

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

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IN THE MATTER OF THE ARCHITECTS	:	
LICENSE OF	:	
	:	FINDINGS OF FACT,
LESLIE E. FORMELL, (A-3098)	:	CONCLUSIONS OF LAW
1746 Canyon Lane	:	AND ORDER
New Brighton, MN 55112	:	

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The above-entitled matter having been commenced by complaint of Michael D. Krisik and a stipulation having been filed on July 26, 1978, the Architects Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors having reviewed the matter and being advised in the premises, makes the following:

FINDINGS OF FACT

1. At all times material hereto, LESLIE E. FORMELL, hereafter referred to as the respondent, was licensed to practice architecture in the State of Wisconsin (Certificate No. A-3098, issued 10/17/69).
2. On or about April 5, 1976, state building inspector James Connors inspected two new apartment units in Frederic and Siren, and observed that garage stalls for both apartment units had been constructed. Prior construction plan approval for the garage stalls was not secured by the respondent, as required by s. Ind 50.10 Wis. Adm. Code.
3. On or about August 16, 1976, the department of industry, labor and human relations (DILHR) requested respondent to comply with s. Ind 50.10, Wis. Adm. Code.
4. On November 15, 1976, the respondent, was ordered by DILHR officials to appear at the Chippewa County Courthouse for a hearing to provide information to them about the code violation. The respondent did not appear at this hearing.
5. On December 3, 1978, Helmer N. Lecy, Examiner, DILHR Safety and Building Division, following the November 15, 1976 hearing, recommended in his Findings of Fact and ordered in his Conclusion that the matter of the garage stalls be referred to the Attorney General for action.
6. Subsequent to such referral, respondent submitted building plans for the garage units to the DILHR Safety and Building Division, but that review of the plans was withheld. Respondent was informed by letter dated December 13, 1976 that he must submit structural calculations for the roof system and calculations for the header, as required by Ind 50.10 before the plans could be examined.

7. On July 13, 1976, Plan Examiner Gerald Golliher stamped the Respondent's plans "Not Approved" because respondent had not submitted structural calculations for the roof system and calculations for the header as required under s. Ind 50.10, Wis. Adm. Code and as requested on December 15, 1976.

8. On September 30, 1977, files on the matter of the Respondent's violations were officially sent to the Attorney General's office for legal action.

9. On or about November 9, 1977, two Summons and Complaints for civil forfeiture were served upon the Respondent, alleging violations of s. Ind 50.10, Wis. Adm. Code with respect to both the Frederic and Siren garage units.

10. On March 12, 1978, the action was dismissed based on a stipulation in which respondent agreed to pay statutory forfeitures of \$438.00 and \$378.00 for the Frederic and Siren garage unit violations respectively.

11. That the failure on the part of the Respondent to submit plans to the Department of Industry, Labor and Human Relations (DILHR) was not intentional in nature, but resulted from the Respondent's misinterpretation of Wisconsin Administrative Code requirements.

12. That delays in submitting the calculations required for securing approval were in part, caused by respondent's pressing business and family concerns.

13. That the garage units designed and constructed by the respondent as described in the Complaint were of sound architectural design and were approved as constructed following the submittal by respondent of plans and calculations to DILHR.

#### CONCLUSIONS OF LAW

1. The Respondent did engage in misconduct in the practice of architecture within the meaning of s. 443.01(13)(a) 4., Wis. Stats. and s. A-E 4.003(3)(a), Wis. Adm. Code by violating state laws and administrative rules relating to the practice of architecture in the following respects:

a. Respondent designed and constructed a garage unit for an apartment building at Frederic, Wisconsin, completing construction of the garage unit in approximately August, 1974, without submitting general plans in triplicate, with calculations, for approval, and constructing garage in accordance with approved plans as required by Rule Ind 50.10 Wis. Adm. Code.

b. The Respondent designed and constructed a garage unit for an apartment building at Siren, Wisconsin, completing construction of the garage unit in approximately August, 1975, without submitting general plans in triplicate with calculations, for approval, and constructing garage in accordance with approved plans as required by Rule Ind 50.10 Wis. Adm. Code.

DEC 27 1978

c. The Respondent failed to pay strict adherence to practice requirements of the Wisconsin Administrative Code, contrary to Sec. A-E 4.06 Wis. Adm. Code.

