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FILE COPY

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT ALLEN GAHL,
RESPONDENT.

:
:
:
:
:

FINAL DECISION
AND ORDER

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.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated this 14TH day of January, 1988.

Matthew R. Gohl

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 January 14, 1988.

WLD:dms
886-490

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

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : PROPOSED DECISION
ROBERT ALLEN GAHL, :
RESPONDENT. :

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

Robert Allen Gahl
4264 East Highway 80 #2112
Mesquite, TX 75149

Wisconsin Examining Board of Architects,
Professional Engineers, Designers and
Land Surveyors; Architects Section
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

A hearing was held in the above-captioned matter on December 11, 1987. The Respondent, Robert Allen Gahl, did not appear and no one appeared on his behalf. Complainant appeared by Attorney Sherry Steffel, Department of Regulation and Licensing, Division of Enforcement, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

Based upon the record in this case, the examiner recommends that the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Architects Section adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Robert Allen Gahl, Respondent herein, currently holds a certificate of registration to practice as an architect in the State of Wisconsin. His certificate bears number A-2731 and was issued October 7, 1966.

2. Respondent's date of birth is May 9, 1933 and current address is 4264 East Highway 80 #2112, Mesquite, TX 75149.

3. On August 29, 1985 the Dallas County Texas Criminal District Court convicted Respondent of bribery. Respondent was sentenced to four years confinement in the Texas Department of Corrections.

4. On March 27, 1987, the Texas Board of Architectural Examiners filed an Agreed Order: Findings of Fact, Conclusions of Law and Order in its disciplinary case against Respondent.

5. The Texas Board ordered that Respondent's license to employ the title architect in the State of Texas be revoked.

6. The Texas Board made, in part, the following findings:

"4. The respondent was hired as a Texas registered architect to perform the duties of the Building Official for the City of Dallas.

"5. The respondent, in the performance of the duties as Building Official, knowingly solicited, accepted and agreed to accept a benefit on the representation and understanding that he would be influenced in the specific exercise of his official powers of granting a building permit.

"6. The respondent, in reviewing construction documents for a housing project known as "Riverpointe", whose site was situated in Dallas, Texas and under the jurisdiction of the Building Official of the City of Dallas agreed to favorably interpret building exit codes so that a building permit, not otherwise obtainable, might be granted the "Riverpointe" project in return for specific benefit.

"7. Architects Jerry Stewart and Bryan Thruston, Designers and Authors of the copyrighted "Riverpointe" project construction documents conveyed the specific benefit as solicited by the respondent with the understanding that as a result, a favorable exit interpretation by Gahl would yield a building permit for the project."

7. Respondent did not file an Answer to the Complaint in this proceeding or appear at the evidentiary hearing.

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. 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 license to practice architecture in the State of Texas has been revoked.

3. As Respondent did not file an Answer to the Complaint in this proceeding, or appear at the evidentiary hearing, he is in default pursuant to Wis. Adm. Code sec. RL 2.14.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Architect certificate of registration in the State of Wisconsin of Robert Allen Gahl shall be, and hereby is, revoked.

OPINION

The respondent, Robert Allen Gahl, is charged with having engaged in misconduct under Wisconsin law by virtue of having had his license to practice architecture in the State of Texas revoked. Mr. Gahl failed to file an Answer to the Complaint, nor did he appear at the evidentiary hearing held in this matter. Complainant's attorney introduced evidence establishing the allegations within the Complaint, most significantly, the concerned disciplinary order of the Texas board and a related criminal felony conviction. Thus, the only remaining issue is the appropriate discipline, if any, to be imposed in this case.

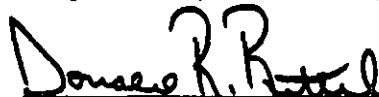
The purposes to be served by the discipline of licensees includes protection of the public, rehabilitation of the licensee, and deterrence of other licensees from engaging in similar misconduct. State v. Aldrich, 71 Wis 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. State v. MacIntyre, 41 Wis. 2d 481, 485 (1969).

In this case, the Texas board revoked Mr. Gahl's license as an architect in that state upon finding that he had, pursuant to his employment as a registered architect to perform the duties of the Building Official for the City of Dallas, solicited and accepted certain benefits for interpreting building codes so that a building permit would be granted a specific project, which otherwise would not have been granted. The seriousness of the misconduct was argued by complainant's attorney to warrant a revocation of Mr. Gahl's certificate of registration as an architect in this state. The examiner agrees. Substantial weight should be accorded the discipline imposed by the Texas board in this case, given that board's proximity to the severe misconduct underlying its determination, as well as the fact that Mr. Gahl's failure to appear in this proceeding results in the lack of any evidence of record which, if available and presented, might otherwise mitigate against the imposition of a revocation in this proceeding.

Accordingly, in order to deter other licensees from engaging in similar misconduct and to protect the public from Mr. Gahl's practicing under his certificate in this state, a revocation is recommended.

Dated: December 17, 1987.

Respectfully submitted,



Donald R. Rittel
Hearing Examiner