

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

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

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
LOWELL E. WENZEL, P.E.,	:	95 ENG 007
RESPONDENT.	:	

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

Lowell E. Wenzel, P.E.
10100 Morgan Avenue South
Bloomington, MN 55431

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

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 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 attached Stipulation and makes the following:

FINDINGS OF FACT

1. Lowell E Wenzel, Respondent herein, 10100 Morgan Avenue South, Bloomington, MN 55431, is duly licensed as a professional engineer in the State of Wisconsin, license no. 17266, granted December 20, 1977.

2. Respondent, licensed to practice professional engineering in the state of Minnesota, was subject to disciplinary action by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture and Interior Design by Final Order dated March 17, 1995, wherein Respondent's license to practice professional engineering was

suspended for nine (9) months; and he was further ordered to complete supplementary education, contract for peer review of his professional office procedures, and pay a civil penalty of \$1500.00 prior to any application for reinstatement of his license.

CONCLUSIONS OF LAW

1. The Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors has jurisdiction in this matter pursuant to Wis. Stats., sec. 443.11.

2. In violating the laws relating to the practice of professional engineering in the state of Minnesota, Respondent has engaged in misconduct in the practice of professional engineering within the meaning of Wis. Stats., sec. 443.11(1)(e), as those terms are defined in Wis. Adm. Code, sec. A-E 8.03(3)(a) & (b), and Respondent is therefore subject to disciplinary action by the Professional Engineers Section, pursuant to sec. 443.11, Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached stipulation of the parties is accepted.

IT IS FURTHER ORDERED that the registration of Lowell E. Wenzel to practice professional engineering in Wisconsin is hereby suspended. He shall not apply for reinstatement of his registration to practice professional engineering in Wisconsin until he has complied with all of the terms and conditions of the disciplinary order issued by the State of Minnesota.

IT IS FURTHER ORDERED that the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, Professional Engineers Section, shall close investigative file number 95 ENG 007.

Dated this 10th day of November, 1995.

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

By: 

A Member of the Board

11/10/95
Date

RH:kr

ATY-ELG2047

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

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
LOWELL E. WENZEL,	:	95 ENG 007
RESPONDENT.	:	

It is hereby stipulated between Lowell E. Wenzel, personally on his own behalf and Roger R. Hall, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

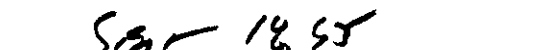
1. This Stipulation is entered in resolution of the pending proceedings concerning Lowell E. Wenzel's license. The stipulation and order shall be presented directly to the Professional Engineers Section for its consideration for adoption.
2. Respondent understands that by the signing of this Stipulation 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 a clear 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. Respondent is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Professional Engineers Section. 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. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Professional Engineers Section, 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. In the event that this Stipulation is not accepted by the Professional Engineers Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Professional Engineers Section assigned as an advisor in this investigation may appear before the Professional Engineers Section for the purposes of speaking in support of this agreement and answering questions that the members of the Section may have in connection with their deliberations of the stipulation.

7. The Division of Enforcement joins Lowell E. Wenzel in recommending the Professional Engineers Section adopt this Stipulation and issue the attached Final Decision and Order.



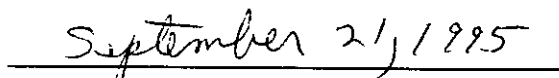
Lowell E. Wenzel



Date



Roger R. Hall, Attorney
Division of Enforcement



Date

RRH:kcb
ATY-DLG349

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.

<p>Serve Petition for Rehearing or Judicial Review on: STATE OF WISCONSIN EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS 1400 East Washington Avenue P.O. Box 8935 Madison, WI 53708.</p>

The Date of Mailing this Decision is:

November 14, 1995

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)