ORDER

NOW THEREFORE, IT IS ORDERED that the Respondent Leslie E. Formell shall be and hereby is, officially REPRIMANDED.

Dated this 22nd day of December, 1978. \*

Examining Board of Architects, Professional  
Engineers, Designers and Land Surveyors  
(Architects Section)



Secretary of the Board

To: Dec

Copies already  
sent to:

L. Formell  
D. Samuelson } AGS Office  
L. Nass }

4 Arch Sect. Mbs

Roy Mita, Dept of Justice

DEC 27 1978  
1

DEC 27 1978

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

Rec'd & Filed  
July 26, 1978  
C. F. June

IN THE MATTER OF THE ARCHITECTS :  
LICENSE OF :

LESLIE E. FORMELL, (A-3098) :  
1746 Canyon Lane :  
New Brighton, MN 55112 :

STIPLUATION

The parties in the above-entitled matter, Attorney Paula Radcliffe Possin on behalf of the complainant, Michael D. Krisik, Investigator for the Department of Regulation and Licensing, State of Wisconsin, and Leslie E. Formell, the respondent, representing himself, having reached an agreement on the disposition of such matter, enter into the following Stipulation, intended as a recommended basis for the final decision of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, and agree as follows:

1. The Respondent admits all of the alleged facts and conclusions of law contained in the Complaint filed in this matter.
2. That the failure on the part of the Respondent to submit plans to the Department of Industry, Labor and Human Relations (DILHR) was not intentional in nature, but resulted from the Respondent's misinterpretation of Wisconsin Administrative Code requirements.
3. That the Respondent did submit some plans for approval prior to the hearing and referral indicated at paragraphs 2, (3), (4), (5) of the Complaint, which plans were marked "Not Approved" for the reasons indicated at paragraph 2. (6) of the Complaint.
4. That further delays in submitting the calculations required for securing approval resulted from the Respondent's procrastination due to other pressing business and family concerns.
5. That the garage units designed and constructed by the Respondent as alleged in the Complaint were of sound architectural design and were approved as constructed following the submittal by Respondent of plans and calculations to DILHR.
6. That the likelihood of the violations by Respondent reoccurring are remote in that the Respondent now exercises the requisite care in adhering to code requirements for securing plan approvals.
7. That the Board order that the Respondent be publically reprimanded on the basis of his admissions to the allegations of the Complaint.

JUL 28 1978

Paula Radcliffe Possin

Paula Radcliffe Possin  
Attorney for Complainant

July 26, 1978  
Date

Leslie E. Formell

Leslie E. Formell  
Respondent

24 JULY 1978

Date

APPROVED BY:

Cass Hurc

Cass Hurc, Executive Secretary  
Examining Board of Architects,  
Professional Engineers, Designers and Land Surveyors

July 26, 1978  
Date

JUL 28 1978

Work - MK

Centrum Architects Inc 300 Clifton Avenue Minneapolis MN 55403 612/870-7117

10 July 1978

Paula Radcliffe Possin  
State of Wisconsin  
Department of Regulation and Licensing  
Consumer Complaints Division - Room 166  
1400 E. Washington Avenue  
Madison, Wisconsin 53702

Answer to the:  
State of Wisconsin Examining Board of  
Architects, Professional Engineers, Designers & Land Surveyors

In the Matter of the Architects  
License of

Leslie E. Formell  
(A-3098)  
1746 Canyon Lane  
New Brighton, Minnesota 55112

Please accept the following response to the complaint outlined in the above matter dated the 20th day of June 1978.

Upon completion of construction plans for the garage stall to be built at the building sites in Frederic and later in Siren, I contacted by telephone a plan examiner of the Safety and Buildings Division at the Department of Industry, Labor and Human Relations since I was unsure of the proper interpretation of the administrative code in regard to the need for plan approval for this type of accessory building. I was told that plan approval was not necessary but that the construction would have to meet the requirements of the Administrative Code which it did. (I, unfortunately, have no record of this conversation.) Subsequently, I completed construction of the garage stall buildings. Later, I was notified by the Safety and Buildings Division that I must submit the plans for approval. This notice was marked as the "third" notice, and to my knowledge, I did not receive the first two. I then received a notice of hearing regarding this to be held at the Chippewa County Courthouse on November 15, 1976.

