

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

:
:
:
FINAL DECISION AND ORDER

ALAN C. GEISTHARDT, P.E.
AND PAUL H. SEYMOUR, P.E.,
RESPONDENTS.

The parties to this action for the purposes of Wis. Stats. sec. 227.53
are:

Alan C. Geisthardt, P.E.
132 North Street
North Fond du Lac, WI 54935

Paul H. Seymour, P.E.
7421 Midland Drive
Allenton, WI 53002

Examining Board of Architects, Professional Engineers,
Designers and Land Surveyors
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

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. 227.49. The petition in this instance would be captioned with
Alan C. Geisthardt and Paul H. Seymour as the respondents.

A party aggrieved by this decision who is a resident of this state 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 party aggrieved
resides within thirty (30) days after service of this decision. A party
aggrieved by this decision who is not a resident of this state must file
the petition for judicial review in the office of the clerk of circuit
court for Dane County. A party aggrieved must also serve 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. 227.53. The party to be named as respondent in the petition is the
Examining Board of Architects, Professional Engineers, Designers and Land
Surveyors.

The parties in this matter agree to the terms and conditions of the
attached stipulations as the final disposition of this matter, subject to
the approval of the Board. The Board has reviewed these stipulations and
considers them acceptable.

Accordingly, the Board in this matter adopts the attached stipulations and makes the following:

FINDINGS OF FACT

1. Alan C. Geisthardt, P.E. (D.O.B. May 1, 1955: hereinafter referred to as Mr. Geisthardt), is duly licensed in the State of Wisconsin as a professional engineer (license #21892). This license was issued on November 4, 1982.

2. Paul H. Seymour, P.E. (D.O.B. August 2, 1950: hereinafter referred to as Mr. Seymour) is duly licensed in the State of Wisconsin as a professional engineer (license #19050). This license was issued on September 21, 1979.

3. At all times relevant to this action, Mr. Geisthardt and Mr. Seymour were working as professional engineers for Jack Walters & Sons, Corp., of Allenton, Wisconsin.

4. On September 27, 1983, Jack Walters & Sons submitted plans for a storage addition for Jackel Company, Inc., 201 Harrison Street, Reeseville, Wisconsin (DILHR file #E-78065, plan #83-09-0310-B). The addition plans were signed and sealed by Mr. Geisthardt as designer. The submission further indicated Mr. Seymour would serve as supervising professional.

5. The plot plan submitted to DILHR for the storage addition did not accurately reflect the relationship between the existing buildings, in that the plan showed basically two buildings connected by an 8' x 9' breezeway. (A true and correct copy of the portion of the plot plan as originally submitted showing the breezeway connection is attached to this decision as Exhibit A.)

6. In fact, there was no space between the buildings. At some point in the past, the space between the two buildings had been filled in to create one building. (Attached to this decision as Exhibit B is a true and correct representation of the relationship of the buildings at the time the plans were originally submitted.)

7. The plot plan was signed and sealed by Mr. Geisthardt and filed pursuant to Wis. Adm. Code Sec. ILHR 50.12(3)(b)(1). Mr. Geisthardt relied on a plot plan submitted to him by the property owner and on plans of Jack Walters & Sons, Corp. in submitting said plot plan. Neither showed the connection between the two buildings. Mr. Geisthardt had no knowledge that the plot plan as submitted was in error at the time of the submittal.

8. The proposed addition was constructed in October, 1983, prior to DILHR approval of the plans on December 7, 1983 and in violation of Wis. Adm. Code Sec. ILHR 50.12.

9. Mr. Seymour, as supervising professional, permitted the construction of the addition without DILHR approval.

10. Because there was no space between the buildings, and the buildings were in fact connected full length, the building and addition as constructed caused the structure to be in noncompliance with Wis. Adm. Code sec. ILHR 52.015. The building area exceeded 12,000 square feet, and therefore specified fire safety features were required.

11. Mr. Geisthardt and Mr. Seymour failed to notify DILHR of this noncompliance, as required by Wis. Adm. Code sec. ILHR 50.10.

12. The storage addition at the request of Mr. Geisthardt and Mr. Seymour has been modified so that it is now in compliance with Wis. Adm. Code Sec. ILHR 52.015.

CONCLUSIONS OF LAW

By the conduct described above, respondents Geisthardt and Seymour are subject to disciplinary action against their licenses pursuant to Wis. Stats. sec. 443.11(1)(d) and Wis. Adm. Code sec. A-E F.003(3).

