

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
PAUL M. CLAYBAKER :  
RESPONDENTS : LS0511091ARC

Division of Enforcement Case File # 05 ARC 001

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Paul M. Claybaker  
4041 N Lowell Ave.  
Chicago, IL 60641

Wisconsin Architect Section  
P.O. Box 8935  
Madison, WI 53708

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 Architect Section (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. **Paul M. Claybaker** is a licensed Architect in the State of Wisconsin, license # 5-6306, which was first granted on 03/10/88. Mr. Claybaker's most recent address on file with the Department of Regulation and Licensing is 4041 N Lowell Ave., Chicago, WI 60641.
2. At all times relevant to the facts set forth below, Mr. Claybaker worked as a principal with Charter Consulting, Inc. located in Chicago Illinois.
3. A criminal complaint filed against Mr. Claybaker on April 7, 2004, in the Milwaukee County Wisconsin Circuit Court, charged him with two counts of theft by fraud based on the following facts:
  - a. In August 1999, the City of Milwaukee Employee Retirement System (ERS) entered into an agreement with Charter Consulting, Inc. to assist ERS in implementing an improved pension system. Mr. Claybaker did his work with two other employees in offices located in Milwaukee, Wisconsin.
  - b. In June 2003, an employee of ERS was reviewing time records and Charter Consulting invoices that had been submitted to ERS for the months of January through May 2003. The Charter Consulting invoices had been hand delivered to ERS by Mr. Claybaker.
  - c. During the review by ERS, it was established that the time records did not match the invoices submitted to ERS by Mr. Claybaker. The time records supported fewer hours worked than the hours listed on the invoices submitted for payment by Mr. Claybaker.
  - d. After these initial discrepancies were discovered, ERS retained the accounting firm Virchow, Krause and Co. to review the records and determine if ERS had suffered a loss as a result of inflated billings.
  - e. Based upon the review of the records by the accounting firm, it was determined that during the time period of January 2001 through May 2003, Mr. Claybaker had diverted \$313,535.27 of ERS funds for his personal benefit. During the same time period, Mr. Claybaker appeared to defraud Charter Consulting out of \$138,372.00.
  - f. The accounting firm determined that Mr. Claybaker accomplished his fraudulent billing scheme by submitting invoices for expenses that were not actually incurred, by billing ERS for hours that he had not actually worked, and by fabricating the number of hours worked by other employees working on the pension project.
4. A certified copy of the criminal complaint filed against Mr. Claybaker is attached and incorporated herein as Exhibit 1.
5. A certified judgment of conviction from the Milwaukee County Wisconsin Circuit Court confirms that Mr. Claybaker was convicted on September 29, 2004, of Felony Theft - False Representation >\$2500 in violation of Wis. Stat. § 943.11(d) and Felony Theft - False Representation >\$10,000 in violation of Wis. Stat. § 943.20(1)(d). Mr. Claybaker was sentenced to 18 months in a Wisconsin state prison and 5 years of extended supervision. A certified copy of the judgment of conviction is attached and incorporated herein as Exhibit 2.

CONCLUSIONS OF LAW

1. The Wisconsin Architect Section has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.11, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. **Paul M. Claybaker's** convictions for Felony Theft - False Representation >\$2500 and Felony Theft - False Representation >\$10,000 are substantially related to the practice of an architect within the meaning of Wis. Stat. § 111.335(1)(c). Mr. Claybaker's convictions demonstrate character traits of deceit and dishonesty based on his pattern of false and fraudulent billing practices—traits and practices that are incompatible with the practice of an architect. An architect must be honest and trustworthy and his or her employer and clients need to be able to rely on the architect to maintain and submit truthful and accurate billing records.
3. In light of **Paul M. Claybaker's** convictions for Felony Theft - False Representation >\$2500 and Felony Theft - False Representation >\$10,000, which are substantially related to the practice of an architect within the meaning of Wis. Stat. § 111.335(1)(c), Mr. Claybaker is subject to discipline pursuant to Wis. Stat. § 443.11(f) and Wis. Admin. Code § A-E 8.09.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The architect license of **Paul M. Claybaker**, license # 5-6306 be, and hereby is, **SUSPENDED** for a period of one (1) year commencing 5 business days from the date of this Order. During that period Mr. Claybaker shall not engage in the practice of architecture.
2. Upon the expiration of Mr. Claybaker's license suspension, the architect license of Paul M. Claybaker, license # 5-6306, shall be **LIMITED** for a period of two (2) years, commencing the day after Mr. Claybaker's license suspension expires. During this two-year period, if Mr. Claybaker engages in the practice of architecture, he must be employed by, and work under, the direct supervision of a Wisconsin licensed architect in good standing. Said supervising architect shall be approved by the Architect Section, and shall submit quarterly reports to the Department verifying that Mr. Claybaker is in compliance with all laws and rules governing the practice of architecture in Wisconsin during the 2-year period of license limitation. Mr. Claybaker shall provide a copy of this Final Decision and Order to any licensed architect who employs and/or supervises Mr. Claybaker during the 2-year period of license limitation.
3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Mr. Claybaker's license. In its discretion the Architect Section may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Mr. Claybaker fails to cease practicing as an architect during the time his license is suspended, or fails to comply with the limitations on his architect license, or otherwise fails to comply with the terms if this Order, Mr. Claybaker's license SHALL BE SUSPENDED without further notice or hearing, until Respondent has complied with the terms of this Order.
4. This Order is effective on the date of its signing.

WISCONSIN ARCHITECT SECTION

By: Walter L. Wilson	11/09/05
A Member of the Section	Date