

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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 DISCIPLINARY
PROCEEDINGS AGAINST

PHILIP J. SILVESTRI,
RESPONDENT.

:
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: FINAL DECISION AND ORDER
:
:
: **0003457**

Division of Legal Services and Compliance Case No. 14 ARC 004

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

Philip J. Silvestri
Silvestri Architects, PC
1321 Millersport Hwy., Suite 101
Amherst, NY 14221

Wisconsin Examining Board of Architects, Landscape Architects,
Professional Engineers, Designers and Land Surveyors
Architect 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 Architect 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 Philip J. Silvestri (dob November 20, 1954) is licensed in the State of Wisconsin as an Architect, having license number 10696-5, first issued on June 3, 2009 and current through July 31, 2016. Philip J. Silvestri's most recent address on file with the

Wisconsin Department of Safety and Professional Services (Department) is Silvestri Architects, PC, 1321 Millersport Highway, Suite 101, Amherst, NY 14221.

2. On January 21, 2010, Respondent was ordered to pay a \$10,000 administrative penalty by the Nevada State Board of Architecture, Interior Design and Residential Design for holding himself out as being qualified to practice architecture and engaging in the practice of architecture without having a certificate of registration issued by the Board.

3. Respondent did not report this discipline to the Department within 48 hours of the Nevada Order.

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

CONCLUSIONS OF LAW

1. The Architect 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, Respondent violated Wis. Admin. Code § A-E 8.08(4) by failing to notify the Department of discipline for unprofessional conduct in another state within 48 hours of the disciplinary finding.

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

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent's Architect license (no. 10696-5) is hereby ACCEPTED.

3. Respondent shall not apply for reinstatement of his Architect license for a period of at least five (5) years from the date of this Order.

4. Should Respondent re-apply for a license:

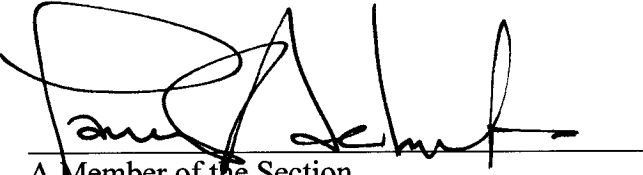
- a. Respondent shall pay the COSTS of this matter in the amount of \$400 before any such application may be considered.
- b. Respondent shall submit a new application for a license and meet all requirements for obtaining a license, which exist at the time of the application.

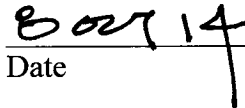
- c. The Section may determine whether and under what terms and conditions such a license may be granted.

5. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a revocation of Respondent's right to re-apply for a 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.

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

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

by: 
A Member of the Section


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 DISCIPLINARY
PROCEEDINGS AGAINST

PHILIP J. SILVESTRI,
RESPONDENT.

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STIPULATION

0008457

Division of Legal Services and Compliance Case No. 14 ARC 004

Respondent Philip J. Silvestri 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. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

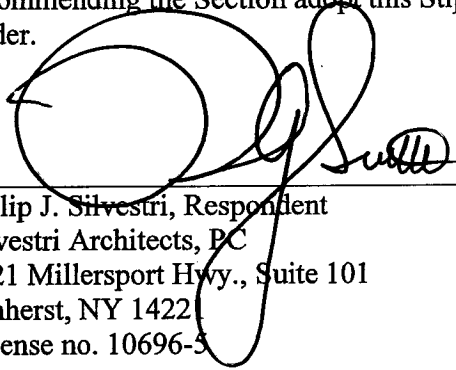
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Architect Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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 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 Respondent, 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.

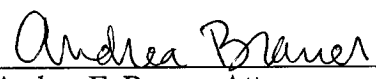
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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


Philip J. Silvestri, Respondent
Silvestri Architects, PC
1321 Millersport Hwy., Suite 101
Amherst, NY 1422
License no. 10696-5

Date

9/11/14


Andrea E. Brauer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

Date

9/16/14