

## 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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

STEVEN ESSER,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0005721**

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Division of Legal Services and Compliance Case No. 17 ARC 010

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

Steven Esser  
341 Harrison Avenue  
Waukesha, WI 53186

The 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 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 Steven Esser (DOB 11/09/1966) is registered by the State of Wisconsin as an Architect, having registration number 10302-5, first issued on August 14, 2007, and current through July 31, 2018. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is 341 Harrison Avenue, Waukesha, WI 53186.

2. In 2017, the Department initiated an audit of registered Architect continuing education (C.E.) for the 2014-2016 biennial registration period (August 1, 2014 to July 31, 2016).

3. Pursuant to the Department's audit, Respondent was found to be noncompliant with the C.E. requirements for registered Architects in the 2014-2016 biennial registration period, as Respondent only completed twelve (12) hours of C.E., and only five (5) of which were Health, Safety, and Welfare (HSW) topics, during that time period.

4. Between September 15, 2016, and September 19, 2016, Respondent completed fourteen and one half (14.5) approved hours of C.E./HSW, which were applied retroactively to Respondent's C.E. requirements for the 2014-2016 biennial registration period. The courses taken by Respondent were:

- i. September 15, 2016:
  - 1. Assuring Water Resistance of Masonry Construction (1 CE/HSW)
  - 2. Integrally Colored Concrete (1 CE/HSW)
  - 3. Design Engineering and Exterior Light-Gauge Steel Framing Basics (1 CE/HSW)
- ii. September 16, 2016:
  - 1. Designing with Shear Walls for Low to Midrise Construction (1 CE/HSW)
  - 2. Efficient Design Utilizing Decorative Guardrails (1 CE/HSW)
  - 3. Considerations in Rainscreen Cladding Design; Exterior Moisture – Risk, Design and Applications (1 CE/HSW)
  - 4. Fire Retardant Treated Wood (FRTW) for Commercial and Residential Structures (1 CE/HSW)
  - 5. Dynamic and Static Head-of-Wall Joint Fire Protection (1 CE/HSW)
  - 6. Fire-Rated Doors and Frames (1 CE/HSW)
  - 7. Fire Rated Door Assemblies: Compliant Designs (1 CE/HSW)
- iii. September 19, 2016:
  - 1. Designing Barrier-Free Restrooms to Meet the New 2010 ADA Standards for Accessible Design (1 CE/HSW)
  - 2. High Performance Gypsum: Protect Against Mold, Moisture and Exposure (1 CE/HSW)
  - 3. Continuous Insulation: Spray Polyurethane Foam v. Rigid Foam Board (1 CE/HSW)
  - 4. Electric Tankless Water Heaters (1.5 CE/HSW)

5. 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 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 12.03(1) by failing to complete at least 24 contact hours of continuing education, of which 16 contact hours shall be in HSW topics pertinent to the practice of architecture, within the 2014-2016 biennial registration period.

3. As a result of the above violation, Respondent has engaged in misconduct in the practice of architecture as defined in Wis. Admin. Code § A-E 8.03(3)(a) and is subject to discipline pursuant to Wis. Stat. § 443.11(1)(d).

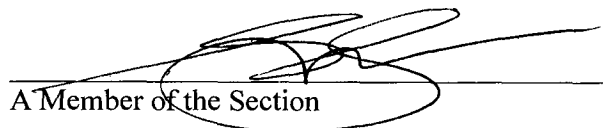
ORDER

1. The attached Stipulation is accepted.
2. Respondent Steven Esser is REPRIMANDED.
3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$177.00.
4. Any C.E. listed above in Finding of Fact paragraph 4, that were completed and retroactively applied to Respondent's C.E. requirements for the 2014-2016 biennium, may not be used to satisfy any other registered Architect C.E. requirements with the Section.
5. 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  
DPSMonitoring@wisconsin.gov
6. In the event Respondent violates any term of this Order, Respondent's registration (no. 10302-5), or Respondent's right to renew his registration may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has 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.
7. This Order is effective on the date of its signing.

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

by:

  
A Member of the Section

Date

4/25/18

STATE OF WISCONSIN  
BEFORE THE 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

STEVEN ESSER,  
RESPONDENT.

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STIPULATION

**0005721**

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Division of Legal Services and Compliance Case No. 17 ARC 010

Respondent Steven Esser and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

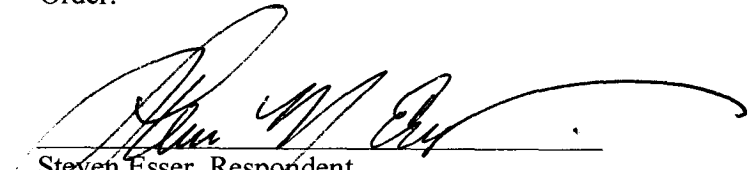
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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 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.

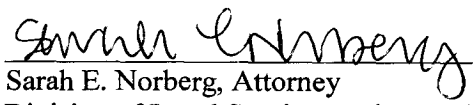
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent, for 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.

  
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Steven Esser, Respondent  
341 Harrison Avenue  
Waukesha, WI 53186  
Registration no. 10302-5

3/22/18  
\_\_\_\_\_  
Date

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

3.26.18  
\_\_\_\_\_  
Date