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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

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	FINAL DECISION AND ORDER
	:	
DENNIS T. MITCHELL,	:	Case # LS0910142ARC
RESPONDENT.	:	

Division of Enforcement Case # 07 ARC 003

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

Dennis T. Mitchell
6031 West I-20, Suite 260
Arlington, Texas 76017
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Architect Section
Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors
1400 East Washington Avenue
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 decision of this matter, subject to the approval of the Architect Section (Section) of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (Board). The Section has reviewed the attached Stipulation and considers it acceptable. Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Dennis T. Mitchell whose date of birth is February 12, 1949, is duly registered to practice as an architect in the State of Wisconsin (License # 6418-05). This certificate of registration was first granted on September 29, 1988, and is current through July 31, 2010.
2. Mr. Mitchell's most recent address on file with the Department of Regulation and Licensing (Department) is 6031 West I-20, Suite 260 in Arlington, Texas 76017.
3. On May 20, 2005, the Kansas State Board of Technical Professions (Kansas Board) imposed discipline against Mr. Mitchell's license in the State of Kansas. The Kansas action was based upon allegations that:
 - a. Mr. Mitchell stamped and sealed plans for an adult daycare center in Kansas which were neither prepared by him nor under his direct control, but were prepared by an architect in another state.
 - b. Mr. Mitchell failed to complete a detailed review and evaluation of the Kansas plans and specifications.
4. The Kansas Board discipline included, but was not limited to:
 - a. A payment of a fine of \$2,200.00 and costs of \$1, 338.01 by March 18, 2005.
 - b. An order to cease and desist from practicing engineering in Kansas until such time as he is licensed in Kansas as an engineer.
5. A true and correct copy of the Kansas Board Settlement Agreement and Consent Order is attached to this document as Exhibit A.
6. Mr. Mitchell did not inform the Section of the Kansas discipline.
7. On January 10, 2007, the Nevada State Board of Architecture, Interior Design and Residential Design (Nevada Board) imposed discipline against Respondent's license to practice architecture in the state of Nevada. The Nevada action was based upon allegations that:
 - a. Mr. Mitchell had not been in responsible control of drawings that he signed and sealed.
 - b. Mr. Mitchell aided and abetted the unlicensed practice of architecture for a retail tenant improvement project in Nevada.
 - c. Mr. Mitchell made misleading and/or false statements.
8. The Nevada Board discipline included, but was not limited to:
 - a. Probation for one year.
 - b. Payment of \$2,700.00 in costs.
 - c. Taking and passing the Nevada Registration Quiz within thirty (30) days after the Nevada Board's approval of the Stipulation and Order.
 - d. Completion within one year of the NCARB Professional Conduct Monograph.
9. A true and correct copy of the Nevada Board Stipulation and Order is attached to this document as Exhibit B.

