

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DENNIS NELSON,	:	
RESPONDENT.	:	ORDER 0002277

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Division of Legal Services and Compliance<sup>1</sup> Case No. 11 ENG 009

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

Dennis Nelson  
3348 Jill Ave.  
Eau Claire, WI 54701

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

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
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 Engineering Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Dennis Nelson (dob September 5, 1951) was licensed in the State of Wisconsin as a Professional Engineer, having license number 6-19164, first issued on November 16, 1979. His license was suspended on September 11, 2009, pursuant to a violation of a Section Order. Respondent's license became expired on August 1, 2010, when he failed to renew it. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3348 Jill Ave., Eau Claire, WI 54701.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. Respondent has an automatic right to renew his license with the payment of a late fee for five years following its expiration.

3. In an order dated August 16, 2007, issued to resolve Department Case Number 06 ENG 004, Respondent was ordered in part by the Section to 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 within one (1) year.

4. Respondent failed to complete the course within one year, so on September 11, 2009, the Section suspended Respondent's license for a minimum of two years and ordered Respondent to complete all requirements of the August 16, 2007, order.

5. In August 2011, a complaint was received by the Department alleging that Respondent was practicing professional engineering without a license.

6. Respondent submitted approximately 58 projects to the State of Wisconsin for approval for the two year period following his suspension.

7. Respondent lives and works in Eau Claire, WI. Respondent advertises his professional engineering services and business as being located in Eau Claire, WI.

8. According to Respondent he works on projects for clients in other states, where he has current licenses, from his office in Eau Claire, WI.

9. Respondent's business, Nel-Struct, LLC, has never obtained a certificate of authorization from the Department.

10. Respondent has now taken education which satisfies the 2007 Section order and the additional 2009 order.

11. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Engineering 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, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Dennis Nelson violated Wis. Stat. § 443.02(2) and (3) and Wis. Admin. Code § A-E 8.11 (1) – (4) by practicing professional engineering and advertising professional engineering services during the time his registration was suspended.

3. By the conduct described in the Findings of Fact, Respondent engaged in misconduct in the practice of professional engineering as defined in Wis. Admin. Code § A-E 8.03(3)(a) by violating state laws and administrative rules relating to the practice of professional engineering.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 443.08(2) by failing to obtain a certificate of authorization for his professional engineering firm, Nel-Struct, LLC.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 443.11(1)(d) and (e).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Dennis Nelson's license (no. 6-19164) is hereby reinstated.

3. Respondent Dennis Nelson is REPRIMANDED.

4. Upon reinstatement of Respondent's license by the Section, Respondent shall pay the renewal fees for the periods August 1, 2010, through July 31, 2012, (and from August 1, 2012, until the present at a total of \$214.00 (\$107.00 each period with late fee).

5. Prior to engaging in the practice of a professional engineer under Nel-Struct, LLC, Respondent will obtain for a certificate of authorization for the firm.

6. Within 30 days of the date of this order, Respondent will provide proof to the Department Monitor at the address below of reporting this discipline to any jurisdictions where he is licensed.

7. Within 90 days from the date of this Order, Respondent Dennis Nelson shall pay COSTS of this matter in the amount of \$100.

8. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

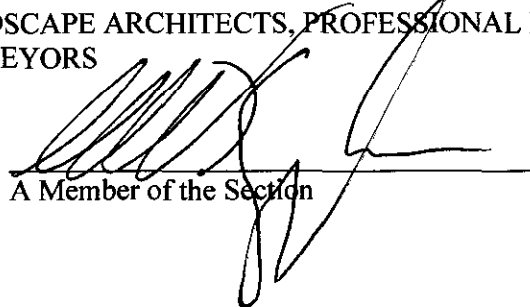
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

9. 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. 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 Respondent fails to timely submit payment of the costs or renewal fees as ordered and as set forth above, Respondent's license (no. 6-19164) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and renewal fees.

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

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

By

  
A Member of the Section

1/31/13  
Date