

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
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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

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

DAVID F. MAHER,  
RESPONDENT

FINAL DECISION AND ORDER  
95 ARC 011

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

David F. Maher  
4450 HWY 45 South  
Oshkosh, WI 53211

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

Department of Regulation and 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 decision 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. David F. Maher (4450 HWY 45 South, Oshkosh, WI 53211; D.O.B. 07/22/46) is duly licensed in the state of Wisconsin as an architect (license #8003.) This license was first granted on 5/24/95.

2. In June or July of 1993, respondent provided preliminary documents for a proposed residence with respondent's name listed under the title block "Project Architect." Respondent was not licensed as an architect at this time. This error was corrected on the final documents prepared by respondent for this project, and the reference to "architect" was removed.

3. In resolution of this matter, Mr. Maher consents to entry of the following Conclusions of Law and Order.

#### 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 sec. 443.11, Wis. Stats.

2. By the conduct described above, David F. Maher violated sec. 443.02(3), Wis. Stats.

#### ORDER

1. NOW, THEREFORE, IT IS HEREBY ORDERED that David F. Maher is REPRIMANDED.

2. IT IS FURTHER ORDERED THAT Within sixty (60) days from the effective date of this Order, Mr. Maher shall pay to the Department of Regulation and Licensing partial costs of the investigation and prosecution of this action in the sum of one hundred and fifty dollars [\$150.00].

3. If Mr. Maher fails to successfully and timely complete all requirements set forth in paragraph 2, above, the respondent's license shall be SUSPENDED without further notice or hearing until such time as the Board accepts documentation of respondent's completion of the education requirements set forth in this Order

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

By: Dennis G Brown  
A Member of the Board

1/15/97  
Date

STATE OF WISCONSIN

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

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	STIPULATION
DAVID F. MAHER,	:	95 ARC 011
RESPONDENT	:	

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It is hereby stipulated between David F. Maher personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into in resolution a pending investigation of Mr. Maher's licensure by the Division of Enforcement (95 ARC 011). This Stipulation and Order shall be presented directly to the Examining Board of Architects, Landscape Architects Professional Geologists, Professional Engineers, Designers and Land Surveyors without further proceedings.

2. Mr. Maher understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights to a hearing, including 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.

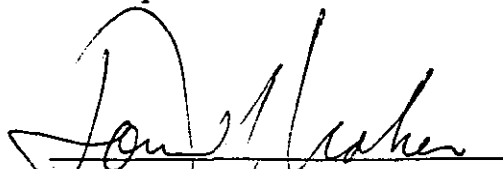
3. Mr. Maher is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Mr. Maher agrees to the adoption of the attached Final Decision and Order by the Examining Board of Architects, Landscape Architects Professional Geologists, Professional Engineers, Designers And Land Surveyors. 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 Board's order, if adopted in the form as attached.

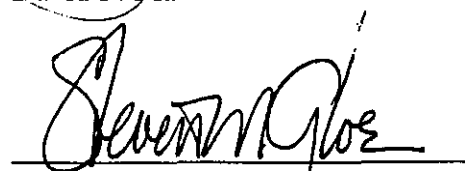
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board 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 Architect's Section assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Mr. Maher in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
David F. Maher

11/12/96  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Steven M. Gloe, Attorney  
Division of Enforcement

11.13.96  
\_\_\_\_\_  
Date

I:MAHER.DOC

# Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech  
TRS# 1-800-947-3529, impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On January 15, 1997, the Architects Section of the Joint Board  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \$150.00 Case #: 95 ARC 011

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$ 150.00

The costs and/or forfeitures are due: March 16, 1997

NAME: David F. Maher LICENSE NUMBER: 8003

STREET ADDRESS: 4450 HWY 45 South

CITY: Oshkosh STATE: WI ZIP CODE: 53211

Check whether the payment is for costs or for a forfeiture or both:

COSTS  FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL  ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

\_\_\_\_\_

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING  
1400 E. WASHINGTON AVE., ROOM 141  
P.O. BOX 8935  
MADISON, WI 53708-8935**

**For Receiving Use Only**

#2145 (Rev. 9/96)  
Ch. 440.22, Stats.  
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Committed to Equal Opportunity in Employment and Licensing+

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

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In the Matter of the Disciplinary Proceedings Against

David F. Maher,

AFFIDAVIT OF MAILING

Respondent.

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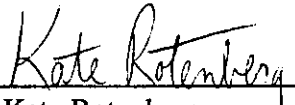
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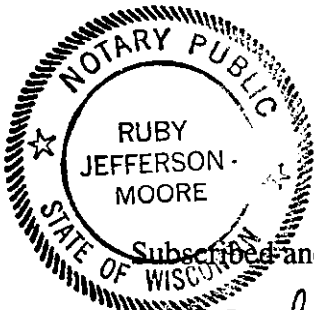
STATE OF WISCONSIN    )  
  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

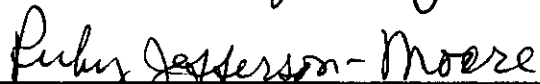
1. I am employed by the Wisconsin Department of Regulation and Licensing.
  
2. On January 22, 1997, I served the Final Decision and Order dated January 15, 1997 upon the Respondent David F. Maher by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 377 267.
  
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

David F. Maher  
501 S. Nicolet Road  
Appleton WI 54915

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel



Subscribed and sworn to before me  
this 22nd day of January, 1997.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.





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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**  
STATE OF WI EXAM. BRD. OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL  
GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708.

**The Date of Mailing this Decision is:**

January 16, 1997

### **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.)