10. Mr. Mitchell did not inform the Section of the Nevada discipline.
11. On May 8, 2007, the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects (Missouri Board) referred a complaint against Mr. Mitchell to the Missouri Attorney General for the filing of a complaint seeking three years probation based on the Nevada Board discipline. To date, the Missouri Board has taken no action against Mr. Mitchell.
12. On May 11, 2007, the Colorado Architect, Engineer and Land Surveyor Board (Colorado Board) voted to refer a case against Mr. Mitchell based on the Nevada Board discipline to the Colorado Office of Expedited Settlement. To date, the Colorado Board has taken no action against Mr. Mitchell.
13. On September 26, 2007, the Probable Cause Panel of the Florida Board of Architecture and Interior Design (Florida Board) voted to file an Administrative Complaint alleging that Mr. Mitchell signed and sealed drawings for a Florida project that were prepared by an interior design firm. The Panel also noted the Nevada Board discipline.
14. On February 20, 2008, the Vermont Board of Architects (Vermont Board) issued a warning to Mr. Mitchell based on the Nevada Board Discipline.
15. Mr. Mitchell did not inform the Section of the Vermont discipline.
16. On June 11, 2008, the Florida Board issued an order that:
 - a. Reprimanded Mr. Mitchell's license.
 - b. Imposed an administrative fine of \$3,000.
 - c. Assessed costs of \$450.
17. A true and correct copy of the Florida Board Final Order Accepting Stipulation is attached to this order as Exhibit C.
18. Mr. Mitchell did not inform the Section of the Florida discipline.
19. On September 2, 2008, the New Hampshire Board of Architects (New Hampshire Board) imposed discipline against Mr. Mitchell's license in New Hampshire. The New Hampshire Board action was based upon Mr. Mitchell's denial in his renewal application that he had been subject to any prior disciplinary action in any state.
20. The New Hampshire Board discipline included, but was not limited to:
 - a. A Reprimand to Mr. Mitchell.
 - b. A Probationary Period of two years.
 - c. An administrative fine of \$2,500.00
 - d. A requirement that Mr. Mitchell furnish a copy of the New Hampshire Settlement Agreement "to any agency or authority which licenses, certifies or credentials architects, with which Respondent is presently affiliated. This includes any and all states with which Respondent currently holds a license as an architect."
21. Mr. Mitchell provided a copy of the New Hampshire Settlement Agreement to the Section on September 10, 2008. A copy of the document provided by the Mr. Mitchell is attached as Exhibit D.
22. In resolution of this matter, Mr. Mitchell consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Section has jurisdiction to act in this matter pursuant to § 443.11, Wis. Stats., and is authorized to enter into the attached Stipulation and Order, pursuant to § 227.44 (5), Wis. Stats.
2. Section 443.17, Wis. Stats., provides that no person who is registered under Chapter 443 of the Wisconsin Statutes to practice architecture may impress his seal or stamp upon documents which have not been prepared by the person or under his or her direction and control.
3. Section A-E 8.10 (1), Wis. Stats., provides that no architect may sign, seal or stamp any plans, drawings, documents, specifications or reports for architectural practice which are not prepared by the registrant or under his or her personal direction and control.
4. Based on the conduct set forth in Findings of Fact 3, 7 and 13, Mr. Mitchell may have violated § 443.17, Wis. Stats., and § A-E 8.10 (1), Wis. Admin. Code.
5. Section A-E 8.06 (1), Wis. Admin. Code, requires an architect to use reasonable care and competence in providing professional services.
6. Based on the conduct as found in Finding of Fact 3 (b), Mr. Mitchell appears to have not used reasonable care and competence in providing professional services.
7. Section A-E 8.07 (2), Wis. Admin. Code, provides that an architect may not delegate professional responsibility to unlicensed persons and may not otherwise aid or abet the unlicensed practice of architecture.

8. Based on the conduct as found in Findings of Fact (3) (a), 7 (b) and 13, Mr. Mitchell may have violated § A-E 8.07 (12), Wis. Admin. Code.
9. Section A-E 8.08 (1), Wis. Admin. Code, requires an architect to furnish the Section with information indicating that any person or firm has violated provisions in Chapter 443, Wis. Stats., the rules in Chapter A-E 8, Wis. Admin. Code, or other legal standards applicable to the profession.
10. Based on the conduct as found in Findings of Fact 6, 10, 15 and 17, Mr. Mitchell may have violated § A-E 8.08 (1), Wis. Admin. Code.
11. Section A-E 8.09 (1), Wis. Admin. Code, provides that an architect shall comply with the requirements in Chapter 443, Wis. Stats., Chapter A-E 8, Wis. Admin. Code, and all other federal, state, and local codes pertaining to the practice of architecture.
12. Based on the conduct as found in Findings of Fact 3, 6, 7, 10, 13, 15, 17 and 18, Mr. Mitchell appears to have violated § A-E 8.09 (1), Wis. Admin. Code.
13. Section A-E 8.03 (3) (a), Wis. Admin. Code provides that “misconduct in the practice of architecture, landscape architecture, professional engineering, designing or land surveying” includes violation of federal or state law, local ordinances or administrative rules relating to the practice of architecture, landscape architecture, professional engineering, designing or land surveying.
14. By violating state laws and rules, Mr. Mitchell appears to have engaged in misconduct in the practice of architecture.
15. Section 443.11 (1) (b), Wis. Stats., provides that the Section may reprimand an architect, or suspend or revoke the certificate of registration of any registrant who is found guilty of signing or impressing his or her seal or stamp upon documents not prepared by him or her or under his or her control.
16. Because of the violations in Kansas, Nevada and Florida, Mr. Mitchell is subject to discipline.
17. Section 443.11 (1) (d), Wis. Stats., gives the Section the authority to reprimand an architect, or suspend or revoke the certificate of registration of any registrant who is found guilty of misconduct in the practice of architecture.
18. By having engaged in misconduct in the practice of architecture, Mr. Mitchell is subject to discipline.
19. Section 443.11 (1) (e), Wis. Stats., provides that the Section may reprimand an architect, or suspend or revoke the certificate of registration of any registrant who is found guilty of any violations of the rules of professional conduct in Chapter A-E 8, Wis. Admin. Code.
20. Mr. Mitchell appears to have violated §§ A-E 8.06 (1), A-E 8.07 (2), A-E 8.08 (1), A-E 8.09 (1), and A-E 8.10 (1), Wis. Admin. Code, is therefore subject to discipline.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The registration of Dennis T. Mitchell to practice architecture in the State of Wisconsin is hereby **REPRIMANDED**.
2. The registration of Dennis T. Mitchell to practice architecture in the State of Wisconsin is **LIMITED** as follows.
 - a. Mr. Mitchell shall self-report immediately to the Department Monitor any violation of the Nevada, New Hampshire, and New York orders.
 - b. For three years after the effective date of this Order,
 - i. Mr. Mitchell shall submit to the Department Monitor on a quarterly basis a complete and detailed description of all architectural work he has performed in the State of Wisconsin during the preceding three-month period.
 - ii. Mr. Mitchell shall reply within thirty (30) days to any questions or requests from the Section or its designated agent for further information. The Section may in the exercise of its discretion require Mr. Mitchell to appear personally or telephonically before the Section to answer questions related to his practice in Wisconsin.
 - iii. In the event that the Section determines that Mr. Mitchell’s work should be evaluated or reviewed by another architect, Mr. Mitchell shall be responsible for all costs associated with such review.
 - iv. In the event that the Section concludes that Mr. Mitchell’s work poses a danger to the public health, safety or welfare, Mr. Mitchell’s registration **SHALL BE SUSPENDED** without further notice of hearing, until further order by the Section.
3. Any petition or report submitted under this order shall be submitted to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
FAX (608) 266-2264
4. Mr. Mitchell shall inform the Department Monitor of any change of licensure in any other state or territory of the United States within thirty (30) days after the change. If Mr. Mitchell’s licensure 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 under this Order.
5. Mr. Mitchell shall pay full costs in the amount of ONE THOUSAND (\$1,000.00) dollars in this matter. All payments shall be submitted

