

# 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;  
PROFESSIONAL ENGINEERS SECTION

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
LARRY MARWITZ, P.E., :  
RESPONDENT. :  
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The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Larry Marwitz  
9871 East Marianne  
Tucson, AZ 85748

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

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

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

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

FINDINGS OF FACT

1. Larry Marwitz, Respondent herein, currently holds a certificate of registration to practice as a professional engineer in the State of Wisconsin. His certificate bears number 20530 and was issued March 27, 1981.
2. Respondent's date of birth is December 1, 1952 and current address is 9871 East Marianne, Tucson, Arizona 85748.
3. On December 5, 1986, the Arizona State Board of Technical Registration filed a Decision in its Disciplinary case against Respondent.
4. The Arizona State Board ordered that Respondent's registration be suspended for a period of 36 months, beginning December 5, 1986. Said Decision is attached as Exhibit A.

5. The Arizona Board made, in part, the following findings:

- "1. Respondent engaged in professional practice with an expired license by sealing plans for two-story motel in Bullhead City, Arizona, in violation of A.R.S. 32-125.C.
2. Respondent engaged in architecture a category which was not incidental to the project, in violation of R4-30-301.A(10).
3. Respondent affixed his seal and signature to plans not prepared by himself or his bonafide employee, in violation of A.R.S. 32-125.C and R4-30-301.A(3)."

CONCLUSIONS OF LAW

1. The Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 443.11.

2. The Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

3. Respondent engaged in misconduct contrary to Wis. Stats. sec. 443.11(1)(e) and Wis. Adm. Code sec. A&E 4.003(3)(a), now renumbered sec. A&E 8.03(3)(a), and is subject to discipline in that his engineering registration in the State of Arizona has been suspended.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

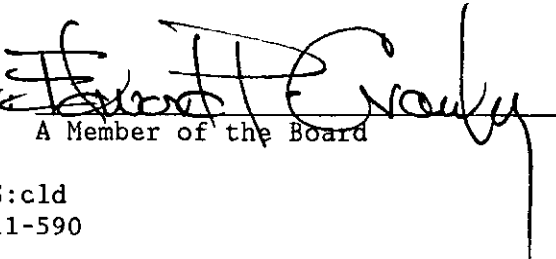
That the Stipulation of the parties, attached hereto, is accepted.

IT IS FURTHER ORDERED:

That the professional engineers certificate of registration of Larry Marwitz, P.E., shall be suspended for a period of 36 months effective on the 25<sup>th</sup> day of September, 1987.

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

BY

  
A Member of the Board

Date

9.25.87

SS:cld  
711-590

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section.

The date of mailing of this decision is September 29, 1987.

WLD:dms  
886-490

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

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: STIPULATION  
LARRY MARWITZ, P.E., :  
RESPONDENT. :

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The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation of Larry Marwitz's certificate of registration by the Division of Enforcement (case file 87 A&E 23). Mr. Marwitz consents to the resolution of this investigation by stipulation and without the issuance of a formal disciplinary complaint and hearing.
2. The Respondent understands by signing this Stipulation that he voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the 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 own behalf and to compel their attendance by subpoena, the right to testify in his own behalf, 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. The Respondent admits the allegations and statements found in the attached Final Decision and Order.
4. The Respondent and the Complainant urge the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section to adopt this Stipulation and the attached Final Decision and Order in this matter.
5. If the terms of this Stipulation and attached Final Decision and Order are not acceptable to the Board, then none of the parties shall be bound by any of the terms.
6. The attached Findings of Fact, Conclusions of Law, Final Decision and Order may be made and entered in this matter by the Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section, without prior notice to any party.
7. All parties agree that Counsel for the Department of Regulation & Licensing, Division of Enforcement and the Board Advisor appointed in this matter may appear before the Wisconsin Examining Board of Architects,



State of Arizona  
**BOARD OF TECHNICAL REGISTRATION**

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
5060 NORTH 19th AVENUE, SUITE 306 • PHOENIX, ARIZONA 85015 • (602) 255-4053

STATE OF ARIZONA

COUNTY OF MARICOPA

C E R T I F I C A T E

I, Yasuo H. Motomatsu, a Notary Public in and for said state and county do hereby certify on May 11, 1987. I carefully compared the attached facsimile of the documentation enclosed and bearing my initials which relate to U 85-242 concerning Larry M. Marxwitz, P.E. (Civil) #16726 that they are full, true and exact facsimiles of the documents they purport to reproduce. Witness my hand and official seal.

