

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL ENGINEER SECTION  
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  
KATRINA M. GERBER, : LS0804172ENG  
RESPONDENT. :

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**Division of Enforcement Case No. 07 ENG 008**

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

Katrina M. Gerber  
8908 West 106<sup>th</sup> Street  
Overland Park, Kansas

Professional Engineer Section  
Examining Board of Architects, Landscape Architects,  
Professional Engineers, Designers and Land Surveyors  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

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 Professional Engineer Section, Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors. 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. Katrina M. Gerber (Date of Birth: April 5, 1969) is duly registered to practice as a professional engineer in the state of Wisconsin (using registration number 6-37161). This registration was first granted on September 22, 2004, and is current until July 31, 2008. From August 1, 2006, through August 30, 2006, Ms. Gerber's registration was expired.
2. Ms. Gerber's most recent address on file with the Department of Regulation and Licensing is 8908 West 106<sup>th</sup> Street, Overland Park, Kansas, 66212.
3. On June 17, 2005, Ms. Gerber was disciplined by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience & Interior Design. That discipline ordered Ms. Gerber to be reprimanded and to pay a civil penalty of \$1,500.00. The basis for the discipline was that Ms. Gerber certified design drawings for a project located in Minnesota while her Minnesota Professional Engineer license was expired. A true and correct copy of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience & Interior Design's Stipulation and Order is attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.

4. On February 23, 2006, Ms. Gerber was disciplined by the Texas Board of Professional Engineers. The basis for the discipline was the June 17, 2005, Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience & Interior Design Consent Order. A true and correct copy of the Texas Board of Professional Engineers is attached to this document as Exhibit B. Exhibit B is incorporated into this document by reference.

5. On February 22, 2007, Ms. Gerber was disciplined by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience & Interior Design. That discipline ordered Ms. Gerber to be reprimanded and to pay a civil penalty of \$3,000.00. The basis for the discipline was that Ms. Gerber swore and affirmed on a renewal form that since her last renewal she had not been disciplined, a statement which was false. Ms. Gerber was also disciplined for again certifying design drawings for a project located in Minnesota while her Minnesota Professional Engineer license was expired. A true and correct copy of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience & Interior Design's Stipulation and Order is attached to this document as Exhibit C. Exhibit C is incorporated into this document by reference.

6. In resolution of this matter, Katrina M. Gerber consents to the entry of the following Conclusions of Law and Order.

### CONCLUSIONS OF LAW

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

2. The Professional Engineer Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors is authorized to enter into the attached stipulation, pursuant to Wis. Stat. Sec. 227.44(5).

3. By the conduct described in Findings of Fact 3., 4. and 5., Katrina M. Gerber violated Wis. Stat. Sec. 443.11(1)(d). The examining board may reprimand an architect, registered landscape architect or professional engineer or limit, suspend or revoke the certificate of registration of any registrant, and the certificate of record of any engineer in training, who is found guilty of:

d. Any gross negligence, incompetency or misconduct in the practice of architecture as a registered architect, of landscape architecture as a registered landscape architect, or of professional engineering as a registered professional engineer, or in the professional activity of a holder of a certificate of record as engineer-in-training.

4. By the conduct described in Findings of Fact 3., 4. and 5., Katrina M. Gerber violated Wis. Stat. Sec. 443.11(1)(e). The examining board may reprimand an architect, registered landscape architect or professional engineer or limit, suspend or revoke the certificate of registration of any registrant, and the certificate of record of any engineer in training, who is found guilty of:

e. Any violation of the rules of professional conduct adopted and promulgated by the examining board.

5. By the conduct described in Findings of Fact 3., 4. and 5., Katrina M. Gerber violated Wis. Admin. Code § A-E 8.03(3)(a). "Misconduct in the practice of architecture, landscape architecture, professional engineering, designing or land surveying" means an act performed by an architect, landscape architect, professional engineer, designer or land surveyor, in the course of the profession which jeopardizes the interest of the public, including any of the following:

a. Violation of federal or state laws, local ordinances or administrative rules relating to the practice of architecture, landscape architecture, professional engineering, designing or land surveyor.

6. By the conduct described in Findings of Fact 3., 4. and 5., Katrina M. Gerber violated Wis. Admin. Code § A-E 8.08(1). An architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall furnish the board with information indicating that any person or firm has violated provisions in ch. 443, Stats., rules in this chapter or other legal standards applicable to the

profession.

7. By the conduct described in Findings of Fact 3., 4. and 5., Katrina M. Gerber violated Wis. Admin. Code § A-E 8.09(1). An architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state and local codes which relate to the practice of architecture, landscape architecture, professional engineering, designing and land surveying.