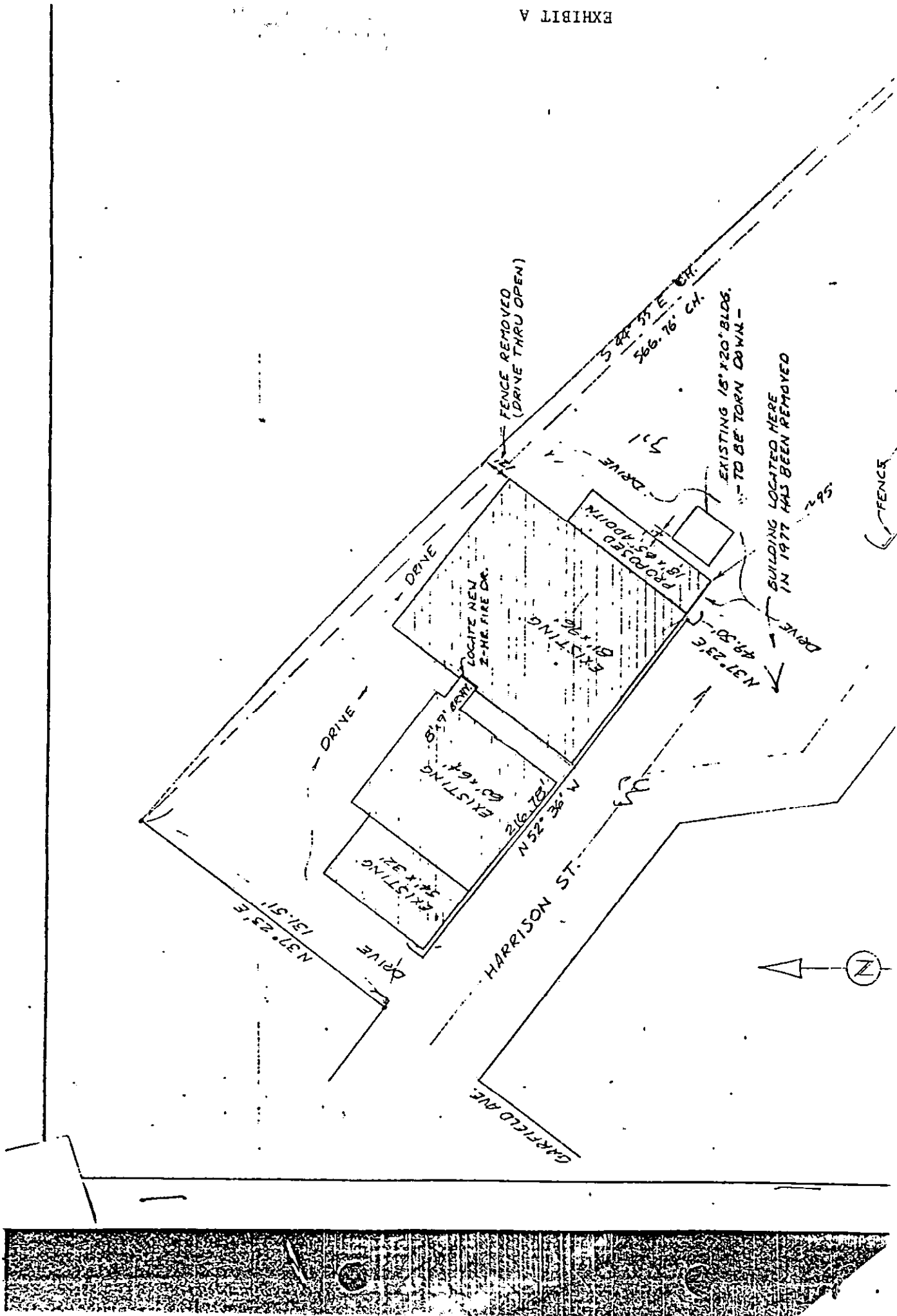
Therefore, it is hereby ORDERED.

ALAN C. GEISTHARDT and PAUL H. SEYMOUR are hereby REPRIMANDED.

