

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 THE : MEMORANDUM AND ORDER
INVESTIGATION OF : ON SETTLEMENT CONFERENCE
:
GARY L. LOVELAND, P.E. :
LICENSEE : FILE NO. 85 A&E 23

TO: Gary L. Loveland
P.O. Box 151
Arlington, WI 53911

Sherry Steffel
Attorney at Law
1400 E. Washington Avenue, Room 183
P.O. Box 8935
Madison, WI 53708

Pursuant to notice, a settlement conference was held in the above-captioned matter before officials of the Engineers Section of the Board on October 30, 1987. The purpose of the conference was to provide all interested parties with an opportunity to discuss the allegations received pertaining to the practice of Gary Loveland as a professional engineer, and attempt to reach a fair resolution of the matter.

APPEARANCES

Presiding over the settlement conference was Edward P. Cranley, P.E. Chairman of the Professional Engineers Section of the board. Member Jeanne Plummer was also present.

Attorney Sherry Steffel appeared representing the Division of Enforcement to provide information concerning the allegations made against the license.

The licensee, Gary Loveland, appeared personally and without legal counsel.

PROCEEDINGS

The presiding officer made an introductory statement describing the procedures by which the settlement conference would be conducted.

Oral presentations of the positions of the parties were made. These statements were made for the sole purpose of negotiating a binding, consensual agreement. They were received without prejudice to later changes and may not be used against the licensee in any formal hearing.

Subsequent to the receipt of the oral statements the parties presented recommendations for terms of settlement. The board members considered the presentations and made a recommendation of settlement terms on behalf of the board.

After discussion, Mr. Loveland accepted the terms of the proposed settlement, and thereafter entered into a Stipulation with the board, a copy of which is attached hereto and made a part hereof.

Based upon the proceedings at the settlement conference, and upon the Stipulation executed by the parties, the board orders as follows:

ORDER

IT IS HEREBY ORDERED that Gary L. Loveland, P.E., be, and hereby is, reprimanded.

Dated at Madison, Wisconsin this 10th day of December, 1987.

Examining Board of Architects, Professional Engineers, Designers and Land Surveyors

by Edward P. Cranley
Edward P. Cranley
Chairman, Professional Engineers Section

WRA:gad
016-520

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

IN THE MATTER OF THE :
INVESTIGATION OF :

GARY L. LOVELAND, P.E., :
LICENSEE. :

STIPULATION

Gary L. Loveland, P.E. (Loveland), and the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Professional Engineers Section, having reached an agreement for disposition of the informal complaint identified as 85 A&E 23, stipulate and agree as follows:

1. This Stipulation shall be included as part of a Memorandum and Order on Settlement Conference to be issued by the board, and all the terms of this Stipulation shall be binding on Loveland as a part of the board's order.

2. This Stipulation and the board's order shall be placed in Loveland's permanent file in the board's records, and may be used if there are subsequent complaints against him.

3. Loveland was granted a license to practice as a professional engineer on July 11, 1975 by license #E-14910.

4. Loveland was, at all times relevant to this matter, the principal officer of Terrametrics Engineering, Ltd., 208 Phillips Boulevard, Sauk City, Wisconsin (Terrametrics).

5. In late 1983 or early 1984, Terrametrics, by Loveland, entered into an agreement with John Ganser, Prairie du Sac, Wisconsin, to provide land surveying and engineering services for a 24 lot development owned by Ganser in Waunakee, Wisconsin, known as the Third Addition to Centennial Heights. Engineering services were to include preparation of plans and specifications for sanitary sewers, storm sewers and water mains for Spahn and Holiday Drives within the development. Loveland was to be responsible for submission of such plans and specifications to all affected local and state authorities for approval, including the Department Natural Resources (DNR).

6. On or about October 9, 1984, sewer construction was commenced at the Third Addition to Centennial Heights by Wipperfurth Excavating, Inc., Waunakee, Wisconsin. At the time of commencement of construction, plans and specifications had not been submitted to DNR or the Village of Waunakee for approval.

7. Foth & Van Dyke Engineers - Architects, Madison, Wisconsin, was, at all times relevant hereto, engineering consultant to the Village of Waunakee. On or about October 9, 1984, Bob Gatz, an employee of Foth & Van Dyke, inspected the site of the sewer construction. There were no plans or specifications at the site. Examination of Foth & Van Dyke's files and the files of the Waunakee Village Utility and Administration Departments disclosed no sewer plans, specifications or DNR letters of approval.

8. Because Foth & Van Dyke was unable to locate any approved sewer plans, Wipperfurth was ordered to stop construction on October 15, 1984. At the time construction was halted, approximately 1100 feet of sanitary sewer had been installed. Only approximately 150 feet remained uninstalled.

9. On October 16, 1984, Loveland contacted Foth & Van Dyke and indicated he had forgotten to submit plans and specifications to Foth & Van Dyke and to DNR for approval.

10. On or about November 28, 1984, Loveland submitted sanitary sewer plans for the project in question to the DNR Division of Environmental Standards. On January 15, 1985, DNR denied approval of that portion of the sewer extension installed without approval, but approved as a sewer extension that portion of the project which had not yet been installed. Technically, DNR had no problem with the plans.

11. Failure by Loveland to submit the affected plans to DNR and the Village of Waunakee for approval constitutes misconduct within the meaning of Wis. Adm. Code sec. A-E 8.03(3)(a), and gross negligence within the meaning of Wis. Adm. Code sec. A-E 8.03(1), and Loveland has thereby violated Wis. Stats. sec. 443.11(1)(d).

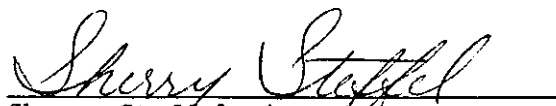
12. Loveland and the board agree that appropriate discipline to be imposed in recognition of the misconduct found in this case is a formal reprimand.

Dated at Madison, Wisconsin, this 30th day of November, 1987.


Gary L. Loveland, P.E.

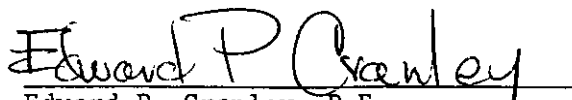
Dated at Madison, Wisconsin this 9th day of November, 1987.

Department of Regulation & Licensing
Division of Enforcement

by: 
Sherry Steffel, Attorney

Dated at Madison, Wisconsin this 10th day of December, 1987.

Examining Board of Architects,
Professional Engineers, Designers
and Land Surveyors

by: 
Edward P. Cranley, P.E.
Chairman, Professional Engineers Section

WRA:jrb
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