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FILE COPY

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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
ALBERT PELOQUIN, :
RESPONDENT. :

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

Albert Peloquin
Route 4, Box 110
Chapel Hill, NC 27514

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. Albert Peloquin, Respondent herein, currently holds a certificate of registration to practice as an architect in the State of Wisconsin. His certificate bears number 4466 and was issued on December 13, 1977.

2. Respondent's date of birth is April 19, 1930 and current address is Route 4, Box 110, Chapel Hill, North Carolina 27514.

3. On March 26, 1987, the South Carolina State Board of Architectural Examiners filed an Order in its disciplinary case against Respondent.

4. The South Carolina Board ordered that Respondent's certificate of registration as an architect be suspended for a period of one (1) year. Said Order is attached as Exhibit A.

5. The South Carolina Board concluded, in part, as follows:

- "1. Respondent is guilty of unprofessional conduct in violation of Section 40-3-120 and R 11-15(D)(1), South Carolina Code of Laws (1976), by signing and sealing architectural drawings for which he did not have direct professional knowledge and supervisory control over the preparation.
2. Respondent is guilty of unprofessional conduct and incompetence in violation of Section 40-3-120 and R 11-15(E)(1), South Carolina Code of Laws (1976), in that, in the practice of architecture, he acted without reasonable care and competence and failed to apply technical knowledge and skill which is ordinarily applied by architects of good standing in South Carolina by sealing a set of plans without having full knowledge of the facts and which contained violations of the Horry County Standard Building Code.
3. Respondent is guilty of unprofessional conduct and incompetence in violation of Section 40-3-120 and R 11-15(E)(2), South Carolina Code of Laws (1976), by placing his seal on architectural plans for the Garden Sands Condominium Project without taking into account Sections 607, 702.3, and 1104.2 and Tables 600 and 700 of the Horry County Standard Building Code."

CONCLUSIONS OF LAW

1. The Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Architects 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; Architects 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 architect registration in the State of South Carolina 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 architect certificate of registration of Albert A. Peloguin,
shall be suspended for a period of one (1) year effective on the 17th day
of September, 1987.

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

BY:

Matthews B. Boebel
A Member of the Board

Date

9-17-87

SS:lm1
632-665

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, Architects 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, Architects 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, Architects Section.

The date of mailing of this decision is September 21, 1987.

WLD:dms
886-490

JUN 01 1987

STATE OF SOUTH CAROLINA) BEFORE THE SOUTH CAROLINA STATE BOARD
COUNTY OF RICHLAND) OF
ARCHITECTURAL EXAMINERS

In the Matter of:)

ALBERT A. PELOQUIN,)

Respondent.)

ORDER

STATEMENT OF THE CASE

This matter came before the State Board of Architectural Examiners ("Board") by a Complaint, dated September 17, 1986, alleging that Respondent, Albert A. Peloquin, had signed and sealed architectural drawings, for which he did not have direct professional knowledge and direct supervisory control, in violation of R 11-15 (D) (1), South Carolina Code of Laws (1976); had in practicing architecture acted without reasonable care and competence and had failed to apply the technical knowledge and skill which is ordinarily applied by architects of good standing in South Carolina in violation of R 11-15 (E) (1), South Carolina Code of Laws (1976); and had in placing his seal on architectural plans for Garden Sands Condominium project failed to take into account all applicable state and municipal laws and regulations in violation of R 11-15 (E) (2), South Carolina Code of Laws (1976).

Pursuant to the Administrative Procedures Act, the Board gave notice of the Complaint to Respondent, and on or about October 31, 1986, Respondent filed an Answer admitting that he signed and sealed a set of drawings for the project but generally denying the other allegations of the Complaint. On January 19, 1987, a hearing was held at the Board's offices in Columbia, South Carolina. Appearing on behalf of the Complainant was

EXHIBIT A

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architect was hired for the project. Mr. Watkins had no contact with Respondent before or after the plans were completed and submitted to the Building Department, and Respondent never visited the project site. In fact, Mr. Watkins never met Respondent until April 22, 1986, at a hearing before the South Carolina State Board of Registration for Professional Engineers and Land Surveyors ("Engineering Board").

