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

Rec'd & Filed Sept. 1978
FILE COPY

IN THE MATTER OF THE PROFESSIONAL :
ENGINEERING LICENSE OF :
: FINDINGS OF FACT
J. WILLIAM ROEMER (E11234) : CONCLUSIONS OF LAW
119 Parkway Court : AND ORDER
Fond du Lac, WI 54935, :
Respondent :

The Engineer's Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors considered the above-entitled matter at its meeting on July 11, 1978. A stipulation was presented and signed by Paula Radcliffe Possin, attorney for complainant, John M. Keefe, attorney for respondent, and J. William Roemer, respondent and showing the approval of Cass Hurc, Executive Secretary of the Board. A copy of the stipulation is annexed hereto.

Having considered the matter, including the pleadings filed and the stipulation of the parties, the Engineer's Section makes and files the following Findings of Fact, Conclusions of Law and Order accepting the stipulation and constituting its final decision in this matter.

FINDINGS OF FACT

1. That at all times material hereto J. WILLIAM ROEMER, hereinafter referred to as the Respondent, was licensed to practice professional engineering in the State of Wisconsin (Certificate No. E11234 issued 4/4/69) and hereto was employed by the City of Fond du Lac as City Engineer and served as the City's agent in that capacity.

2. On February 2, 1977, the State of Wisconsin, Department of Natural Resources (DNR), received plans covering sanitary sewer extensions in the City of Fond du Lac, Wisconsin under the seal of the Respondent as City Engineer.

3. On February 16, 1977, DNR received specifications and special provisions covering sanitary sewer construction for Fond du Lac submitted by the Respondent.

4. On March 4, 1977, DNR sent its letter approving the plans and specifications for the sewer construction to the City Clerk for Fond du Lac, based on the mistaken understanding by DNR officials that the planned construction also involved correction of a wet-weather bypassing problem.

5. On April 21, 1977, the Respondent was informed by DNR that the provisions of Ch. NR 110.05(4) Wis. Adm. Code were not met and that approval of the plans must be modified to rescind approval for all sewers which were not bid or installed.

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6. On April 25, 1977, the Respondent told DNR officials that all of the sewers which had been approved by DNR in March of 1977 had been installed prior to that approval date, with the exception of the sewer on Pioneer Road from Myhill Avenue 1,000 feet east.

7. That approximately 14,000 feet of sanitary sewers were installed under the Respondent's supervision prior to April 25, 1977.

8. That as a result of the above-described conduct by Respondent the City of Fond du Lac has been sued by the State of Wisconsin Department of Justice in a civil action to recover forfeiture for violating Section 144.04 Wis. Stats.

9. On March 22, 1978, the Respondent admitted to Roger Larson, of DNR's Municipal Wastewater Section, that he drew manholes onto plan sheets submitted to DNR for Ruggles Street, Pioneer Road and probably Carole Lane, all in Fond du Lac to comply with Sec. NR 110.13(7)(a) Wis. Adm. Code, when in fact, by the Respondent's admissions, no such manholes were installed or will ever be installed.

10. That the failure on the part of the Respondent to submit plans to the Department of Natural Resources was not intentional in nature, but resulted from a lack of proper supervision by the Respondent in his capacity as administrator of the City Engineer's Office for the City of Fond du Lac over plan-approval procedures within said office.

11. That in the opinion of the parties in this matter, the Respondent has effectively improved the organization within said office since the events giving rise to the complaint and now exercises the supervision necessary to insure that all engineering plans within the office are submitted to the State and local approving agencies as required by law prior to the commencement of any engineering construction.

12. That in the opinion of the parties in this matter, sewers which were installed under Respondent's direction prior to the securing of DNR approval were of sound engineering design.

CONCLUSIONS OF LAW

(1) That between May 13, 1974 and March 7, 1977, the Respondent did engage in misconduct in the practice of professional engineering within the meaning of Section 443.01(13)(a)4. and Section A-E 4.003(3)(a) in the following respects:

a. The Respondent violated state laws and administrative rules relating to the practice of professional engineering by installing sanitary sewer extensions in the City of Fond du Lac before securing the approval of such completed plans by the Department of Natural Resources, contrary to Section 114.04, Wis. Stats. and Section A-E 4.06, Wis. Adm. Code.

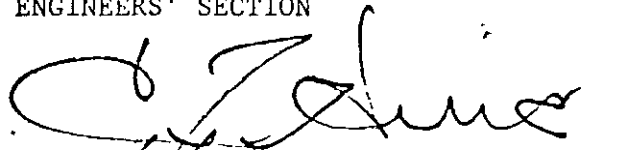
b. The Respondent engaged in conduct evidencing a lack of trustworthiness to transact the business required by the profession of engineering within the meaning of Section A-E 4.003(3)(c) Wis. Adm. Code by altering plan sheets submitted to the Department of Natural

Resources to satisfy the requirements of the Wisconsin Administrative Code, when in fact the sewer construction had already been completed and did not conform to the indicated revisions.

ORDER

NOW, THEREFORE, IT IS ORDERED that the respondent, J. WILLIAM ROEMER shall be and hereby is publicly REPRIMANDED for misconduct in the practice of professional engineering.

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


C. F. Hurc

NOTE: Attachment