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STATE OF WISCONSIN
BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS (ENGINEER'S SECTION)

IN THE MATTER OF THE ENGINEER'S
LICENSE OF EDGAR J. CARRINGTON,
(E-2747)

ORDER OF REPRIMAND
AND ACCEPTANCE OF
CONCILIATION AGREEMENT

ORDER

The terms of the proposed conciliation agreement dated September 2nd, 1977 and signed by the Respondent, Edgar J. Carrington, the complainant, Solid Waste Management Section, Department of Natural Resources and Board Counsel, William Dusso, a copy of which is annexed hereto and made part of this order is approved and accepted and Respondent shall be and hereby is bound by the terms of said agreement:

- (1) Respondent shall be and hereby is officially reprimanded for misconduct in the practice of professional engineering;
- (2) Respondent shall make payment to the town of Lincoln as described in the conciliation agreement in the amount of \$400.00 and provide proof of payment to this Board by October 20, 1977.

Dated this 9th day of September, 1977.

WISCONSIN EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND
LAND SURVEYORS
(ENGINEER'S SECTION)


C. F. Hurc, P.E., Secretary

NOTE: Attachment

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS (ENGINEER'S SECTION)

IN THE MATTER OF THE ENGINEER'S
LICENSE EDGAR J. CARRINGTON,
(E-2747)

CONCILIATION
AGREEMENT

Complainant Solid Waste Management Section of the Department of Natural Resources, Respondent Edgar J. Carrington by his attorney A. J. Feifarek and Board Counsel William Dusso have reached the following agreement which they believe to be warranted by the facts in the above entitled matter and which they request be accepted by the Engineer Section of the Examining Board.

CONCILIATION AGREEMENT

Respondent Edgar J. Carrington, Complainant, and Board Counsel accept, agree upon and stipulate to the following:

1. That the Edgar J. Carrington, a professional engineer, performed professional engineering services in connection with the investigation, design, construction, and construction certification of a sanitary land fill site for the Towns of Lincoln and Spencer located in Wood and Marathon counties from time to time between the dates of November 14, 1973 and September 7, 1976, and that in connection with said professional engineering services, respondent Carrington prepared plans and certificates with certain inaccuracies so as to render the plans and reports deficient and that such conduct constitutes misconduct in the practice of professional engineering as defined in Wis. Admin. Code s. A-E 4.003(3);

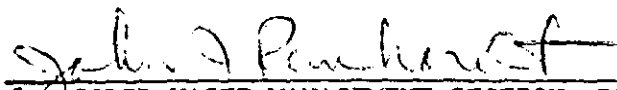
2. That for the purpose of settling the complaint filed by the Department of Natural Resources, respondent Carrington agrees to the following three conditions:


- (a) Respondent agrees to accept an official reprimand to be issued by the Examining Board as a discipline for respondent's misconduct in the practice of professional engineering;
- (b) Respondent agrees to pay to the Town of Lincoln an amount representing that portion of the \$3,161.14 billed by the respondent or the respondent's engineering firm to the Town of Lincoln for engineering work which was made necessary by the deficient plans and reports prepared by or under the direct supervision of Respondent Carrington, which shall be considered to be the amount of \$400.00;
- (c) That such payment shall be made by October 15, 1977, and that proof of payment shall be submitted to the Examining Board by October 20, 1977.

3. That the terms of this agreement shall not be considered binding upon any party until accepted by the Board and shall not be considered a waiver of any defense nor an admission of any facts until accepted by the Board.

Dated this 2nd day of September, 1977.


EDGAR J. CARRINGTON, RESPONDENT


for SOLID WASTE MANAGEMENT SECTION, DEPARTMENT
OF NATURAL RESOURCES


WILLIAM DUSSO, BOARD COUNSEL

Rec'd & Filed
May 17, 1977
C. J. [Signature]

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS & LAND SURVEYORS

IN THE MATTER OF THE PROFESSIONAL
ENGINEERS LICENSE OF

Edgar J. Carrington
(E-2747)

COMPLAINT

The Solid Waste Management Section of the State of Wisconsin, Department of Natural Resources by its chief, John J. Reinhardt, complains against respondent Edgar J. Carrington, and alleges:

- (1) That the Solid Waste Management Section (Section) is a subunit of the Department of Natural Resources, an agency of the State of Wisconsin, and that John J. Reinhardt, Chief of the Solid Waste Management Section, is authorized by the Section and by the Department to make this complaint; the address of the Department of Natural Resources is Box 7921, Madison, Wisconsin 53707;
- (2) On information and belief, that Edgar J. Carrington (Carrington) is now licensed as a professional engineer by the State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors holding certificate number E-2747 and was so licensed at all times relevant to matters recited in this complaint;
- (3) On information and belief, that from time to time between November 14, 1973 and September 7, 1976 Carrington performed professional engineering services or supervised Leroy E. Gilhausen in the performance of professional engineering services in connection with the investigation, design, construction, and construction certification of a sanitary landfill site for the Towns of Lincoln and Spencer located in Wood and Marathon counties, respectively, in the State of Wisconsin;
- (4) On information and belief, that as part of said engineering services, Carrington prepared and submitted or supervised the preparation and submittal of soil boring logs dated July 29, 1974 for said landfill site and a report titled, "Town of Lincoln, Wood County, Wisconsin, Town of Spencer, Marathon County, Wisconsin. Engineers Report on Proposed Solid Waste Disposal Site located in Section 4, T25N, R2E" and that said report was dated October, 1974 and had attached a two sheet plan showing a proposed solid waste disposal site;
- (5) That additional information about the proposed disposal site was requested of Carrington by the Section in a letter dated November 15, 1974, a copy of which is attached as Exhibit A;
- (6) That on November 22, 1974 the Section received a letter dated November 21, 1974 from Leroy E. Gilhausen which described additional information regarding the proposed disposal site, a copy of which is attached as Exhibit B;