JUL 17 1978  
DB

Paula Radcliffe Possin  
State of Wisconsin  
10 July 1978  
Page 2

I submitted the plans as instructed and these plans, which were later returned to me, had a date stamp of November 8, 1976 affixed to them which was prior to the hearing date. I again called the Department of Labor Industry & Human Relations to check on the status of the plans since the results of the hearing indicated that they had not received any contact from me. I was told that the plans had been misplaced because the plan review section was moving their offices and that everything would proceed properly.

After some time, I was notified that I must also submit structural calculations. I received this request at a time when I was involved with several other major problems and, in my confusion, the request was lost in a stack of papers and slipped from my memory. During this time, I was in charge of design of a large hospital project for our firm for the City of Bauchi, Nigeria, and it was necessary for me to take three extended business trips to the site location.

To further complicate my problems, I had become involved financially with an auto dealer business that my brother-in-law owned and which he was unable to operate properly and therefore was becoming a large financial burden, not to mention the tremendous personal emotional problem that ensued. This all contributed to my forgetting to proceed promptly with solving this problem.

In December of 1977, I was reminded of my error by the State Attorney General's Office. At that time, I promptly submitted the plans with the appropriate structural calculations. This submission was reviewed by Mr. Gerald Colliher, plan examiner, of the Safety and Buildings Division and returned to me stamped "conditionally approved". The construction required no changes to be in conformance with the Administrative Code which bears witness to my competence as an architect.

Our practice involves approximately 20-30% of work in the State of Wisconsin and without the right to practice, we would suffer a hardship since I am the only one in our firm that is registered in the State of Wisconsin.

JUL 17 1978



Paula Radcliffe Possin  
State of Wisconsin  
10 July 1978  
Page 3

I have pride in my right to practice architecture in the State of Wisconsin, and I feel that I am highly qualified to continue in that capacity and except for the above mentioned problem have practiced architecture since granted a license in 1969 with a high degree of competency. The buildings I have designed and the satisfied clients can best attest to this fact.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Leslie E. Formell', written in a cursive, flowing style.

LESLIE E. FORMELL, AIA  
Wisconsin Registration A03098

JUL 17 1978

Wade - MK

MEMORANDUM

Date: 10 July 1978

Re: Pre-Hearing Meeting at the Office of  
Paula Radcliffe Possin, Attorney  
State of Wisconsin  
Department of Regulations and Licensing

By: Leslie E. Formell, AIA

I had a meeting on this date with Paula Possin and Mike Krisik at the State Department of Regulations and Licensing Office in Madison. We discussed the situations that led up to the complaint that had been filed in regard to my licensing, and I noted the following:

1. I noted that I believe my basic problem was not of incompetence as an architect but one of being a procrastinator and, in this particular case, thinking that each time I responded that the problem was taken care of.
2. I related the fact that I had a conversation with someone at the DLIHR Building Inspection Department (it could be Wade Jensen) who advised me that the plans on that size of a building did not require official approval from the State of Wisconsin. I questioned the need for this approval since it was a very minor accessory building and by the fact that in Minnesota no state approval would be necessary.
3. I also noted that we received notice that the plans must be submitted, and the notice was identified as the third notice and to our knowledge I had not received the first two notices.
4. I submitted the plans prior to the hearing at Chippewa County Courthouse (I have later found the plans which were returned, and they were stamped with the DLIHR stamp being received November 8, 1976, the hearing was November 15, 1976.) Again I called someone at the DLIHR and advised them that I had sent the plans, and they advised me that I would, therefore, not have to appear at the meeting since the requirement was satisfied. However, we received notice later that no one had provided the proper information to the hearing officials, and this prompted another telephone call

JUL 17 1978  
DeB

Pre-Hearing Meeting  
State of Wisconsin  
10 July 1978  
Page 2

to the DLIHR whereupon they advised me that the plans had been misplaced, but they had been found at the time I had called. This occurred because of a move that that division was making to new office headquarters.

