

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
STEVEN L. WOLTERS, :  
RESPONDENT. : LS0704113ARC

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Division of Enforcement Case No. 06 ARC 015

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

Steven L. Wolters  
1718 Shady Point Drive  
Verona, WI 53593

Examining Board of Architects, Landscape Architects,  
Professional Engineers, Designers, and Land Surveyors;  
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

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 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. Steven L. Wolters (“Respondent”), date of birth December 31, 1966, was issued a registration as an Architect in the State of Wisconsin on May 26, 1994, having registration number 5-7819.
2. Respondent’s last reported address on file with the Department of Regulation and Licensing is 1718 Shady Point Drive, Verona, WI 53593.
3. Respondent’s Architect registration expired on July 31, 1998.

4. Respondent now seeks reinstatement of his Architect registration, pursuant to Wis. Admin. Code § A-E 2.05(2).

5. Respondent maintains that he did not become aware that his Architect credential was expired until the fall of 2004 when he received a call from the AIA Wisconsin informing him that his architect credential was not current and had expired in August 1998. Respondent then checked with the Department of Regulation and Licensing and learned that his license renewal in 1998 had been mailed to his former residence.

6. Respondent asserts that he had the erroneous belief that his architect registration did not need renewal, and that all he was required to do was pay annual fees to the AIA to keep his license current.

7. The Department's practice and procedures relating to credential renewal is that a renewal notice is mailed to the licensee prior to the credential expiration at the last known address on file with the Department. If a licensee fails to renew his or her credential, the Department does not submit any further renewal notices to the licensee.

8. Respondent acknowledges that it is his responsibility, and his alone, to keep his registration current under Wis. Stat. § 440.08(1).

9. Respondent submitted an application for reinstatement of his Architect registration on December 15, 2004.

10. On April 13, 2005, the Architect Section reviewed Respondent's application for credential reinstatement and voted to refer the matter to the Division of Enforcement to determine whether Respondent had engaged in the practice of architecture since the expiration of his Architect registration on July 31, 1998. A Division of Enforcement case was formally opened against Respondent on April 25, 2005.

11. The Division of Enforcement's investigation revealed that on or about September 9, 1998, Respondent signed his name as the Building Designer on an architectural and engineering project for Stevens Point Area Public Schools in Stevens Point, Wisconsin.

12. As the Building Designer for the Stevens Point Area Public Schools project, Respondent's responsibilities included supervising plans that were prepared, signed, sealed and dated by a Wisconsin registered architect or engineer.

13. The Department's investigation also revealed that on or about October 5, 1998, Respondent signed his name as a Building Designer and Supervising Professional on an architectural and engineering project for a two storey building addition to Almond Elementary and High School in Almond, Wisconsin.

14. As the Building Designer for the Almond school project, Respondent's responsibilities included supervising plans that were prepared, signed, sealed and dated by a Wisconsin registered architect or engineer.

15. As a Supervising Professional for the Almond school project, Respondent's responsibilities included supervision of the on-the-site reasonable observations of the project, making determinations about whether the project is in compliance with the approved plans and specifications, and filing a written statement with the Department of Commerce that the construction has or has not been performed in substantial compliance with the approved plans and specifications.

16. The Department's investigation revealed further that on or about January 11, 1999, Respondent signed his name as a Building Designer, HVAC Designer, Lighting Designer, and Supervising Professional on an architectural and engineering project for a dormitory at the University of Wisconsin-Stevens Point, in Stevens Point, Wisconsin.

17. As a Building, HVAC, and Lighting Designer for the UW-Stevens Point project, Respondent's responsibilities included supervising plans that were prepared, signed, sealed and dated by a Wisconsin registered architect or engineer.

18. As a Supervising Professional for the UW-Stevens Point project, Respondent's responsibilities included supervision of on-the-site reasonable observations of the project, making determinations about whether or not the project is in compliance with the approved plans and specifications, and filing a written statement with the Department of Commerce that

the construction has or has not been performed in substantial compliance with the approved plans and specifications.

19. On December 22, 2005, Respondent entered into a Stipulation with the Division of Enforcement whereby he agreed to the imposition of an Administrative Injunction by the Department of Regulation and Licensing that enjoined him from engaging in or offering to engage in the practice of architecture until he obtained registration as an architect in Wisconsin.

