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STATE OF WISCONSIN

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

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

: FINAL DECISION AND ORDER

ROBERT B. DOWNING :

RESPONDENT. : LS0410072LSA

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

Robert B. Downing 810 Oakland Avenue Madison, WI 53711

Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors – Landscape Architect Section

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 disposition 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. ROBERT B. DOWNING ("Downing"), date of birth 04/20/1965, is licensed in the State of Wisconsin as a Landscape Architect having license # 14-341. This license was first granted to him on 04/10/1996. Downing's most recent address on file with the Department of Regulation and Licensing is 198 North Street, Sun Prairie, WI, 53590.
 - 2. On November 29, 2000, the renewal of Downing's license was denied due to a tax delinquency.
- 3. On or about August 13, 2002, the Department received an allegation that Downing continued to use the title of Landscape Architect. Specifically, it was alleged that a member of the public had seen one or more signs in front of homes stating that work was performed on the property by Downing, Landscape Architect.
- 4. On or about April 22, 2003, an employee of the Department of Regulation and Licensing attempted to contact Downing regarding these allegations by telephone. The employee noted that Downing's answering machine declared, "You have reached Bob Downing, Landscape Architect." Mr. Downing did not respond to the employee's telephone message.
 - 5. On or about March 2, 2004, Downing renewed his license as a Landscape Architect.

CONCLUSIONS OF LAW

1. The Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors – Landscape Architect Section has jurisdiction to act in this matter pursuant to Wis. Stats. § 443.11.

- 2. The Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Landscape Architect Section is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
- 3. Respondent ROBERT B. DOWNING has violated: Wis. Stats. § 443.11(1)(d), misconduct as evidenced by using the title of "Landscape Architect" while his license was not current and valid.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **ROBERT B. DOWNING**, license # 14-341, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **ROBERT B. DOWNING** pay **costs** of this matter in the amount of \$250.00, within 30 days of the date of this Order. Payment shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to: **Department Monitor**, **Division of Enforcement**, **Department of Regulation and Licensing**, **PO Box 8935**, **Madison**, **WI 53708-8935**.

IT IS FURTHER ORDERED, that Respondent **ROBERT B. DOWNING** shall pay licensing fees, including late penalties, for the period of time during which Downing continued to use the title of Landscape Architect while not possessing a valid license, which is determined to be \$157.00, including applicable late fees, within 30 days of the date of this Order. Said amount shall be sent to **Department Monitor**, **Division of Enforcement**, **Department of Regulation and Licensing**, **PO Box 8935**, **Madison**, **WI 53708-8935**, in the form of a **separate payment**, accompanied by a letter indicating that this amount is for licensing fees due and owed.

IT IS FURTHER ORDERED, that in the event Respondent **ROBERT B. DOWNING** fails to pay the \$250.00 **costs** or \$157.00 **licensing fees** within the time and manner as set forth above, then and in that event, and without further notice to the Respondent **ROBERT B. DOWNING**, his Landscape Architect's license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing and his failure to pay the costs shall be considered a violation of this Order by the Board.

Dated this 7th day of October, 2004.

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

John Fernholz

A member of the Section