

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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

CONOR F. NELAN,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007618**

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Division of Legal Services and Compliance Case No. 17 ENG 009

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

Conor F. Nelan  
Fort Atkinson, WI 53538-2228

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  
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 in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Conor F. Nelan (Birth Year: 1963) is registered by the State of Wisconsin as a Professional Engineer, having certificate of registration number 34423-6, first issued on October 18, 2000 and current through July 31, 2022. Respondent's certificate of registration was expired from August 1, 2018 to January 17, 2019. Respondent's most recent

address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Fort Atkinson, Wisconsin 53538-2228.

2. On October 27, 2017, the Department received a complaint against Respondent alleging that Respondent was unresponsive in submitting additional plan information to the Department and that Respondent's unresponsiveness had led to the plans being denied and that when the Complainant attempted to work with Respondent to submit new plans, Respondent billed Complainant to make changes to the plan.

3. On December 20, 2017, the Department mailed Respondent a letter at his address of record requesting that he provide a response to the complaint. The Department did not receive a response.

4. On May 1, 2018, the Department mailed Respondent a letter via certified mail to his address of record requesting that he provide a response to the complaint and copies of the certificates of completion for each professional development hour (PDH) he took for the biennium preceding his most recent license renewal.

5. On May 18, 2018, Respondent provided his response to the complaint, along with copies of certificates for PDH courses he completed in the 2016-2018 biennium. The certificates are for three courses, totaling 17 PDH credits, taken through PDH-Pro on October 11, 2016:

- a. ET-88-WI Ethics & Standards of Professional Conduct for Wisconsin Engineers, for 2 PDH credits,
- b. ST-02-585 Design of Hydraulic Steel Structures, for 4 PDH credits, and
- c. ST-02-503 IBC -- Fire Resistance Rated Construction, for 11 PDH credits.

6. On August 5, 2019, Respondent emailed the Department and provided copies of additional certificates for PDH courses he took during the 2016-2018 biennium. The certificates are for three courses, totaling 9 PDH credits, taken through PDH-Pro:

- a. Live Webinar: HS-02-101W Compressed Gas Safety, on July 19, 2018, for 3 PDH credits,
- b. CE-02-305W Stormwater Best Management Practices, on July 26, 2018, for 3 PDH credits,
- c. Live Webinar: HS-02-301W Welding Safety, on July 31, 2018, for 3 PDH credits,

7. On September 17, 2019, the Department's continuing education specialist determined that Respondent was four hours short of the required thirty hours of PDHs for the 2016-2018 biennium.

8. Respondent communicated to the Department that his files were destroyed by a flood and he could not provide certificates for all thirty hours of the required PDHs. Respondent

contends that he did take the required hours but can not produce certificates due to this extenuating circumstance.

9. Respondent operated an engineering company called "Cold Spring Design." Cold Spring Design was registered with the Department of Financial Institutions in 2007 as a Limited Liability Corporation. Respondent does not hold a certificate of authorization for Cold Spring Design.

10. In resolution of this matter, Respondent consents 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 violated Wis. Stat. § 443.08(2)(b) 2. by practicing or offering to practice professional engineering as a principal, officer, employee, or agent of a firm, partnership, or corporation prior to the firm, partnership, or corporation being issued a certificate of authorization.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 8.08(3) by failing to respond to the Department within 30 days to a request for information in conjunction with an investigation of a complaint.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 13.07(1) by failing to maintain records of their continuing education units and PDHs earned for a minimum of the 3 most recent biennia on a form approved by the professional engineer section.

5. As a result of the above violations, Conor F. Nelan is subject to discipline pursuant to Wis. Stat. § 443.11(1)(e).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Conor F. Nelan is REPRIMANDED.

3. Respondent Conor F. Nelan's professional engineer certificate of registration (no. 34423-6) is LIMITED as follows:

- a. Within thirty (30) days of the date of this Order, Respondent shall submit an application to the Department for a certificate of authorization for Cold Spring Design.

- b. Within sixty (60) days of the date of this Order, Respondent shall successfully complete four (4) hours of approved PDHs or equivalent continuing education units in topics pertinent to the practice of professional engineering from a provider pre-approved by the Section's monitoring liaison, including taking and passing any exam(s) offered for the course(s).
- c. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- d. The education completed by Respondent pursuant to this Order shall be retroactively applied to his continuing education requirements for the 2016-2018 biennium, and may not be used to satisfy the requirements of the 2020-2022 biennium or any other requirements with the Section.

4. Within ninety (90) days from the date of this Order, Respondent Conor F. Nelan shall pay the COSTS of this matter in the amount of \$2,234.

5. Requests for pre-approval, proof of successful course completion, application for certification and 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) 266-2112; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's certificate of registration (number 34423-6), or Respondent's right to renew his certificate of 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 PROFESSIONAL ENGINEER SECTION OF THE WISCONSIN EXAMINING BOARD  
OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS,  
DESIGNERS AND PROFESSIONAL LAND SURVEYORS

by:

A handwritten signature in black ink, consisting of a stylized 'K' followed by a loop and a long horizontal stroke.

A Member of the Section

6 October 2021

Date

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

CONOR F. NELAN,  
RESPONDENT.

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STIPULATION

**ORDER 0007618**

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Division of Legal Services and Compliance Case No. 17 ENG 009

Respondent Conor F. Nelan 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 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. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

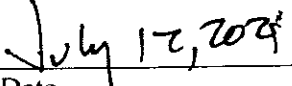
5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted 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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Conor P. Nelan, Respondent  
Fort Atkinson, WI 53538-2228  
Credential No. 34423-6

  
\_\_\_\_\_  
Date

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

07/21/2021  
\_\_\_\_\_  
Date