After construction of the project was underway, problems arose because the plans did not meet the fire code requirements of the Horry County Standard Building Code ("Code") for a project within three (3) feet of the property line. In this project, the condominium structure was constructed on the property line or within six (6) inches of it. As a result, the developers had to strip the siding off the side of the buildings and off the walls and ceiling of the corridors to meet code requirements. Also, an additional staircase had to be installed to eliminate a dead-end corridor that was not in compliance with the Code. These changes resulted in more than Seventy-five Thousand and No/100 (\$75,000.00) Dollars of additional costs to the developers.

Coit Mulligan completed drafting the final plans in November 1984. Mr. Mulligan did not know Respondent and had not been supervised by Respondent in preparing the plans. He also met Respondent for the first time at the hearing on April 22, 1986, before the Engineering Board.

William E. Oram, P. E., was initially hired by the developers as the structural engineer, but was later requested to take full responsibility for the whole project. Mr. Oram testified that he had known Respondent for approximately three years and had worked on about six (6) projects with him. After the final plans were complete in November of 1984, Mr. Oram sent two sets of the plans to Respondent to see if there was anything wrong

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for the Garden Sands Condominiums, which had been prepared by William E. Oram and Coit Mulligan.

3. That Respondent had no input into the preparation of these plans, did not have full knowledge of everything that was involved in the project, and never visited the project site in Myrtle Beach, South Carolina.

4. That Respondent did not supervise or control the drawing of the plans by Coit Mulligan and William E. Oram.

5. That in the spring of 1985, Respondent signed and sealed a set of plans for the Garden Sands Condominiums and accepted responsibility for the plans.

6. That the plans sealed by Respondent contained a dead-end corridor which exceeded twenty (20) feet in length in violation of Section 1104.2 of the Horry County Standard Building Code.

7. That the exterior walls and ceilings of the corridors did not have a minimum one (1) hour fire resistant rating as required by Section 702.3 and Table 700 of the Horry County Standard Building Code.

8. That the exterior walls in close proximity to the property line were not properly enclosed and did not have a minimum one (1) hour fire resistant rating as required by Section 607 and Table 600 of the Horry County Standard Building Code.

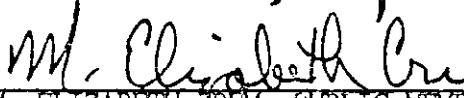
CONCLUSIONS OF LAW

IT IS CONCLUDED AS A MATTER OF LAW THAT:

1. Respondent is guilty of unprofessional conduct in violation of Section 40-3-120 and R 11-15 (D) (1), South Carolina Code of Laws (1976), by signing and sealing architectural drawings for which he did not have direct professional knowledge and supervisory control over the preparation.

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DON E. GOLIGHTLY, SECRETARY-TREASURER


M. ELIZABETH CRUM, PUBLIC MEMBER

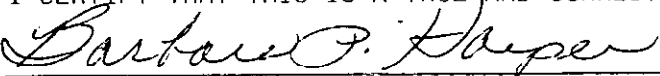

F. EARLE GAULDEN, MEMBER


JAMES F. BARKER, MEMBER

ALLAN P. WOOD DID NOT PARTICIPATE.

March 24, 1987.

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY


Barbara P. Harper, Executive Director

Professional Engineers, Designers and Land Surveyors; Architects Section, to argue in favor of acceptance of this stipulation and the entry of the attached Findings of Fact, Conclusions of Law, Final Decision and Order.

8. That this agreement in no way prejudices the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Architects Section, from any further action against Respondent based on any acts not stated in the present Findings of Fact which might be violative of the Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Architects Section, Statutes and Rules.

9. That if this Stipulation is adopted by the Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Architects Section, the attached Order shall become effective as stated in the order.

August 13, 1987
Date

Sherry Steffel
Sherry Steffel, Attorney
Division of Enforcement

August 21 1987
Date

Albert A. Peloquin
Albert Peloquin, Respondent

September 17, 1987
Date

Matthew R. Gehl
A Member of the Board

SS:lm1
520-923