*Yasuo H. Motomatsu*  
Yasuo H. Motomatsu  
Notary Public

My Commission expires July 18, 1988

EXHIBIT A

3. Respondent affixed his seal and signature to plans not prepared by himself or his bonafide employee, in violation of A.R.S. 32-125.C and R4-30-301.A(3).

4. Respondent aided and abetted, in violation of A.R.S. 32-128.B(2).

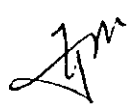
5. Respondent engaged in deceit and misrepresentation by affixing his seal and signature to plans not prepared by himself or his bonafide employee, in violation of R4-30-301.A(2).

6. Respondent substantially deviated from the Board's rules and is found in violation of so much of A.R.S. 32-128.B(2) that regards gross negligence and other misconduct as defined in R4-30-101.10 and 12(d).

Pursuant to such evaluation, the Board determines that this disposition will adequately protect the public safety and welfare and is more likely to rehabilitate the Respondent than formal disciplinary action. Based on the Respondent's Consent attached hereto, and on the contents of the investigative file, the Board hereby issues the following Order:

#### BOARD'S ORDER

1. Respondent's consent to the terms and conditions of this Decision is accepted and further proceedings in this matter are cancelled.

A handwritten signature, possibly reading "Jm", is located in the bottom right corner of the page.

CONSENT TO BOARD DECISION NO. C 85-242

I, Larry M. Marwitz, hereby consent and agree to all terms and conditions of this Decision, and consent to its issuance upon acceptance by the Board. I UNDERSTAND THAT I HAVE THE LEGAL RIGHT TO CONSULT COUNSEL PRIOR TO ENTERING INTO THIS CONDITIONAL SETTLEMENT. I further understand that I have the legal right to a public hearing concerning the subject matter of these proceedings at which hearing I may present evidence and cross-examine witnesses. However, I irrevocably waive my right to a public hearing concerning this matter and irrevocably waive any right to court appeals relating thereto. I do not admit or deny the Board's allegations in this matter and waive Findings of Fact and Conclusions of Law in this Decision. Finally, I understand that this Decision and related documents are a matter of public record.

DATED: 10-15-86

SIGNED: Larry M. Marwitz  
REGISTRATION: 16726

APPROVED AS TO FORM:

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Counsel for Respondent

*zpm*



Joint Enforcement Advisory Committee  
August 11, 1986

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meeting and he replied that he thought the meeting was scheduled for the following week. Mr. Greek stated that he was retained to do only the structural calculations. However, the respondent stamped the electrical and mechanical plans, which were not prepared by him. I told the respondent that I would recommend to the Committee to table this case until the additional information was received. I also told the respondent that he would be advised of the next Committee meeting and encouraged his attendance.

Based on the information obtained via the telephone conversations, the Committee moved to table this case. The Committee requested that a file be opened on Larry M. Marwitz, Civil Engineer, with expired license. The respondent, Mr. Donald Greek, will be advised of the next meeting about his case.

On July 24, 1986, I served again as chairman to hear the tabled case against Mr. Donald Greek and the new case against Mr. Larry Marwitz. Both respondents did not attend the informal interview. However, Mr. Marwitz did send a letter to the Board of Technical Registration explaining his involvement, admission to the violations and confirmation of having his license renewed.

