

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL ENGINEER 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

KEVIN C. WAHLGREN AND  
WS DEVELOPMENT COMPANY LLC,  
RESPONDENTS.

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FINAL DECISION AND ORDER

**ORDER 0006766**

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Division of Legal Services and Compliance Case No. 16 ENG 011

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

Kevin C. Wahlgren  
2150 Whittington Ct.  
Brookfield, WI 53045

WS Development Company LLC  
N140 N5096 Lilly Road  
Menomonee Falls, WI 53051

The Professional Engineer 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 Professional Engineer 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 Kevin C. Wahlgren (DOB 3/23/1963) is registered by the State of Wisconsin as a Professional Engineer, having certificate of registration number 26730-6, first issued on November 29, 1989 and current through July 31, 2020. Respondent Wahlgren's most recent address on file with the Department of Safety and Professional Services (Department) is 2150 Whittington Court, Brookfield, Wisconsin 53045.

2. Respondent WS Development Company LLC is authorized by the State of Wisconsin as an Engineering firm, having certificate of authorization number 3003-11, first issued on March 30, 2006 and current through January 31, 2020. Respondent WS Development Company LLC's most recent address on file with the Department is N140 N5096 Lilly Road, Menomonee Falls, Wisconsin 53051.

3. Respondent Wahlgren is identified in Department records as the responsible licensee for Respondent WS Development Company LLC.

4. On August 8, 2016, the Department received a complaint against Respondents for conduct that occurred during the "Glory Global Solutions" project. The chief complaint was that Respondents used drawings that were not theirs and did not compensate the complainant's company (H.E.C.) for work performed on the drawings.

5. On October 5, 2016, the Department subsequently opened this matter for investigation. The original plans submitted to the Department were reviewed. A member of the Engineering Section was consulted and found Respondents stamped and submitted architectural drawings for Department approval for the Glory Global Solutions project; however, Respondent Wahlgren does not possess an architect license and would not be competent to stamp these drawings.

6. On February 14, 2018, Respondents and Complainant settled in civil court regarding the unpaid invoices. Respondents entered into a stipulated payment schedule for the sum of \$35,000.

7. On February 2, 2018, the Waukesha County District Attorney's Office filed a criminal complaint against Respondent Wahlgren for seven (7) felony counts of theft by contractor. Respondent Wahlgren was the responsible licensed professional for the project subject to the complaint.

8. On June 21, 2019, Respondent Wahlgren pled guilty to three (3) felony counts of theft by contractor in the Waukesha County District Court.

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

### CONCLUSIONS OF LAW

1. The Professional Engineer 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 Kevin C. Wahlgren violated Wis. Admin. Code § A-E 8.06(1) by failing to use reasonable care and competence in providing professional engineering services.

3. By the conduct described in the Findings of Fact, Respondent Kevin C. Wahlgren violated Wis. Admin. Code § A-E 8.04(3) by offering to perform, or performing, professional engineering services which he was not qualified to perform by education or experience without retaining the services of another who is qualified.

4. By the conduct described in the Findings of Fact, Respondent Kevin C. Wahlgren violated Wis. Admin. Code § A-E 8.09(2) by engaging in conduct that adversely affected his fitness to practice professional engineering.

5. By the conduct described in the Findings of Fact, Respondent Kevin C. Wahlgren engaged in misconduct pursuant to Wis. Admin. Code § A-E 8.03(1) by performing professional engineer services which do not comply with an acceptable standard of practice that has a significant relationship to the protection of health, safety or public welfare and is performed in a manner indicating that he knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

6. By the conduct described in the Findings of Fact, Respondent Kevin C. Wahlgren engaged in misconduct pursuant to Wis. Admin. Code § A-E 8.03(3)(c) by engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession.

7. As a result of the above violations, Kevin C. Wahlgren is subject to discipline pursuant to Wis. Stat. § 443.11(1)(d)(e).

8. As a result of the above violations, WS Development Company LLC is subject to discipline pursuant to Wis. Stat. § 443.11(2).

#### ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Kevin C. Wahlgren's Professional Engineer certificate of registration (number 26730-6) is ACCEPTED.

3. The VOLUNTARY SURRENDER of Respondent WS Development Company LLC's Engineering firm certificate of authorization (number 3003-11) is ACCEPTED.

4. This surrender constitutes Respondents' permanent relinquishment of their Professional Engineer certificate of registration and Engineering firm certificate of authorization and their right to practice professional engineering in the state of Wisconsin. The Department will not, at any time in the future, process or otherwise consider an application or attempt at

renewal by Respondents of credentials necessary to practice professional engineering in the state of Wisconsin.

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

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

by:

*Christina Cottam*

A Member of the Section

April 22, 2020

Date

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DIVISION OF LEGAL SERVICES & COMPLIANCE  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL ENGINEER 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	:	
	:	STIPULATION
KEVIN C. WAHLGREN AND	:	
WS DEVELOPMENT COMPANY LLC,	:	
RESPONDENTS.	:	<b>ORDER 0006766</b>

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Division of Legal Services and Compliance Case No. 16 ENG 011

Respondents Kevin C. Wahlgren and WS Development Company LLC 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.

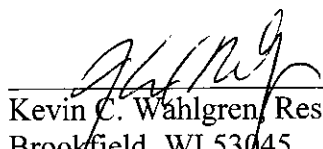
4. Respondents agree to the adoption of the attached Final Decision and Order by the Professional Engineer Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (Section). The parties to the Stipulation consent 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 C. Wahlgren, Respondent  
Brookfield, WI 53045  
Registration no. 26730-6

3/3/20  
Date

  
WS Development Company LLC, Respondent  
By: Kevin C. Wahlgren  
N56W16743 Ridgewood Drive, Suite 100  
Menomonee Falls, WI 53051  
Certificate of authorization no. 3003-11

3/3/20  
Date

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

3/9/2020  
Date