(7) That on January 16, 1975, the Department of Natural Resources indicated a tentative approval of the solid waste disposal site and the plan submitted by Carrington subject to certain conditions of approval which included field investigation and verification of site preparations by a registered professional engineer;

(8) That an inspection of the disposal site on June 30, 1975 indicated that the disposal site as constructed varied from the approved plans and conditions of approval;

(9) That on July 2, 1975 the Department of Natural Resources received a letter signed by Carrington certifying that the site was built according to the approved plans and specifications, a copy of said letter is attached hereto as Exhibit C;

(10) That on or about July 14, 1975, the Department of Natural Resources received a letter signed by Carrington concerning changes in construction of the disposal site from the approved plans and specifications, a copy of which is attached as Exhibit D;

(11) That variances between the disposal site as constructed and the approved plans and conditions of approval were described in a memorandum dated August 18, 1975 from John J. Reinhardt to Dale T. Urso, a copy of which is attached as Exhibit E;

(12) That on September 18, 1975 the Department of Natural Resources received a letter dated September 17, 1975, together with a one sheet plan, copies of which are attached hereto as Exhibit F purporting to describe the "as-built" conditions of the disposal site;

(13) That the Section requested Carrington to provide additional "as-built" information concerning the disposal site in a letter dated October 7, 1975, a copy of which is attached as Exhibit G;

(14) That on December 19, 1975 the Section received a letter signed by Carrington dated December 18, 1975 stating that the site was reconstructed to comply with the approved plans and with the DNR approval letter of January 16, 1975; a copy of said December 18, 1975 letter is attached hereto and marked as Exhibit H;

(15) That inspections of the disposal site made by the Department in June, 1976 showed the information provided to the Department by Carrington as described above in paragraphs 4, 6, 9, 10, 12 and 14 was inaccurate in the following respects:

- (a) The "as-built" drawings, Exhibit F, showed the distance from the intersection of the 2 town roads northwest of the site to the intersection of the entrance road as 725 feet. As constructed, the distance was 900 feet.


- (b) Exhibit F indicated that the trench for disposal area #1 was 90 x 138 x 88 x 160. The trench as constructed was 112 x 262 x 172 x 233.
- (c) Exhibit F indicated the east fence line at the site was 238 feet in length. The fence as constructed was 392 feet in length.
- (d) Exhibit F indicated that a receiving area had been provided at the disposal site. At the time that the Department of Natural Resources made its on-site inspections in June, 1976 no receiving area was provided on the site.
- (e) The conditions of approval for the site prohibited waste from being deposited within 10 feet of ground water. At the time of the inspection by the representatives of the Department of Natural Resources in June, 1976 auger borings indicated ground water to be approximately 4 1/2 feet below the northeast corner of the disposal trench.
- (f) That said auger borings showed sandstone bedrock at 4.5 - 5.0 feet as opposed to the 13+ feet shown in soil boring logs submitted by respondent and dated July 29, 1974.
- (g) At the time of the on-site inspection by the Department of Natural Resources representatives the required sign shown on the as-built drawings was not provided at the site entrance.

(16) That in preparing plans and certificates with inaccuracies as described above in paragraph (15) of this complaint Carrington prepared deficient plans and reports and that such conduct constitutes misconduct in the practice of professional engineering as defined in Wis. Admin. Code s.A-E 4.003(3).

(17) That preparation of the deficient plans and reports and false and inaccurate certifications by respondent, Carrington, as described above jeopardizes the interests of the public for the reasons that preparation and submittal of inaccurate plans and reports delayed review and approval of the sanitary landfill site referred to above, required the Section to expend an unreasonable amount of time in review and investigation of the site, and seriously altered the potential feasibility of the proposed landfill site;

WHEREFORE, complainant requests that the Engineers Section of the Examining Board hear evidence relevant to matters recited herein and determine whether the license of the respondent should be revoked or suspended, or whether respondent should receive an official reprimand.

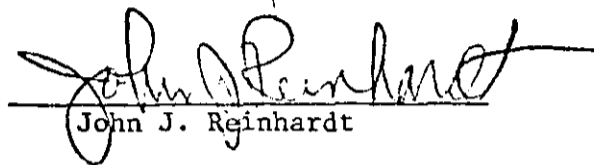
Dated this 3 day of May 1977.


John J. Reinhardt, Chief, for Solid Waste Management Section
State of Wisconsin, Department of Natural Resources

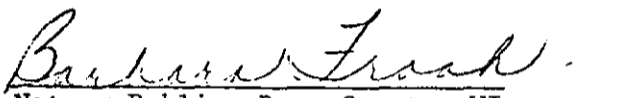
MAY 13 1977

STATE OF WISCONSIN)
)
COUNTY OF DANE)

John J. Reinhardt, being first duly sworn, on oath deposes and says that he is Chief of the Solid Waste Management Section of the State of Wisconsin Department of Natural Resources, and is duly authorized to make this verification, that he has read the foregoing complaint and knows the contents thereof, that the same is true to his own knowledge, except as to those matters alleged on information and belief, and as to those matters, he believes it to be true.


John J. Reinhardt

Subscribed and sworn to before me
this 11th day of May, 1977.


Notary Public, Dane County, WI
My Commission expires 12/3/78