the laws of the State of Wisconsin, by its Secretary, Vice-President, Norman Von Haden complains against the respondent, John D. Sears as follows:

(1) That Norman Von Haden is Secretary and Vice-President of Classroom Distributors, Inc., a corporation organized under the laws of Wisconsin with its principal place of business located at 1733 Superior Avenue, Tomah, Wisconsin 54660, and is authorized to make this complaint for Classroom Distributors, Inc.;

(2) On information and belief that John D. Sears (hereinafter, Sears) is and was at all times relevant to matters stated herein a Professional Engineer registered with the Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors holding registration #E-14143 and that the address of Sears is 421 East Baupre, Green Bay, Wisconsin 54301;

(3) That officers and employees of Classroom Distributors, Inc. prepared and submitted to the Department of Industry, Labor and Human Relations, Division of Safety and Buildings certain plans for the construction of portable classrooms, copies of which are attached hereto as Exhibit A, and that Wis. DILHR Approval No. 750407 was granted to Classroom Distributors on April 18, 1975;

(4) On information and belief that on August 30, 1976, the Division of Safety and Buildings received a Plans Approval Application, form SB-118, for a classroom to be located at Polk Avenue and Third Street in the Village of Wausau in Marinette County, Wisconsin accompanied by plans for a classroom, a copy of which is attached hereto marked Exhibit B, which were signed and sealed by Sears and dated August 19, 1976;

(5) That sheets 3,4 and 6 of the plans for the Wausau classroom referred to in paragraph 4, above, are copies of the plans prepared by employees of your complainant and which were submitted and approved by the Division of Safety and Buildings and included within DILHR approval 750407;

(6) That in placing his signature and seal on said sheets 3, 4 and 6 Sears violated Wis. Stats. s.443.01(1)(f) and Wis. Adm. Code s. A-E 4.07.

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

Dated this _____ day of _____, 1977.

Norman Von Haden
for Classroom Distributors, Inc.

STATE OF WISCONSIN)
)
COUNTY OF MONROE)

Norman Von Haden, being first duly sworn, on oath deposes and says that he is the Secretary-Vice President of Classroom Distributors, Inc., 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.

Norman Von Haden

Subscribed and sworn to before me
this _____ day of _____, 1977.

Notary Public, Monroe County, WI
My Commission _____.