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

FILE COPY

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION
JAMES LENZ, P.E.,	:	AND ORDER
RESPONDENT	:	

The State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

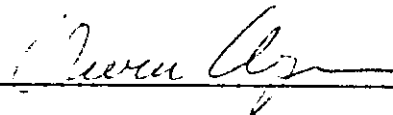
ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors. Let a copy of this order be served on the respondent by certified mail.

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The party to be named as respondent in the petition is James Lenz.

A party aggrieved by this decision may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings will be held and serving the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

Dated this 17 day of Dec, 1982.



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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : PROPOSED DECISION
JAMES LENZ, P.E., :
RESPONDENT. :

The parties to this proceeding for the purposes of Wis. Stats. sec. 227.16 are:

James Lenz
402 Hill N' Dale Circle
Hartland, Wisconsin 53029

Examining Board of Architects, Professional
Engineers, Designers and Land Surveyors
1400 East Washington Avenue, Room 288
P. O. Box 8936
Madison, Wisconsin 53708

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue, Room 183
P. O. Box 8936
Madison, Wisconsin 53708

The examiner has received a Stipulation executed by the respondent, James Lenz, and by complainant's attorney, Gilbert C. Lubcke. A copy of the Stipulation is attached hereto.

Based upon the Stipulation, the examiner recommends that the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors adopt as its final decision in this case the following Findings of Fact, Conclusions of Law, and Order which are the terms agreed upon and stipulated to by the parties.

FINDINGS OF FACT

1. James Lenz (Lenz) is a professional engineer and resides at 402 Hill N' Dale Circle, Hartland, Wisconsin 53029.
2. At all times material to this proceeding, James Lenz was registered to practice professional engineering in the State of Wisconsin under certificate of registration #E-9286 which was granted on February 4, 1966.
3. At the present time, Lenz has not renewed his certificate of registration to practice professional engineering in the State of Wisconsin, but intends to exercise his right to renew his certificate of registration in the future.

4. At all times material to this proceeding, Lenz was the Village Engineer for the Village of Hartland, Wisconsin.

5. In March, 1980, a sanitary sewer extension was constructed along Norton Drive in the Village of Hartland, Wisconsin.

6. The installation of the Norton Drive sanitary sewer extension was governed by the provisions of Wis. Stats. Sec. 144.04 and Wis. Adm. Code Sec. NR 108.03, which require approval of sanitary sewer extensions by the Department of Natural Resources prior to commencement of construction.

7. Lenz, acting in his capacity as Village Engineer for the Village of Hartland and in his capacity as a professional engineer, prepared the plans and specifications for the sanitary sewer extension, and was responsible for the supervision, inspection and final approval of the sanitary sewer extension.

8. Lenz, acting in his capacity as Village Engineer for the Village of Hartland and in his capacity as a professional engineer, was responsible for obtaining all necessary permits and approvals for the sanitary sewer extension.

9. On January 22, 1980, Lenz submitted an application to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for approval of the sanitary sewer extension. SEWRPC gave its approval on September 27, 1980.

10. On October 1, 1980, Lenz submitted an application to the Department of Natural Resources for approval of the sanitary sewer extension. By letter dated December 29, 1980, addressed to the Village Clerk for the Village of Hartland, the Department of Natural Resources denied the application for approval of the sanitary sewer extension.

11. Lenz, acting in his capacity as Village Engineer for the Village of Hartland and in his capacity as a professional engineer, was responsible for advising the Village Board for the Village of Hartland that the contractor was proceeding with the construction of the sanitary sewer extension without prior approval from the Department of Natural Resources, and was responsible for recommending to the Village Board that the contractor be ordered to cease construction of the sanitary sewer extension until approval was received from the Department of Natural Resources. Lenz knew that the contractor was proceeding with the sanitary sewer construction in March, 1980, without prior approval from the Department of Natural Resources, but he did not fully and adequately exercise his responsibilities as herein set forth to advise the Village Board that the contractor was proceeding without prior approval from the Department of Natural Resources and to recommend that the Village Board order the contractor to cease construction until the Department of Natural Resources approval was obtained.

CONCLUSIONS OF LAW

1. Lenz's conduct as described in the Findings of Fact, constitutes misconduct in the practice of professional engineering contrary to Wis. Stats. Sec. 443.01(13)(a)(4)(1977)(renumbered Wis. Stats. Sec. 443.11(1)(d)) and Wis. Adm. Code Sec. A-E 4.003(3)(a).

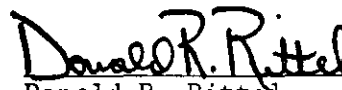
2. Lenz's conduct as described in the Findings of Fact, constitutes a violation of Wis. Stats. Sec. 443.01(13)(a)(5) (1977) (renumbered Wis. Stats. Sec. 443.11(1)(e)) and Wis. Adm. Code Sec. A-E 4.06(2).

ORDER

NOW, THEREFORE, IT IS ORDERED that the certificate of registration as a professional engineer (No. E-9286) and the right to renew said certificate of registration of James Lenz, shall be and hereby are suspended for thirty (30) days, commencing on the date of the final decision of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

[If any term of this Proposed Decision is not adopted by the board, then no term or condition of the attached Stipulation, upon which this Proposed Decision is based, shall be binding in any manner upon any party (Wis. Adm. Code sec. RL 2.12), and the matter shall be remanded to the examiner for further proceedings.]

Dated at Madison, Wisconsin this 21st day of October, 1982.



Donald R. Rittel
Hearing Examiner

DRR:smc
898-181

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

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JAMES LENZ, P.E.,

RESPONDENT.

