

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
JAMES W. WALCZAK, :  
RESPONDENT. :

0004575

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Division of Legal Services and Compliance Case No. 15 LSA 007

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

James W. Walczak  
13543 N. Cedarburg Road  
Mequon, WI 53097

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

Division of Legal Services and Compliance  
Wisconsin 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 Landscape Architect Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors (Section). The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent James W. Walczak (DOB 11/26/1947) is registered by the State of Wisconsin as a landscape architect, having certificate of registration number 266-14, first issued on December 13, 1995 and current through July 31, 2016. Respondent's most recent address on

file with the Department of Safety and Professional Services (Department) is 13543 N. Cedarburg Road, Mequon, Wisconsin 53097.

2. In 2015, the Department conducted an audit of registered landscape architect continuing education for the 2012-2014 biennial registration period (August 1, 2012 to July 31, 2014).

3. Pursuant to the Department audit, Respondent was found to be noncompliant with the continuing education requirements for registered landscape architects in the 2012-2014 biennial registration period, as Respondent did not complete any hours of continuing education during that time period.

4. On August 13, 2015, and February 18, 2016, Respondent completed 8 hours of continuing education, which were applied retroactively to Respondent's continuing education requirements for the 2012-2014 biennial registration period. These courses taken by Respondent were:

a. 2015 Wisconsin Nursery and Landscape Association Summer Field Day: "Stormwater Facility: Vegetation Establishment with Native Species", "Promoting the Health of Honeybees and Other Pollinators", and "WI DNR NR 40 Invasive Species" (3 hours).

b. 2016 Wisconsin Nursery and Landscape Association Winter Workshop: "Fun, Favorite Plants for Wisconsin", "Establishing Systems that Work for Your Landscape Firm", "Plant Disease Update", "WNLA Plant of the Year", "CDL Truck Requirements and Standards", "Pruning for the Nursery", and "Nursery Spotlight: Boerner Botanical Gardens" (5 hours).

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

#### CONCLUSIONS OF LAW

1. The Landscape Architect Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional 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 11.03(1)(a) by failing to complete at least 24 hours of approved continuing education in the 2012-2014 biennial registration period.

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. Respondent James W. Walczak is REPRIMANDED.
3. The landscape architect certificate of registration issued to Respondent James W. Walczak (certificate of registration number 266-14) is LIMITED as follows:
  - a. Within 150 days from the date of this Order, Respondent shall successfully complete 16 hours of continuing education in accordance with the requirements specified in Wis. Admin. Code § A-E 11.03.
  - b. Respondent shall submit proof that he has satisfied the ordered continuing education in the form of verification from the institution providing the continuing education course(s) to the Department Monitor at the address stated below.
  - c. The continuing education completed pursuant to this Order shall be retroactively applied to satisfy Respondent's continuing education requirements for the 2012-2014 biennium registration period.
  - d. Any continuing education hours completed pursuant to this Order may not be used to satisfy any other registered Landscape Architect continuing education requirements with the Section.
  - e. This limitation shall be removed from Respondent's certification of registration and Respondent will be granted full, unrestricted registration after satisfying the Section or its designee that Respondent has successfully completed all of the ordered continuing education.
4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$305.
5. Any continuing education hours listed above in Finding of Fact paragraph 4, that were completed and applied retroactively to satisfy Respondent's continuing education requirements for the 2012-2014 biennium, may not be used to satisfy any other registered Landscape Architect continuing education requirements with the Section.
6. Proof of successful completion of the ordered continuing education course(s) and payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent 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

7. In the event Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered continuing education as set forth above, Respondent's certificate of registration (no. 266-14) may, in the discretion of the Section,

be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the ordered continuing education.

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

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

by: Rosheen Staszynski  
A Member of the Section *RS*

2/1/16  
Date

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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JAMES W. WALCZAK,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

0004575

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Division of Legal Services and Compliance Case No. 15 LSA 007

Respondent James W. Walczak 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 Landscape Architect Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional 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.

  
James W. Walczak, Respondent  
13543 N. Cedarburg Road  
Mequon, WI 53097  
Registration no. 266-14

2-22-16  
Date

  
Renee M. Parton, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

2/22/2016  
Date