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STATE OF WISCONSIN

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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **FINAL DECISION AND ORDER**
MICHAEL J. MAPLES :
 : **LS0602021ENG**
RESPONDENT :

Division of Enforcement Case File #: **04 ENG 006**

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

Michael J. Maples
5524 Sun Ridge Road
Manitowoc, WI 54220

Attorney Paul J. Stancil
Godfrey and Kahn, Attorneys at Law
780 North Water Street
Milwaukee, WI 53202-3590

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors-
Professional Engineering Section
P.O. Box 8935
Madison, WI 53708

PROCEDURAL HISTORY

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 Wisconsin Professional Engineering 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. Michael J. Maples (“Respondent”), date of birth 07/21/52, is registered in the State of Wisconsin as a professional engineer having registration #06-24319. This registration was first granted on 05/23/86.
2. Respondent's last reported home address on file with the Department of Regulation and Licensing (“Department”) is 5524 Sun Ridge Road, Manitowoc, Wisconsin 54220.
3. Respondent is Vice-President of Vinton Construction Company. Vinton Construction Company is a company that works on construction projects throughout the United States.

4. The current address on file with the Department for Vinton Construction Company is: 2705 N. Rapids Road, Manitowoc, Wisconsin 54220-1110.

5. On or about September 2, 2004, the Department received a newspaper article concerning a criminal federal case involving the Respondent. The article stated that federal charges were pending in the United States District Court, Eastern District of Wisconsin against the Respondent, James J. Maples, Vinton Construction Company, Ernest J. Streu, John Streu and Construction Company for allegedly participating in bid rigging that involved highway and airport construction projects which were awarded by the Wisconsin Department of Transportation.

6. The Criminal Complaint stating the allegations against the Respondent were filed with the United States District Court, Eastern District of Wisconsin on January 12, 2004. According to the Criminal Complaint, the Respondent was charged with two felony counts. Count One (1) stated in relevant part:

“Beginning by early 1997, and continuing until the present, the defendant (Respondent) knowingly conspired with others to eliminate competition, fix prices, and rig bids submitted for street, highway, and airport construction projects led by the State of Wisconsin and various other bidding authorities within the State of Wisconsin, in unreasonable restraint of interstate and foreign trade and commerce in violation of Title 15, United States Code, Section 1.”

7. Count Two (2) stated in relevant part:

“Beginning by early 1997, and continuing until the present, for the purpose of executing a scheme to defraud the State of Wisconsin and others, a scheme which involved material misrepresentations and omissions, the defendant knowingly caused writings, namely “rigged” bids for publicly-funded projects construction projects, to be transmitted by means of interstate wire communication between Wisconsin and Florida, in violation of Title 18, United States Code, Section 1343.”

8. The Criminal Complaint further alleged that the Respondent and other named defendants conspired to rig bids with respect to over thirty (30) publicly-funded construction projects, located in at least twelve (12) Wisconsin counties, and having a value of well in excess of one hundred million dollars (\$100,000,000). The Criminal Complaint further alleged that Vinton Construction Company received contracts totaling approximately thirty million dollars (\$30,000,000) for projects that were the subject of the conspiracy.

9. On or about September 9, 2004, Respondent signed a plea agreement in the United States District Court, Eastern District of Wisconsin, voluntarily agreeing to plead guilty to the two felony counts as set forth above.

10. On or about April 22, 2005, Respondent was found guilty of violating Title 15, United States Code, Section 1 (Count One): “[e]ngaging in a continuing agreement, understanding, and concert of action to submit non-competitive and “rigged” bids for construction projects in unreasonable restraint of interstate trade and commerce.”

11. On or about May 15, 2005, Respondent was sentenced to imprisonment of twelve (12) months and one (1) day at the FPC Duluth Federal Prison Camp in Duluth, Minnesota.

12. In resolution of this matter, Michael J. Maples consents to the entry of the following Conclusions of Law and C

CONCLUSIONS OF LAW

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

2. The Wisconsin Professional Engineers Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors are authorized to enter into the attached Stipulation pursuant to Wis.

3. Respondent Michael J. Maples has violated:

Wis. Stat. § 443.11(d)(f) and Wis. Admin. Code §§ A-E 8.03 (1)(3)(a)(c) by engaging in egregious conduct as a professional engineer that evidences a lack of trustworthiness to transact business required by the profession.

ORDER

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

IT IS FURTHER ORDERED, that the **VOLUNTARY SURRENDER** of Respondent Michael J. Maples Professional Engineers registration #06-24319, is accepted.

IT IS FURTHER ORDERED, that all rights and privileges heretofore granted to Respondent pursuant to Professional Engineers registration #06-24319 are terminated effective on the date of this Order.

IT IS FURTHER ORDERED, that Respondent shall not be granted a credential under chapter 443 of the Wisconsin Statutes for a minimum period of five years subsequent to the date of this Order. During the five year period subsequent to the date of this Order, the denial, in whole or in part, of any application or petition by Respondent for a credential authorized under chapter 443 of the Wisconsin Statutes shall not constitute denial of a license and shall not give rise to a contested case within the meaning of sections 227.01 (3) and 227.42 of the Wisconsin Statutes.

IT IS FURTHER ORDERED, that at any time after five years subsequent to the date of this Order, the Respondent may petition the Professional Engineers Section for reinstatement of a Wisconsin Professional Engineers registration. This petition will be granted if it affirmatively and unequivocally states in writing, signed under oath, the following:

1. That Respondent has not engaged in the practice of professional engineering in the State of Wisconsin during the time he has not been licensed;
2. That Respondent has not been the subject of further disciplinary action by the State of Wisconsin. "Further disciplinary action" shall be defined to not include Wisconsin disciplinary proceedings that specifically relate to any suspension or debarment proceedings that have already been investigated but not settled between the Respondent and the Wisconsin Department of Transportation and the Wisconsin Department of Justice. "Further disciplinary action" shall be further limited to include only disciplinary actions that substantially relate to the Respondent's competence and integrity to serve as a Professional Engineer.
3. That Respondent is not, at the time of the filing of the Petition with the Board, a subject of a pending investigation by the Division of Enforcement of the Department of Regulation and Licensing;
4. That Respondent has not been arrested or charged with criminal activity since the voluntary surrender of his professional engineers registration; and
5. That Respondent has not been convicted of any crime since the voluntary surrender of his professional engineer's registration.

IT IS FURTHER ORDERED, that failure to adhere to the terms of this Order will be considered a violation of this Order by the Section.

IT IS FURTHER ORDERED, that file, **04 ENG 006** be, and hereby is, closed as to the Respondent.

Dated this 2nd day of February, 2006.

PROFESSIONAL ENGINEERS SECTION

By: Lynda Farrar
A member of the Section