:
:
:
: STIPULATION
:
:-----

It is hereby stipulated between James Lenz, Respondent herein, and
Gilbert C. Lubcke, Attorney for the Complaint as follows:

1. James Lenz is a professional engineer and resides at 402 Hill N' Dale Circle, Hartland, Wisconsin 53029.
2. A complaint as defined in Wis. Adm. Code Sec. RL 2.03(3) dated March 2, 1982 was filed and served on James Lenz on March 8, 1982.
3. At all times material to this Complaint, James Lenz was registered to practice professional engineering in the State of Wisconsin under certificate of registration #E-9286 which was granted on February 4, 1966.
4. At the present time, James Lenz has not renewed his certificate of registration to practice professional engineering in the State of Wisconsin, but intends to exercise his right to renew his certificate of registration in the future.
5. At all times material to the Complaint, James Lenz was the Village Engineer for the Village of Hartland, Wisconsin.
6. In March, 1980, a sanitary sewer extension was constructed along Norton Drive in the Village of Hartland, Wisconsin.
7. The installation of the Norton Drive sanitary sewer extension was governed by the provisions of Wis. Stats. Sec. 144.04 and Wis. Adm. Code Sec. NR 108.03 which require approval of sanitary sewer extensions by the Department of Natural Resources prior to commencement of construction.
8. James Lenz, acting in his capacity as Village Engineer for the Village of Hartland and in his capacity as a professional engineer, prepared the plans and specifications for the sanitary sewer extension, and was responsible for the supervision, inspection and final approval of the sanitary sewer extension.
9. James Lenz, acting in his capacity as Village Engineer for the Village of Hartland and in his capacity as a professional engineer, was responsible for obtaining all necessary permits and approvals for the sanitary sewer extension.
10. On January 22, 1980, James Lenz submitted an application to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for approval of the sanitary sewer extension. SEWRPC gave its approval on September 27, 1980.

FILED
10/18/82
Dept. of Reg. & Lic. DRR
Hearing Examiner

11. On October 1, 1980, James Lenz submitted an application to the Department of Natural Resources for approval of the sanitary sewer extension. By letter dated December 29, 1980, addressed to the Village Clerk for the Village of Hartland, the Department of Natural Resources denied the application for approval of the sanitary sewer extension.

12. James Lenz, acting in his capacity as Village Engineer for the Village of Hartland and in his capacity as a professional engineer, was responsible for advising the Village Board for the Village Hartland that the contractor was proceeding with the construction of the sanitary sewer extension without prior approval from the Department of Natural Resources, and was responsible for recommending to the Village Board that the contractor be ordered to cease construction of the sanitary sewer extension until approval was received from the Department of Natural Resources. James Lenz knew that the contractor was proceeding with the sanitary sewer construction in March, 1980, without prior approval from the Department of Natural Resources, but he did not fully and adequately exercise his responsibilities as herein set forth to advise the Village Board that the contractor was proceeding without prior approval from the Department of Natural Resources and to recommend that the Village Board order the contractor to cease construction until the Department of Natural Resources approval was obtained.

13. James Lenz's conduct as herein described in paragraphs 1-12 of this STIPULATION, constitutes misconduct in the practice of professional engineering contrary to Wis. Stats. Sec. 443.01(13)(a)(4)(1977)(renumbered Wis. Stats. Sec. 443.11(1)(d)) and Wis. Adm. Code Sec. A-E 4.003(3)(a).

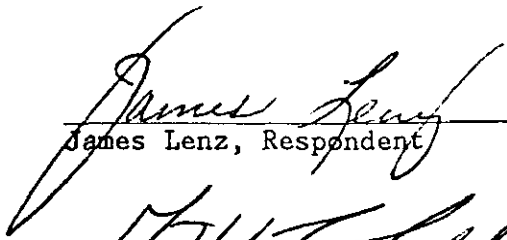
14. James Lenz's conduct as herein described in paragraphs 1-12 of this STIPULATION constitutes a violation of Wis. Stats. Sec. 443.01(13)(a)(5)(1977)(renumbered Wis. Stats. Sec. 443.11(1)(e)) and Wis. Adm. Code Sec. A-E 4.06(2).

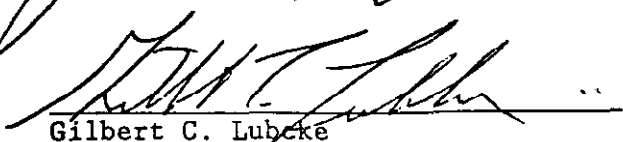
15. The parties further stipulate and agree that James Lenz's certificate of registration #E-9286 and his right to renew said certificate of registration shall be suspended for a period of 30 days commencing on the date of the Final Decision of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Professional Engineers Section.

16. The parties stipulate and agree that the Hearing Examiner shall issue a Proposed Decision and the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Professional Engineers Section, shall issue a Final Decision containing Findings of Fact, Conclusions of Law and an Order not inconsistent with the terms of this STIPULATION finding James Lenz to have violated Wis. Stats. Sec. 443.01(13)(a)(4)(1977)(renumbered Wis. Stats. Sec. 443.11(1)(d)) and Wis. Adm. Code Sec. A-E 4.003(3)(a), and Wis. Stats. Sec. 443.01(13)(a)(5)(1977)(renumbered Wis. Stats. Sec. 443.11(1)(e)) and Wis. Adm. Code Sec. A-E 4.06(2), and suspending James Lenz's certificate of registration #E-9286 and his right to renew said certificate for a period of 30 days.

17. If any term or condition of this STIPULATION is not adopted by both the Hearing Examiner and the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Professional Engineers Section, then no term of this STIPULATION shall be binding in any manner on any party.

Dated: Oct. 18, 1982


James Lenz, Respondent


Gilbert C. Lubcke
Attorney for Complainant

GCL:dms
352-130