5. Mitigating circumstances which occurred at the same time but were unrelated specifically to the problem at hand are the facts that I was involved as a project architect for a large hospital project that our firm was doing in Bauchi, Nigeria, and this required three trips to Bauchi during this time. One was in the later part of November, 1976. The second was in the first part of February, 1977 and the third was in June, 1977. In addition to this, I was involved financially with my brother-in-law who had owned an auto dealership. After I got financially involved in it, I found out that he was not capable of properly operating it, and it became an extreme hardship both financially and particularly emotionally during this time.
6. During and because of this entire procedure, I have become aware of two very important things in my practice of architecture. One is that I must be extremely diligent in adhering to and understanding each building code requirement to the letter of its writing, and I further have realized the need to document every conversation that I have relative to my practice, particularly telephone conversations. If I would have done this at the very first conversation I had with the DLIHR, I am sure they would have responded to a memo or letter sent to them by advising me that the plans did require approval and I would have avoided the problem that I now face.
7. The plans submitted are the exact same plans that I built the building from, therefore, indicating that I had no intention of non-adherence to the building code and, in fact, after approval, it should be noted that no changes in those plans were necessary.

JUL 17 1978

Pre-Hearing Meeting  
State of Wisconsin  
10 July 1978  
Page 3

Miss Possin suggested that she write a stipulation dismissing the charge with my signature of admission to the complaint as outlined with basically the above mitigating reasons and that a "reprimand" be instituted. I agreed to this settlement, and Miss Possin said that she would, therefore, write this stipulation up and send it to me for my review and signature. She also indicated that if there were any revisions that I felt were necessary in it that I should call her.

Miss Possin further noted that my attendance at the hearing set for July 26 by the Executive Secretary C. F. Hurc of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors would not be necessary. (In a telephone conversation on July 13, 1978, I advised Miss Possin that a letter in response to that complaint would be put in the mail on that date, and she further advised me that that was acceptable and that the hearing would be cancelled.)

Miss Possin noted that this stipulation would be reviewed by the Examining Board, but she felt that they would accept the results.

cc: Paula Radcliffe Possin /

JUL 17 1978

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

IN THE MATTER OF THE ARCHITECTS  
LICENSE OF

Leslie E. Fornell

AFFIDAVIT OF SERVICE

Dennie Petersen being first duly sworn on oath deposes and states that on  
June 22, 1978, she served the following upon Respondent:

1. Notice of Hearing and  
Order for Answer dated June 20, 1978.
2. Complaint.

by mailing said documents by certified mail in an envelope properly stamped  
and addressed to Respondent at:

1746 Canyon Lane  
New Brighton, Minnesota 55112

as it appears in the files of the Architects, Professional Engineers, Designers  
and Land Surveyors Examining Board.

Dennie Petersen  
Dennie Petersen

Subscribed and sworn to before  
me this 22<sup>nd</sup> day of June, 1978.

Shirley White  
Notary Public  
Dane County, Wisconsin  
My Commission 3-11-79

SHIRLEY WHITE  
NOTARY PUBLIC  
STATE OF WISCONSIN  
MY COMMISSION EXPIRES:

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

IN THE MATTER OF THE ARCHITECTS  
LICENSE OF

LESLIE E. FORMELL,  
(A-3098)  
1746 Canyon Lane  
New Brighton, Minnesota 55112,  
Respondent

NOTICE OF HEARING  
AND  
ORDER FOR ANSWER

Please take notice that a hearing constituting a Class 2 proceeding will be held on the 26th day of July, 1978 at 9:30 a.m. or as soon thereafter as the matter may be reached, at 1400 East Washington Avenue (Enter at 77 Dickinson Street), Room 180C, Madison, Wisconsin 53702, on the question of whether the license heretofor issued to the above-named Respondent pursuant to Section 443.01, Stats., should be suspended or revoked, or the above-named Respondent should be reprimanded. The charges there to be considered are as set forth in the attached complaint to which you are required to make answer to the Board and to the Attorney for the Complainant in writing within twenty (20) days from the date of service of the Complaint.

Dated at Madison, Wisconsin, this 30<sup>th</sup> day of June, 1978.

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

By:

C. X. Hurd

~~Executive~~ Secretary

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

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IN THE MATTER OF THE ARCHITECTS  
LICENSE OF

LESLIE E. FORMELL, (A-3098)  
1746 Canyon Lane  
New Brighton, Minnesota 55112:

COMPLAINT

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MICHAEL KRISIK, duly authorized Investigator for the Department of Regulation and Licensing, State of Wisconsin, upon information and belief, complains and alleges that:

1. At all times material to this Complaint, LESLIE E. FORMELL, hereafter referred to as the Respondent, was licensed to practice architecture in the State of Wisconsin (Certificate No. A-3098, issued 10/17/69).