### **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Katrina M. Gerber's Wisconsin certificate of registration (certificate number 6-37161) to practice as a professional engineer in the state of Wisconsin is REPRIMANDED.

**IT IS FURTHER ORDERED** that Katrina M. Gerber's Wisconsin certificate of registration (certificate number 6-37161) to practice as a professional engineer in the state of Wisconsin is LIMITED as follows:

1. If Ms. Gerber intends to practice as a professional engineer in the state of Wisconsin, she shall develop a plan of supervision with the Section prior to beginning practice in Wisconsin.

The Section may elect to require Ms. Gerber to follow the following conditions:

a. Ms. Gerber shall submit, on a quarterly basis, a complete and detailed description of all work that she has performed in the state of Wisconsin as a professional engineer during the preceding three-month reporting period. Ms. Gerber shall promptly reply to any questions that the

Section may have concerning her work and/or submit particulars for any project within thirty [30] days of a request by the Section or its designated agent. The Section may in the exercise of its discretion require Ms. Gerber to appear personally before the Section to answer questions related to his practice in Wisconsin.

b. In the event that the Section determines that Ms. Gerber's work should be evaluated or reviewed by another professional engineer, Ms. Gerber shall be responsible for all costs associated with such review.

c. In the event that the Section concludes that Ms. Gerber's work poses a danger to the public health, safety or welfare she SHALL BE SUSPENDED without further notice or hearing, until further order by the Section.

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

Department Monitor  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935  
608-261-7904

**IT IS FURTHER ORDERED** that Ms. Gerber shall within one (1) year from the effective date of this Order, successfully complete the Engineering Ethics and Its Relationship to Society On-Line distance learning course offered by Texas Tech University, College of Engineering, Murdough Center for Engineering Professionalism. The address, telephone number and internet Website contact information is Box 41023, Lubbock, Texas 79409-1023, 806-742-3525, 806-742-0444 (fax) and [www.murdough.ttu.edu](http://www.murdough.ttu.edu). Ms. Gerber shall submit proof of successful completion of the course to the Department Monitor.

Ms. Gerber shall inform the Department Monitor of any change in licensure and/or registration in any other state or territory of the United States, within 30 days after any change. If Ms. Gerber's licensure and/or registration changes in any state or territory of the United States, then the Section may in its discretion revisit the terms and conditions of this Order, and may impose additional terms, conditions and limitations of this Order.

Ms. Gerber shall pay full costs in the amount of THREE HUNDRED dollars (\$300.00) in this matter. All payments shall be submitted within 90 days from 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 the Department Monitor.

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

Ms. Gerber may petition, in writing, the Section for removal of any limitations on licensure three years from the effective date of this Order. Ms. Gerber shall submit any written petition to the Department Monitor. Denial in whole or in part of any petition under this paragraph shall not constitute denial of a registration or license and shall not give rise to a contested case within the meaning of Wis. Stat. secs. 227.01(3) and 227.42.

In the event that Ms. Gerber fails to comply with any of the terms of the Order, the Wisconsin certificate of registration to practice as a professional engineer of Katrina M. Gerber (certificate number 6-37161) **SHALL BE SUSPENDED**, without further notice or hearing, until Katrina M. Gerber has complied with the terms of this Order.

Ms. Gerber shall be personally responsible for all costs associated with complying with the terms of this Order.

This Order shall become effective upon the date of signing.

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

By	Martin Hanson	4/17/08
	A Member of the Professional Engineers Section	Date

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

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 :  
 : STIPULATION  
KATRINA M. GERBER, : LS#08 \_\_\_\_\_ ENG  
RESPONDENT. :  
 :

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**Division of Enforcement Case No. 07 ENG 008**

It is hereby stipulated between Katrina M. Gerber and Claudia Berry Miran, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (07 ENG 008). Ms. Gerber consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Gerber understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Ms. Gerber is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
4. Ms. Gerber agrees to the adoption of the attached Final Decision and Order by the Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Ms. Gerber waives all rights to any appeal of the Section's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Ms. Gerber or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with the Section's deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.
7. Ms. Gerber is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accord with standard Department procedure.

8. The Division of Enforcement joins Katrina M. Gerber in recommending the Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors adopt this Stipulation and issue the attached Final Decision and Order.

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**Katrina M. Gerber**  
Respondent  
8908 West 106<sup>th</sup> Street  
Overland Park, Kansas 66212  
Registration Number 6-37161

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Date

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**Claudia Berry Miran**  
Attorney  
Division of Enforcement  
Wisconsin Department of Regulation and Licensing  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

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Date