

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- 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>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

FILE COPY 52

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
: 96 ENG 010
GARY R. SWANSON, :
RESPONDENT :
: LS9804171ENG

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Gary R. Swanson
6340 373rd Avenue
Burlington, WI 53105

Examining Board of Architects, Landscape Architects, Professional Geologists,
Professional Engineers, Designers and Land Surveyors
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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. Gary R. Swanson (D.O.B. 11/07/52) is duly licensed in the state of Wisconsin as a professional engineer (license #26637). This license was first granted on October 20, 1989.

2. Mr. Swanson's latest address on file with the Department of Regulation and Licensing is 6340 373rd Avenue, Burlington, WI 53105.

3. On exact dates unknown, but in approximately December 1995, Mr. Swanson submitted four (4) updated reference forms to the National Council of Examiners for Engineering and Surveying [NCEES] Records Program. On three out of four of the forms submitted by Mr. Swanson, the forms were not completed by the person identified as the respondent on the reference form and Mr. Swanson himself signed the respondent's name on the form's signature line.

4. Mr. Swanson contends that at the time of submission of the forms referred to above to NCEES, he believed that he was authorized to fill out and sign these forms on behalf of his references. However, in resolution of this matter, Mr. Swanson consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

The Professional Engineers Section of the Examining Board Of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors has authority to impose the following Order, pursuant to sec. 443.11(1), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Within six (6) months from the date of this order Mr. Swanson shall submit documentation of successful completion of at least twelve (12) hours of continuing education or other training acceptable to the Board. To be acceptable, the course(s) or training shall be pre-approved by a member or designated agent of the Section. Acceptable documentation shall include certification from the sponsoring organization as well as a statement signed by Mr. Swanson verifying that he attended the course in its entirety.
2. Within ninety (90) days from date of this Order, the Respondent shall pay to the Department of Regulation and Licensing COSTS of the investigation of this action in the sum of TWO HUNDRED dollars [\$200.00]. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing.
3. In the event that Mr. Swanson fails to timely comply with the requirements set forth above, his Wisconsin license to practice as a professional engineer shall be

SUSPENDED, without further notice or hearing, until he has complied with the terms of this Order.

4. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving payment of costs and forfeitures, as well as coordinating all requests for approval of education. The Department Monitor may be reached as follows:

Department Monitor
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

EFFECTIVE DATE OF ORDER

This Order shall become effective upon the date of its signing.

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

By: Mark August
On behalf of the Board

4-17-98
Date

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
GARY R. SWANSON : 96 ENG 010
RESPONDENT :

It is hereby stipulated between Gary R. Swanson, personally and by his attorney, Kevin F. Milliken; and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

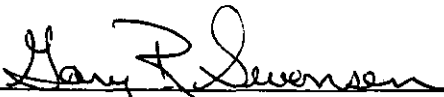
1. This Stipulation is entered into as a result of a pending investigation of Mr. Swanson's licensure by the Division of Enforcement (96 ENG 010). Mr. Swanson consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint
2. Mr. Swanson understands that 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 preponderance of the 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. Mr. Swanson is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.
4. Mr. Swanson 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.

6. Attached to this Stipulation is the current licensure card of Gary R. Swanson. If the Board accepts the Stipulation, Mr. Swanson's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Mr. Swanson shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

7. 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.

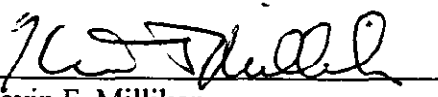
8. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Examining Board of Architects, landscape architects, professional geologists, professional Engineers, Designers and Land Surveyors assigned as an advisor in this investigation may appear before 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.

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



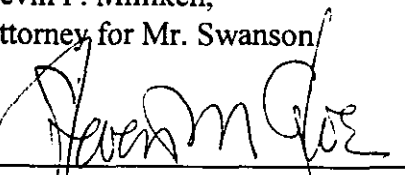
Gary R. Swanson

3-19-98
Date



Kevin F. Milliken,
Attorney for Mr. Swanson

3-23-98
Date



Steven M. Gloe, Attorney
Division of Enforcement

3.26.98
Date

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 April 17, 1998, the Professional Engineers Section
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: \$200.00 Case #: LS9804171LSR

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 200.00

The costs and/or forfeitures are due: July 16, 1998

NAME: Gary R. Swanson LICENSE NUMBER: 26637

STREET ADDRESS: 6340 373rd Avenue

CITY: Burlington STATE: WI ZIP CODE: 53105

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

X COSTS _____ FORFEITURE

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

X 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 Receipting Use Only

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G\BDLS\FM2145 DOC

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, PROFESSIONAL ENGINEERS SECTION

In the Matter of the Disciplinary Proceedings Against

Gary R. Swanson,

AFFIDAVIT OF MAILING

Respondent.

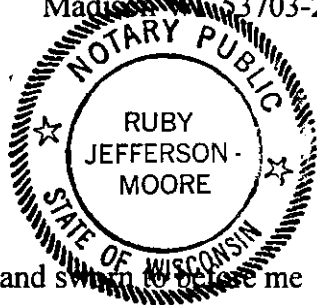
STATE OF WISCONSIN)
)
COUNTY OF DANE)

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 April 22, 1998, I served the Final Decision and Order dated April 17, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS9804171ENG, upon the Respondent Gary R. Swanson's attorney by enclosing true and accurate copies of the above-described documents in an envelope properly stamped and addressed to the above-named Respondent's attorney 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 221 159 438.

Kevin F. Milliken, Attorney
301 N. Broom Street
Madison, WI 53703-2067



Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 22nd day of April, 1998.

Ruby Jefferson-Moore

Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: KEVIN F MILLIKEN ATTY

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 4/22/98 Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

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

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935