within 90 days of this Order, by certified check or money order, payable to the Department of Regulation and Licensing and sent to the Department Monitor.

6. Mr. Mitchell shall immediately surrender all indicia of Wisconsin registration to the Department Monitor. The Department shall reissue registration credentials to Mr. Mitchell marked "Limited."
7. Mr. Mitchell may petition the Section in writing for removal of any limitations no earlier than three years from the effective date of this Order. Any written petition shall be submitted 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 §§ 227.01 (3) and 227.42, Wis. Stats.
8. 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. Mitchell's license. The Section in its discretion 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. Mitchell fails to submit timely any payment of the costs as ordered, Mr. Mitchell's license (#6418-05) SHALL BE SUSPENDED, without further notice or hearing until Respondent has complied with the terms of this Order.

This Order is effective on the date of its signing.

By: Lawrence Schnuck
A Member of the Board

10/14/09
Date

STATE OF WISCONSIN

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

IN THE MATTER OF	:	
THE DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	
	:	STIPULATION
DENNIS T. MITCHELL,	:	Case LS # _____ ARC
RESPONDENT.	:	

Division of Enforcement Case # 07 ARC 003

It is hereby stipulated between Dennis T. Mitchell and Attorney Jacquelynn B. Rothstein, 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 ARC 003). Mr. Mitchell consents to resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Mitchell understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including:
 - The right to a hearing on the allegations against him, 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 him.
 - The right to call witnesses on his behalf and to compel their attendance by subpoena.
 - The right to testify himself.
 - 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.
 - All other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code and any other provisions of state or federal law.
3. Mr. Mitchell has been provided the opportunity to obtain the advice of legal counsel prior to signing this Stipulation.
4. Mr. Mitchell agrees to the adoption of the attached Final Decision and Order by the Architect 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. Mr. Mitchell 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 consideration of this attempted resolution.
6. The parties to the 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 the Mr. Mitchell or his 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 the stipulation and issue the attached Final Decision and Order.
7. Mr. Mitchell 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 accordance with standard Department procedures.

8. The Division of Enforcement joins Mr. Mitchell in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order

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Mr. Robert A. Mich, Jr.	Date
Kay & Andersen, S.C.	
One Point Place	
Suite 201	
Madison, WI 53719	

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Dennis T. Mitchell	Date
6031 West I-20, Suite 260	
Arlington, Texas 76017	
License #6416-05	

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Jacquelynn B. Rothstein	Date
Attorney at Law	
State Bar #1019246	
Department of Regulation and Licensing	
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