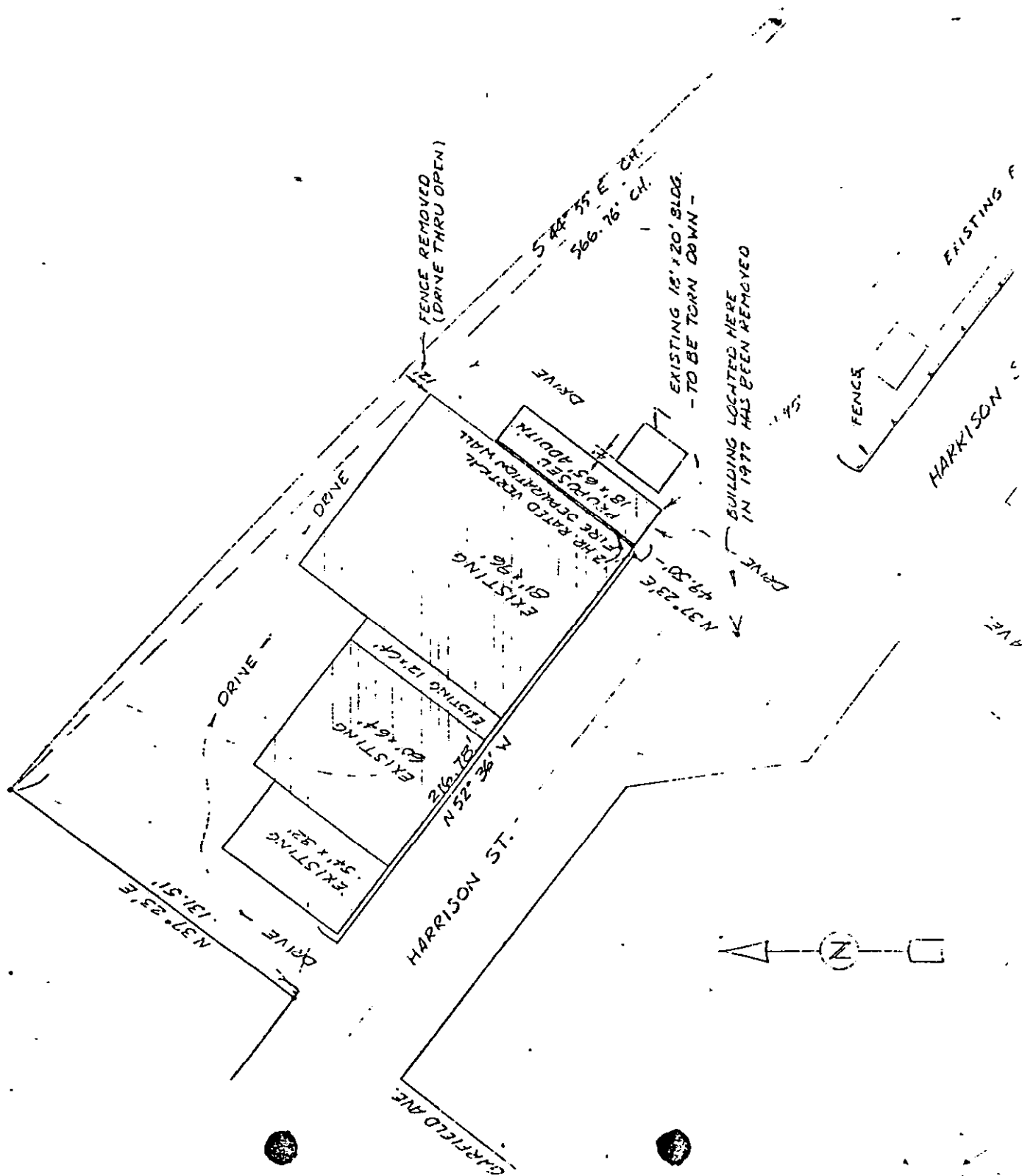
EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS
PROFESSIONAL ENGINEERS SECTION

By: Edward P. Crowley
A Member of the Board

9-26-86
Date



EXISTING	54' x 32'	MANU
"	60' x 64'	"
"	12' x 64'	OFFIC
"	81' x 96'	MANU
ADDITION	18' x 65'	STAIR
		TOTAL



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

SEP 1 1988

IN THE MATTER OF
THE LICENSE OF

ALAN C. GEISTHARDT, P.E.,
RESPONDENT.

STIPULATION

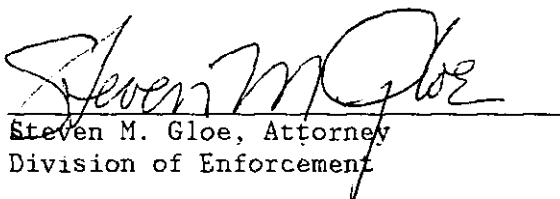
It is hereby stipulated between Alan C. Geisthardt, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Geisthardt's licensure by the Division of Enforcement (85 A&E 46). Mr. Geisthardt consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Geisthardt understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Mr. Geisthardt agrees to the adoption of the attached Final Decision and Order by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.
4. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.
5. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

6. The Division of Enforcement joins Mr. Geisthardt in recommending the Professional Engineers Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors adopt this Stipulation and issue the attached Final Decision and Order.


Alan C. Geisthardt, P.E.

9-10-86
Date


Steven M. Gloe, Attorney
Division of Enforcement

9.18.86
Date

SMG:rjt
9803

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

IN THE MATTER OF
THE LICENSE OF

PAUL H. SEYMOUR, P.E.,
RESPONDENT.

STIPULATION

It is hereby stipulated between Paul H. Seymour, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Seymour's licensure by the Division of Enforcement (85 A&E 53). Mr. Seymour consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Seymour understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Mr. Seymour agrees to the adoption of the attached Final Decision and Order by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

4. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.

5. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

6. The Division of Enforcement joins Mr. Seymour in recommending the Professional Engineers Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors adopt this Stipulation and issue the attached Final Decision and Order.

Paul Seymour
Paul H. Seymour, P.E.

9/9/86
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

9.18.86
Date

SMG:rjt
120-765