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STATE OF WISCONSIN

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

ARCHITECTS SECTION

IN THE MATTER OF THE DISCIPLINARY :

PROCEEDINGS AGAINST

KENNETH LEROY BUTTS,

FINAL DECISION AND ORDER

RESPONDENT.

LS 9906161ARC

Division of Enforcement Case No. 98 ARC 021

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

*Kenneth Leroy Butts
124 Stagecoach Road
Bell Canyon, CA 91307*

*Architect's Section
Examining Board of Architects, Landscape Architects,
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 Section. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kenneth Leroy Butts (DOB 06/07/24) is duly licensed to practice architecture in the state of Wisconsin (license #5778). This license was first granted on July 30, 1985.
2. Respondent's most recent address on file with the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors is 124 Stagecoach Rd., Bell Canyon, CA 91307.
3. On November 19, 1993, the Commonwealth of Kentucky State Board of Examiners and Registration of Architects issued an order that imposed discipline against the license of Respondent to practice architecture in Kentucky. The Kentucky action was based upon the grounds that Respondent affixed his seal to architectural plans not prepared by him or under his direct supervision and responsible charge. In a stipulated agreement, Respondent agreed to the suspension of his Kentucky license for the remainder of the then current licensure period and further agreed to not seek renewal of that license upon its expiration. A true and correct copy of the Kentucky Board's Stipulation and Order is attached to this document as Exhibit A. Exhibit A is incorporated into

this document by reference.

4. On January 26, 1996, the Colorado Board of Examiners of Architects issued an order revoking the license of Respondent to practice architecture in Colorado, based upon the Kentucky Order referred to in paragraph 3, above. A true and correct copy of the Colorado Board's Stipulation and Order is attached to this document as Exhibit B. Exhibit B is incorporated into this document by reference.

5. On March 12, 1998, the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah of Architects issued an order imposing discipline against the license of Respondent to practice architecture in Utah. This Order was based upon the prior actions against Respondent in Kentucky and Colorado. A true and correct copy of the Utah Board's Stipulation and Order is attached to this document as Exhibit C. Exhibit C is incorporated into this document by reference.

4. Respondent consents to the issuance of the following Conclusions of Law and Order in resolution of this matter.

CONCLUSIONS OF LAW

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

2. The Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers Designers and Land Surveyors is authorized to enter into the attached stipulation, pursuant to secs. 227.44(5) and 443.11, Stats.

3. The conduct described in paragraph 3, above, constitutes a violation of sec. 443.11, Wis. Stats. and Wisconsin Administrative Code § A-E 8.03(3).

ORDER

A. NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

B. IT IS FURTHER ORDERED that the Wisconsin license of Kenneth Leroy Butts is LIMITED as follows:

1. Prior to engaging in the practice of architecture in Wisconsin, Respondent shall submit and obtain approval by the Section of a plan of supervision involving Respondent's Wisconsin practice. Any plan of supervision shall include periodic random in-person assessments and evaluations of respondent's practice as well as a written record of all supervisory activities undertaken for the Respondent. The Section may in the exercise of its discretion require respondent to appear personally before the Section to answer questions related to his intended practice in Wisconsin. The refusal to approve a plan of supervision under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats. Section approval of a plan of supervision shall not be unreasonably denied.

2. Respondent shall arrange for reports from his supervisor evaluating his work performance on a schedule as determined by the Section. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement. The supervisor shall report **immediately** to the Department Monitor any violation or suspected violation of Wisconsin law.

3. Any plan of supervision, petition or report submitted under this order shall be submitted to:

Department Monitor

Division of Enforcement

PO Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264

TEL. (608) 267-7139

4. Respondent shall immediately surrender all indicia of Wisconsin registration to the Department Monitor. The Department shall reissue registration credentials to Respondent marked "limited."

5. Within ninety (90) days from date of this Order, the Respondent shall pay to the Department of

Regulation and Licensing partial COSTS of the investigation and prosecution of this action in the sum of TWO HUNDRED AND FIFTY dollars [\$250.00]. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and submitted to the Department Monitor.

C. Violation of any of the terms of this Order or the conditions imposed as a result of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Section in its discretion may in the alternative impose additional conditions and limitations and/or other additional discipline for a violation of any of the terms of this Order.

D. This Order shall become effective on the date of its signing.

ARCHITECTS SECTION

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

By:

Roger Roslansky

A Member of the Board

September 8, 1999

Date

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