20. A Final Decision and Special Order of Injunction was issued by the Department Secretary on March 8, 2006.

21. On October 2, 2006, Respondent submitted a second application for reinstatement of his architect registration.

22. On November 8, 2006, the Architect Section reviewed Respondent's application for credential reinstatement and voted to refer the matter to the Division of Enforcement to prepare a proposed Stipulation and Final Decision and Order imposing discipline for Respondent's admission to engaging in the practice of architecture during 1998 and 1999 while his credential was expired. A Division of Enforcement case was formally opened against Respondent on December 8, 2006.

23. Aside from the three incidences detailed above in paragraphs 11-18, Respondent has not engaged in, or offered to engage in, the practice of architecture since the expiration of his architect registration on July 31, 1998.

24. The Section has reviewed Respondent's application for reinstatement of his Architect registration and has determined that Respondent meets the requirements of Wis. Admin. Code § A-E 2.05(2)(a) and is competent to practice Architecture in Wisconsin.

#### CONCLUSIONS OF LAW

1. The State of Wisconsin Architect Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to act in this matter and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 443.02(1) – (3), Wis. Admin. Code § A-E 2.05(2)(b) and Wis. Stat. § 227.44(5).

2. Wis. Stat. § 443.02(2) provides:

**443.02 Practice requirements and registration: general provisions.**

**(2)** No person may practice architecture . . . in this state unless the person has been duly registered, is exempt under s. 443.14 or has in effect a permit under s. 443.10(1)(d).

3. Wis. Stat. § 443.02(3) provides:

**(3)** No person may offer to practice architecture . . . or use in connection with the person's name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect . . . unless the person has been duly registered or has in effect a permit under s. 443.10(1)(d).

4. Pursuant to Wis. Stat. § 443.01(5),

“Practice of architecture” includes any professional service, such as consultation, investigation, evaluation, planning, architectural and structural design, or responsible supervision of construction, in connection with the construction of any private or public buildings, structures, projects, or the equipment thereof, or addition to or alterations thereof, in which the public welfare or the safeguarding of life, health or property is concerned or involved.

5. Pursuant to Wis. Stat. § 443.01(8),

“Responsible supervision of construction” means a professional service, as distinguished from superintending of construction, and means the performance, or the supervision thereof, of reasonable and ordinary on-site observations to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

6. Respondent’s practice of architecture in 1998 and 1999 while his registration was expired is a violation of Wis. Stat. § 443.02(2) and (3).

7. Wis. Stat. § 440.08(1) provides:

**440.08 Credential Renewal. (1) Notice of Renewal.** The department shall give a notice of renewal to each holder of a credential at least 30 days prior to the renewal date of the credential. Notice may be mailed to the last address provided to the department by the credential holder or may be given by electronic transmission. Failure to receive a notice of renewal is not a defense in any disciplinary proceedings against the holder or in any proceeding against the holder for practicing without a credential. Failure to receive a notice of renewal does not relieve the holder from the obligation to pay a penalty for late renewal under sub.(3).

8. Respondent’s failure to receive a notice of renewal for his Architect registration due to a change in address is not a defense to his practicing architecture without being registered.

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED:

1. Respondent Steven L. Wolters, registration number 5-7819, be and hereby is **REPRIMANDED**.

2. Respondent shall, within thirty (30) days from the date of this Order pay the missed renewal fee for 1998, the renewal period during which he engaged in the practice of architecture without being properly registered, plus 12% interest per year, totaling **NINETY ONE DOLLARS AND FIFTY TWO CENTS (\$91.52)** and calculated as follows:

|      |  |          |
|------|--|----------|
| 1998 | $\$44 \text{ renewal fee} + (12\% \text{ of } \$44 \times 9 \text{ years of interest}) = \$44 + (\$5.28 \times 9) =$ | \$ 91.52 |
|------|--|----------|

Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

**Department Monitor**  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 261-7904

3. Respondent shall, within thirty (30) days from the date of this Order, pay **COSTS** of this proceeding in the amount of **FOUR HUNDRED DOLLARS (\$400.00.)** Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to the Department Monitor at the address provided in the preceding paragraph.

4. IT IS FURTHER ORDERED that the Architect registration of Steven L. Wolters, registration #5-7819, be, and hereby is, **REINSTATED**.

5. 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 Respondent's license. In its discretion the 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 Respondent fails to timely submit payment of the costs and renewal fees set forth above, Respondent's registration (#5-3234) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

**ARCHITECT SECTION**

By: Walter L. Wilson  
A member of the Section

4/11/07  
Date