

## 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

STEPHEN PERRY SMITH AND STEPHEN  
PERRY SMITH ARCHITECTS, INC.,  
RESPONDENTS.

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FINAL DECISION AND ORDER

**ORDER 0007617**

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Division of Legal Services and Compliance Case No. 18 ARC 010

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

Stephen Perry Smith  
Mequon, WI 53097

Stephen Perry Smith Architects, Inc.  
Milwaukee, WI 53202

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 Stephen Perry Smith (Birth Year: 1954) is registered by the State of Wisconsin as an Architect, having registration number 5543-5, first issued on September 28,

1983, and current through July 31, 2022. Respondent's architect registration was expired from August 1, 2018 to January 10, 2019, and from August 1, 2020 to August 20, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Mequon, Wisconsin 53097.

2. Respondent Stephen Perry Smith Architects, Inc. (SPS Architects) is authorized by the State of Wisconsin as an Architectural or Engineering Firm, having Certificate of Authorization number 4622-11, first issued on March 13, 2019, and current through January 31, 2022. Respondent's certificate of authorization was expired from February 1, 2020 to September 30, 2020. Respondent's most recent address on file with the Department is in Milwaukee, Wisconsin 53202.

3. Respondent Stephen Perry Smith is the responsible licensee for Respondent SPS Architects.

4. On October 30, 2018, the Department received a complaint alleging that Respondent Smith was engaged in the practice of architecture while his architect registration was expired, and SPS Architects was engaged in the practice of architecture without a Certificate of Authorization. Division of Legal Services and Compliance (DLSC) Case Number 18 ARC 010 was subsequently opened for investigation.

5. Respondent Smith provided a transcript from the American Institute of Architects that showed he had completed 22.75 total C.E. credits, of which 21.75 hours were for Health, Safety and Welfare topics, during the 2016-2018 biennium. This was 1.25 C.E. credits short of the 24 contact hours of continuing education that were required for the 2016-2018 biennium.

6. Respondent Smith stated that he had worked as a consultant to Lending Institutions, Lending Construction Progress Reporting on nine projects in Wisconsin, had reviewed plans verifying conformance to the protective covenants in three business parks in Wisconsin as a member of the NAI/MLG Architectural Review Board, and he had personally worked on four other projects in Wisconsin during the times when his architect registration was expired.

7. Respondent SPS Architects practiced architecture while its Certificate of Authorization was expired from February 1, 2020 – September 30, 2020.

8. In resolution of this matter, and to avoid additional time and expense of disputing allegations, 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, Respondent Stephen Perry Smith violated Wis. Stat. § 443.02(2) by practicing architecture while his registration was expired.
3. By the conduct described in the Findings of Fact, Respondent Stephen Perry Smith violated Wis. Stat. § 443.08(2)(a)2. by practicing or offering to practice architecture as an agent of a firm when the firm had not been issued a certificate of authorization.
4. By the conduct described in the Findings of Fact, Respondent SPS Architects violated Wis. Stat. § 443.08(5)(a) by engaging in the practice of or offering to practice architecture in this state, or using in connection with its name, or otherwise assuming, using or advertising any title or description tending to convey the impression that it is engaged in the practice of architecture, without complying with the requirements of sub. (3)(a)1.
5. By the conduct described in the Findings of Fact, Respondent Stephen Perry Smith violated Wis. Admin. Code § A-E 12.03(1) by failing to complete at least 24 contact hours of continuing education.
6. As a result of the above violations, Respondent Stephen Perry Smith is subject to discipline pursuant to Wis. Stat. § 443.11(1)(c) and (e).
7. As a result of the above violations, Respondent SPS Architects is subject to discipline pursuant to Wis. Stat. § 443.11(2).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent Stephen Perry Smith is REPRIMANDED.
3. Respondent SPS Architects is REPRIMANDED.
4. Within 90 days from the date of this Order, Respondent Stephen Perry Smith shall pay COSTS of this matter in the amount of \$531.00.
5. Within 90 days from the date of this Order, Respondent SPS Architects shall pay COSTS of this matter in the amount of \$531.00.
6. The Architect registration issued to Respondent Stephen Perry Smith (registration number 5543-5) is LIMITED as follows:
  - a. Within 90 (ninety) days of the date of this Order, Respondent Stephen Perry Smith shall successfully complete 1.25 hours of approved C.E. in accordance with the requirements specified in Wis. Admin. Code § A-E 12.03.
  - b. Respondent Stephen Perry Smith shall submit proof of successful completion of the ordered C.E. in the form of verification from the institution providing the C.E. to the Department Monitor at the address stated below.

- c. The C.E. completed pursuant to this Order may not be used to satisfy any other Architect C.E. requirements with the Section.

7. Requests for pre-approval, proof of successful course completion, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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) 266-2112; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

8. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 5543-5 and 4622-11), 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.

9. 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

6 October 2021  
Date

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

STEPHEN PERRY SMITH, AND STEPHEN  
PERRY SMITH ARCHITECTS, INC.,  
RESPONDENTS.

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STIPULATION

**ORDER 0007617**

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Division of Legal Services and Compliance Case No. 18 ARC 010

Respondents Stephen Perry Smith, Stephen Perry Smith Architects, 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.
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.

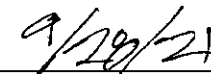

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondents, for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



Stephen Perry Smith, Respondent  
Mequon, WI 53097  
Registration no. 5543-5

  
Date

Stephen Perry Smith Architects, Inc., Respondent  
By: Stephen Perry Smith  
Milwaukee, WI 53202  
Certificate of authorization no. 4622-11

  
Date  
Megan Reed, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

9/29/2021  
Date