

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
BRUCE W. BETH AND	:	
FORSTER ELECTRICAL,	:	
RESPONDENTS.	:	0003187

Division of Legal Services and Compliance Case No. 13 ENG 004

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

Bruce W. Beth
1318 Redan Drive
Verona, WI 53593

Forster Electrical
550 N Burr Oak Ave.
Oregon, WI 53575

Wisconsin Examining Board of Architects, Landscape Architects,
Professional Engineers, Designers and Land Surveyors
Engineer Section
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Engineer Section of the Wisconsin 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 Bruce W. Beth (dob September 16, 1962) is licensed in the State of Wisconsin as a Professional Engineer, having license number 27850-006, first issued on June 7, 1991 and current through July 31, 2014. Bruce W. Beth's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1318 Redan Drive, Verona, WI 53593.
2. Respondent Forster Electrical is licensed in the State of Wisconsin as an Engineering Corporation, having license number 1461-011, first issued on September 2, 1983 and current through January 31, 2016. Forster Electrical's most recent address on file with the Department is 550 N Burr Oak Ave., Oregon, WI 53575.
3. Respondent Bruce W. Beth (Beth) is the owner of Forster Electrical (Forster).
4. On or about August 1, 2013, the Department received a complaint from the Public Service Commission of Wisconsin (Commission) concerning engineering services that Respondents Beth and Forster provided to Pioneer Power and Light Company (Pioneer) in the Village of Westfield, Wisconsin.
5. The Commission's complaint included a copy of their Order, dated July 22, 2013, which determined that Pioneer had failed to comply with Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 by purchasing and installing a new electrical transformer without first obtaining Commission approval.
6. According to the Commission's Order, Pioneer engaged the engineering services of Respondents in April 2012 to obtain bids for a new electrical transformer, to provide consulting advice on the final selection and to prepare and submit the required application to the Commission for consideration.
7. Respondents submitted the required application to the Commission for consideration on or about December 12, 2012.
8. The installation of the electrical transformer occurred in late December 2012 prior to the Commission rendering a decision regarding the December 12, 2012 application.
9. In response to the Commission's inquiry into the matter, Respondents submitted a letter to the Commission, dated April 22, 2013, acknowledging the statutory and regulatory violation and accepting full responsibility for the installation of the transformer before Commission approval was granted.
10. As a result of commencing construction of the project prior to obtaining Commission approval, Pioneer was reprimanded by the Commission on July 22, 2013.
11. In response to the Commission's complaint to the Department, Respondents submitted a letter, dated October 18, 2013, in which they acknowledged that they should have taken precautions to ensure that the electrical transformer was not installed until the required Commission approval was granted.

12. On or about October 21, 2013, the Commission informed the Department of two other instances in which Respondents failed to follow applicable law and Commission rules. One project was for the City of New London, Wisconsin and the other was for the City of Hartford, Wisconsin.

13. The City of New London engaged the engineering services of Forster, under the Professional Engineer license of Beth, for improvements to several substations in New London. Respondents' work was to include filing application materials with the Commission, obtaining the necessary Commission approval, and completing the project in compliance with such approvals and applicable law.

14. Respondents filed the required application with the Commission on March 1, 2013.

15. On or about May 24, 2013, the Commission issued a Certificate of Authority and Order for the City of New London project. The Commission directed that, in advance of any on-site construction for the project, the applicants contact the Wisconsin Historical Society for consultation and direction regarding a potential archaeological resource in the project area.

16. On or about May 24, 2013, the Commission received a phone call from Respondents indicating that site work, including ground excavation, had begun on May 19, 2013, prior to receiving Commission approval for the project and without consulting the Wisconsin Historical Society.

17. Respondents' submitted letters to the Commission, dated July 19, 2013 and August 27, 2013, acknowledging violations of Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 and accepting responsibility for commencement of the project prior to obtaining the Commission's approval.

18. As a result of commencing construction of the project prior to obtaining Commission approval, the City of New London was reprimanded by the Commission on October 21, 2013.

19. The City of Hartford also engaged the engineering services of Forster, under the Professional Engineer license of Beth, to modify an existing substation and to construct two new circuits to the distribution system in Hartford. Respondents' work was to include filing application materials with the Commission, obtaining the necessary Commission approval and completing the project in compliance with such approvals and applicable law.

20. Respondents filed the required application with the Commission on April 24, 2013.

21. On or about May 23, 2013, the Commission issued its approval for the City of Hartford project.

22. During the Commission's review of the application, however, it had been reported by the Commission's environmental staff that construction at the Hartford project site had begun even though the Commission had not yet granted approval of the project.

23. In response to an inquiry of why the project commenced without Commission approval, Respondents submitted a letter to the Commission, dated August 29, 2013, claiming that they were unaware of the statutory and administrative requirements to obtain Commission approval prior to beginning construction of a project of this nature. Ultimately, Respondents acknowledged that violations of Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 occurred. Respondents also admitted that they failed to properly advise the City of Hartford, their client, of the statutory and regulatory requirements.

24. As a result of commencing construction of the project prior to obtaining Commission approval, the City of Hartford was reprimanded by the Commission on October 17, 2013.

25. Respondents indicate that they have established better business practices to ensure that violations of Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 do not occur in the future.

26. In resolution of this matter, Respondents consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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. § 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, Respondents violated Wis. Admin. Code § A-E 8.06(1) by failing to use reasonable care and competence in rendering professional engineering services.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § A-E 8.09(1) by failing to comply with state codes which relate to the practice of professional engineering.

4. As a result of the violation of Wis. Admin. Code § A-E 8.09(1), Respondents engaged in misconduct in the practice of professional engineering pursuant to Wis. Admin. Code § A-E 8.03(3)(a).

5. As a result of the above violations, Respondents Bruce W. Beth and Forster Electrical are subject to discipline pursuant to Wis. Stat. §§ 443.11(1)(d) and (e).

ORDER

1. The attached Stipulation is accepted.

2. Respondents Bruce W. Beth and Forster Electrical are REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent Bruce W. Beth shall pay costs in the amount of \$815.00.

4. Within 90 days from the date of this Order, Respondent Forster Electrical shall pay the COSTS of this matter in the amount of \$815.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondents 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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 Respondents fail to timely submit payment of costs as ordered, Respondents' licenses (no. 27850-006 or 1461-011) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of costs.

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

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

by:


A Member of the Section

4/24/14
Date

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

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
BRUCE W. BETH AND	:	
FORSTER ELECTRICAL,	:	
RESPONDENTS.	:	0003187

Division of Legal Services and Compliance Case No. 13 ENG 004

Respondents Bruce W. Beth and Forster Electrical and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.
2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:
 - the right to a hearing on the allegations against Respondents, 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 Respondents;
 - the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
 - the right to testify on Respondents' own behalf;
 - 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondents agree to the adoption of the attached Final Decision and Order by the Engineer Section of the Wisconsin 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. Respondents waive 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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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 Legal Services and Compliance 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 Respondents, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with 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. Respondents are 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 procedure.

8. The Division of Legal Services and Compliance joins Respondents in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

Bruce W. Beth
Bruce W. Beth, Respondent
1318 Redan Drive
Verona, WI 53593
License No. 27850-006

2-28-14
Date

Bruce W. Beth, President
Forster Electrical, Respondent
550 N Burr Oak Ave.
Oregon, WI 53575
License No. 1461-011

2-28-14
Date

Al Rohmeyer
Al Rohmeyer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3-5-14
Date