

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KEVIN J. BARKER AND
BARKER NESTOR INC.,
RESPONDENTS.

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FINAL DECISION AND ORDER

0005717

Division of Legal Services and Compliance Case No. 17 ARC 001

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

Kevin J. Barker
600 W. Cermak Rd., Ste. 3C
Chicago, IL 60616

Barker Nestor Inc.
600 W. Cermak Rd., Ste. 3C
Chicago, IL 60616

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
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 Professional 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 Kevin J. Barker (DOB February 6, 1955) is registered by the State of Wisconsin as an Architect, having registration number 9090-5, first issued on December 1, 2000, and current through July 31, 2018. Respondent Barker's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 600 West Cermak Road, Suite 3C, Chicago, Illinois 60616.

2. Respondent Barker Nestor Inc. is authorized by the State of Wisconsin as an architectural firm, having certificate of authorization number 4041-11, first issued on February 9, 2015, and current through January 31, 2020. Respondent Barker Nestor Inc.'s most recent address on file with the Department is 600 West Cermak Road, Suite 3C, Chicago, Illinois 60616.

3. Respondent Barker is the responsible licensee for Respondent Barker Nestor Inc.

4. On July 15, 2016, the North Carolina Board of Architecture (North Carolina Board) disciplined Respondent Barker for practicing architecture in the state of North Carolina through a firm that was not registered to offer and render architectural services in North Carolina. Respondent Barker was reprimanded and ordered to pay a civil penalty of \$7,500.

5. On February 22, 2017, the Alabama Board for Registration of Architects (Alabama Board) disciplined Respondent Barker for failing to disclose his discipline from the North Carolina Board when renewing his credential in Alabama. Respondent Barker was fined \$750.

6. On March 22, 2017, Respondent Barker notified the Department of his discipline from the North Carolina Board and the Alabama Board.

7. In resolution of this matter, Respondents consent 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 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, Respondents engaged in misconduct pursuant to Wis. Admin. Code § A-E 8.03(3)(a) by violating federal or state laws, local ordinances or administrative rules relating to the practice of architecture.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § A-E 8.08(4) by failing to notify the Department within 48 hours of being disciplined for unprofessional conduct in another state.

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

5. As a result of the above conduct and violations, Kevin J. Barker and Barker Nestor Inc. are subject to discipline pursuant to Wis. Stat. §§ 443.11(1)(d) and (e) and 443.11(2).

ORDER

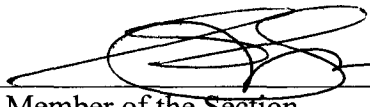
1. The attached Stipulation is accepted.
2. Respondent Kevin J. Barker is REPRIMANDED.
3. Respondent Barker Nestor Inc. is REPRIMANDED.
4. Within 90 days from the date of this Order, Respondent Barker shall pay one-half of the COSTS of this matter in the amount of \$263.
5. Within 90 days from the date of this Order, Respondent Barker Nestor Inc. shall pay one-half of the COSTS of this matter in the amount of \$263.
6. 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 9090-5 and 4041-11), or Respondents' right to renew their credentials, may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of the Order. The Section may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

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

by: 
A Member of the Section

4/25/18
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KEVIN J. BARKER AND
BARKER NESTOR INC.,
RESPONDENTS.

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STIPULATION

0005717

Division of Legal Services and Compliance Case No. 17 ARC 001

Respondents Kevin J. Barker and Barker Nestor Inc. 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. Respondents are represented by Attorney Harlan C. Powell.
4. Respondents agree 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 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. 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.

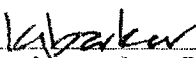
8. The Division of Legal Services and Compliance joins Respondents in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.



Kevin J. Barker, Respondent
600 W. Cermak Rd., Ste. 3C
Chicago, IL 60616
Registration no. 9090-5

2/28/2018

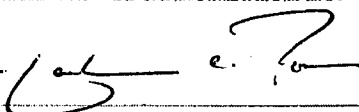
Date



Barker Nestor Inc., Respondent
By: Kevin J. Barker
600 W. Cermak Rd., Ste. 3C
Chicago, IL 60616
Certificate of authorization no. 4041-11

2/28/2018

Date



Harlan C. Powell, Attorney for Respondents
Webster Powell PC
320 W. Ohio, Ste. 501
Chicago, IL 60654

2/28/18

Date

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

3.1.18
Date