Mr. Donald Greek

**Allegation #1**

The respondent admitted to me via our telephone conversation on May 20, 1986, that he completed only the structural calculations. The respondent sealed plans that were not prepared by himself or his bona fide employee. The drawings were prepared by an Architect, Mr. Craig Wheeler of California, but have Mr. Donald Greek's seal affixed to the drawings.

**The findings of this allegation WERE SUBSTANTIATED.**

**Allegation #2**

The respondent's seal appears on mechanical, electrical and architectural drawings. This work is not incidental to the structural work but is basic to the project. This project is significant in size, a two-story, 60 unit motel, which requires an architect's involvement. The respondent did engage in an assignment outside his professional category or branch.

**The findings of this allegation WERE SUBSTANTIATED.**

**Allegation #3**

The respondent's lack of technical skill and knowledge was evident by the drawings that were provided for Committee review. The drawings were fragmented, incomplete and unreadable. The respondent did not apply the technical skill and knowledge that would have been applied by other qualified registrants who practice the same profession.

*Jm*

Joint Enforcement Advisory Committee  
August 11, 1986

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his bona fide employee, nor did the respondent prepare any calculations or specifications.

**The findings of this allegation ARE SUBSTANTIATED.**

**Allegation #4**

The respondent admitted in his letter of July 8 that he utilized his registration to obtain financing for this project only. The respondent violated the rules and bylaws basic to his registration by this action.

**Therefore, the findings of this allegation ARE SUBSTANTIATED.**

**Allegation #5**

The respondent, by his own actions, gave false certification to a lending institution by sealing the documents with an expired registration. The "trust" that a registered professional holds is to protect the public. The respondent violated that "trust" and placed a cloud of distrust on all other professionals by his actions. The respondent's actions of sealing incomplete documents results in issuance of a building permit which deceived the public as to the document content. The registration seal implies a professional level of experience and quality.

**Therefore, this allegation IS SUBSTANTIATED.**

(Please note: A criminal charge as violation to this allegation would not be served in the public's best interest.)

**Allegation #6**

Gross negligence and other misconduct is evident, based on the respondent's violation and substantiation of the previous five allegations. The gross negligence applies pursuant to the respondent's practice. The respondent's motives and actions in this case created a substantial deviation in the professional practice from the standard of professional care exercised by other registrants.

**Therefore, this allegation IS SUBSTANTIATED.**

  
Richard Pawelko, Chairman

Date: 8/11/86

*Zym*

JOINT ENFORCEMENT ADVISORY COMMITTEE/PANEL - ARCHITECTS/ENGINEERS  
JULY 24, 1986

RESPONDENT: Larry M. Marwitz, C.E. #16726

FILE No: C 85-242

ALLEGATIONS: Project: Two-story motel in Bullhead City,  
Arizona:

A. ALLEGATION 1: A.R.S. 32-125.C - Respondent may have  
engaged in professional practice with an expired license.

FINDING: SUBSTANTIATED

RECOMMENDATION: \$1,000.00 administrative penalty (Unanimous).

B. ALLEGATION 2: R4-30-301.A(10) - Respondent may have  
engaged in another category of registration, namely architecture.

FINDING: SUBSTANTIATED

RECOMMENDATION: \$1,000 Administrative penalty and assurance of  
discontinuance in architecture and mechanical and electrical  
engineering (Unanimous).

C. ALLEGATION 3: A.R.S. 32-125.C/R4-30-301.A(3) -  
Respondent may have sealed plans not prepared by himself or his  
bona fide employee.

FINDING: SUBSTANTIATED

RECOMMENDATION: \$1,000.00 administrative penalty and six (6)  
month suspension (Unanimous).

D. ALLEGATION 4: A.R.S. 32-128.B(3) - Aiding and abetting.

FINDING: SUBSTANTIATED

RECOMMENDATION: \$1,000 administrative penalty and an additional  
six (6) months suspension (Unanimous).

E. ALLEGATION 5: R4-30-301.A(2) - Respondent may have  
engaged in deception in providing services to the public.

FINDING: SUBSTANTIATED

*Lm*