2. The Respondent did engage in misconduct in the practice of architecture within the meaning of Section 443.01(13)(a) 4. and Section A-E 4.003(3)(a) by violating state laws and administrative rules relating to the practice of architecture in the following respects:

- a. The Respondent designed and constructed a garage unit for an apartment building at Frederic, Wisconsin, completing construction of the garage unit in approximately August, 1974, without submitting general plans in triplicate, with calculations, for approval, and constructing garage in accordance with approved plans as required by Rule Ind 50.10 Wis. Adm. Code.
- b. The Respondent designed and constructed a garage unit for an apartment building at Siren, Wisconsin, completing construction of the garage unit in approximately August, 1975, without submitting general plans in triplicate with calculations, for approval, and constructing garage in accordance with approved plans as required by Rule Ind 50.10 Wis. Adm. Code.
- c. The Respondent failed to pay strict adherence to practice requirements of the Wisconsin Administrative Code, contrary to Sec. A-E 4.06 Wis. Adm. Code.

That the factual basis for the allegation is as follows:

(1) On or about April 5, 1976, state building inspector, James Conners inspected two new apartment units in Frederic and Siren, and observed that garage stalls for both apartment units had been constructed. He noted that prior construction plan approval from DILHR for the garage stalls was not secured by the Respondent, in violation of Rule Ind 50.10 Wis. Adm. Code.

(2) On or about August 16, 1976 Daniel Murray, Chief of Building Inspections, wrote to the Respondent, requesting his compliance with Rule Ind 50.10 Wis. Adm. Code.

(3) On November 15, 1976, the Respondent, was ordered by DILHR officials to appear at the Chippewa County Courthouse for a hearing to provide information to them about the code violation. The Respondent did not appear at this hearing.

(4) On December 3, 1978, Helmer N. Lecy, Examiner, DILHR Safety and Buildings Division, following the November 15, 1976 hearing, recommended in his Findings of Fact and ordered in his Conclusion that the matter be referred to the Attorney General for action.

(5) Subsequent to such referral, the Respondent submitted building plans for the garage units to the DILHR Safety and Building Division, but that review of the plans was withheld. The Respondent was informed by letter dated December 13, 1976 that he must submit structural calculations for the roof system and calculations for the header, as required by Ind 50.10 before the plans could be examined.

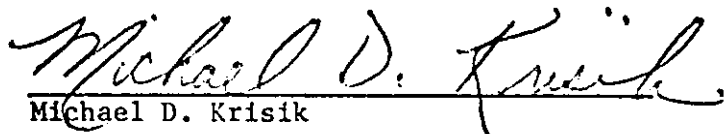
(6) On July 13, 1976, Plan Examiner Gerald Golliher stamped the Respondent's plans "Not Approved" because he had not yet submitted structural calculations for the roof system and calculations for the header as required under Ind. 50.10 Wis. Adm. Code and as requested on December 13, 1976.

(7) On September 30, 1977, files on the matter of the Respondent's violations were officially sent to the Attorney General's office for legal action.

(8) On or about November 29, 1977, two Summons and Complaints for civil forfeiture were served upon the Respondent, alleging violations of Rule Ind. 50.10 Wis. Adm. Code with respect to both the Frederic and Siren garage units.

(9) On March 12, 1978 Assistant Attorney General Roy G. Mita stipulated to dismissing the pending actions against Respondent in consideration of the Respondent's agreement to pay statutory forfeitures of \$438.00 and \$378.00 for the Frederic and Siren garage unit violations respectively.

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

  
Michael D. Krisik



STATE OF WISCONSIN     )  
                                  ) ss  
COUNTY OF DANE         )

Michael D. Krisik, being first duly sworn on oath deposes and says that he is an Investigator in the Division, in the Department of Regulation and Licensing, State of Wisconsin, and that he has read the foregoing Complaint and knows the contents thereof and that the same is true to his own knowledge, except as to those matters therein stated on information and belief and as to such matters, he believes them to be true.

*Michael D. Krisik*

Michael D. Krisik  
State of Wisconsin  
Division of Consumer Complaints  
Department of Regulation and Licensing  
1400 East Washington Avenue  
Madison, Wisconsin 53702

Subscribed and sworn to before me this 14th day of June, 1978.

*Patricia F. Gould*  
\_\_\_\_\_  
Notary Public  
My Commission is permanent.

Paula Radcliffe Possin  
Attorney for Complainant  
1400 East Washington Avenue, Room 166  
Madison, Wisconsin 53702