

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	:	
	:	FINAL DECISION AND ORDER
PHILLIP C. PECORD,	:	
RESPONDENT.	:	ORDER 0007309

Division of Legal Services and Compliance Case No. 18 ARC 002

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

Phillip C. Pecord
Memphis, TN 38101

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 Phillip C. Pecord (Birth Year: 1951) is registered by the State of Wisconsin as an Architect, having registration number 9966-5, first issued on November 3, 2005, and current through July 31, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Memphis, Tennessee 38101.

2. On March 13, 2018, the National Council of Architectural Registration Boards (NCARB) reported to the Department that NCARB had revoked Respondent's NCARB certificate after the Mississippi Board of Architects disciplined Respondent's credential.

3. On March 14, 2018, the Department requested Respondent provide a copy of the disciplinary order from the Mississippi Board of Architects.

4. On March 23, 2018, Respondent provided the Department a copy of the disciplinary order from the Mississippi Board of Architects. The Mississippi Board of Architects, on February 25, 2016, disciplined Respondent for encouraging unlicensed practice, and signing and sealing plans that were not prepared under Respondent's responsible control. Respondent's credential was suspended, and Respondent was fined \$7,500 and required to pay costs of \$7,476.28.

5. Between May 24 and June 14, 2019, Respondent also provided the Department with the disciplinary orders from Alabama, Colorado, Illinois, Iowa, Missouri, New Mexico, South Carolina, South Dakota, Tennessee, and West Virginia. Each jurisdiction took the following actions:

a. On January 23, 2017, the Alabama Board of Architects disciplined Respondent for failing to disclose that he was under investigation and had been disciplined in other jurisdictions. Respondent was fined \$2,250.

b. On May 17, 2018, the Iowa Architectural Examining Board disciplined Respondent for not reporting disciplinary action taken by other jurisdictions on his renewal application. Respondent was reprimanded and fined \$230.

c. On June 26, 2018, the Tennessee State Board of Architectural and Engineering Examiners issued a letter of caution to Respondent.

d. On July 17, 2018, the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Artists disciplined Respondent for failing to report disciplinary actions taken by other jurisdictions on his renewal application. Respondent was placed on probation for three years.

e. On August 24, 2018, the New Mexico Board of Examiners for Architects disciplined Respondent for failing to report disciplinary actions taken by other jurisdictions. Respondent's credential was suspended for one year, and Respondent was fined \$500.

f. On September 24, 2018, the South Dakota Board of Technical Professions disciplined Respondent for failing to report disciplinary actions taken by other jurisdictions on Respondent's renewal application and for not completing enough professional development hours. Respondent was placed on probation for three years and fined \$1,500.

g. On November 9, 2018, the West Virginia Board of Architects informed Respondent that it had revoked Respondent's credential at its meeting on September 6, 2018 because Respondent's West Virginia credential was based on his NCARB certificate.

h. On November 28, 2018, the Colorado Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors disciplined Respondent for failing to report disciplinary action taken by other jurisdictions. Respondent's credential was suspended for 30 days, he was placed on probation for a year, and he was fined \$1,150.

i. On January 17, 2019, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation (Illinois) suspended Respondent's credential for one year for failing to report disciplinary action taken by other jurisdictions.

j. On March 13, 2019, the South Carolina Board of Architectural Examiners (South Carolina) fined Respondent \$500 and publicly reprimanded Respondent's credential for failing to disclose disciplinary actions taken by other jurisdictions on his renewal application.

6. 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 engaged in misconduct in the practice of architecture 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, Respondent violated Wis. Admin. Code § A-E 8.08(4) by failing to notify the Department in writing within 48 hours of being disciplined for unprofessional conduct in another state.

4. By the conduct described in the Findings of Fact, Respondent 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, Phillip C. Pecord is subject to discipline pursuant to Wis. Stat. §§ 443.11(1)(d) and (e).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Phillip C. Pecord is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay the COSTS of this matter in the amount of \$763.

4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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

This information may also be submitted online via DSPS' Monitoring Case Management System at: <https://dspsmonitoring.wi.gov/>.

5. In the event Respondent violates any term of this Order, Respondent's credential (number 9966-5), or Respondent's right to renew his credential, 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.

6. 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

14 April 2021

Date

RECEIVED

OCT 13 2020

DIV LEGAL SERVICES & COMPLIANCE
DEPT SAFETY & PROFESSIONAL SERVICES

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

PHILLIP C. PECORD,
RESPONDENT.

STIPULATION

Division of Legal Services and Compliance Case No. 18 ARC 002

Respondent Phillip C. Pecord 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.



Phillip C. Pecord, Respondent
Memphis, TN 38101
Credential No. 9966-5

10/09/20

Date



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

10/13/2020

Date

