

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVE R. WALL,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007620

Division of Legal Services and Compliance Case No. 19 ENG 004

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

Dave R. Wall
New York, NY 10108

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
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 Dave R. Wall, (Birth Year 1969) is registered in the State of Wisconsin as a professional engineer, having certificate of registration number 45934-6, first issued on November 8, 2017 and current through July 31, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in New York, New York 10108.

2. On March 13, 2019, Respondent's employer reported to the Department that Respondent had been disciplined by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects (Missouri Board) on December 10, 2018.

3. The Missouri Board entered into a consent decree with Respondent and placed Respondent's license on probation for a period of one year for failing to report 2014 discipline by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors (Kentucky Board) on his application for a license in Missouri.

4. The Kentucky Board disciplined Respondent on October 10, 2014 for providing services in Kentucky without a business entity permit. The Kentucky Board reprimanded Respondent and fined him \$1,000.

5. Respondent applied for his Wisconsin professional engineering registration on January 23, 2017. Respondent answered "No" to the question, "Has any licensing or other credentialing agency ever taken any disciplinary action against you, including but not limited to any warning, reprimand, suspension, probation, limitation, or revocation?" Respondent was granted his Wisconsin professional engineering registration on November 8, 2017.

6. On June 10, 2019, the Department emailed Respondent at his email address of record. The Department requested a written statement on why the Missouri Board order was not reported within 48 hours, a copy of the consent decree from the Kentucky Board, an explanation for why Respondent did not report the Kentucky discipline on his Wisconsin application, and any other relevant documentation. The response was due on June 17, 2019. The Department did not receive a response.

7. On June 28, 2019, the Department sent Respondent a letter to his address of record. The Department requested the same information as in its June 10, 2019 email. The response was due on July 12, 2019. No response was received.

8. On October 2, 2019, the Department sent a letter via certified mail to Respondent's address of record. The Department requested the same information as in its earlier email and letter.

9. On November 26, 2019, Respondent replied and stated that the Kentucky discipline was not reported in his Wisconsin license application due to an oversight by staff.

10. In an email exchange between a Department investigator and Respondent on January 15 and 16, 2020, Respondent stated that he thought disciplinary action taken by other states was automatically sent by the National Council of Examiners for Engineering and Surveying (NCEES) to the states in which he is currently licensed.

11. 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. Admin. Code § A-E 8.08(3) by failing to respond in a timely manner to a request by the board, a section of the board or the department for information in conjunction with an investigation of a complaint filed against a registrant or licensee. There is a rebuttable presumption that a registrant or licensee who takes longer than 30 days to respond to a request for information has not acted in a timely manner.
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 if the registrant or licensee has been disciplined for unprofessional conduct in other states where the registrant or licensee holds a credential or has violated federal or state laws, local ordinances or administrative rules, not otherwise reportable under s. SPS 4.09 (2), which are related to the practice of an architect, landscape architect, professional engineer, designer or professional land surveyor. The notification shall be submitted within 48 hours of the disciplinary finding or violation of law and shall include copies of the findings, judgments and orders so that the department may determine whether the circumstances are substantially related to the practice of the registrant or licensee.
4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 8.09(1) by violating state codes which relate to the practice of engineering.
5. By the conduct described in the Findings of Fact, Respondent is subject to discipline pursuant to Wis. Stat. § 443.11(1)(a) by using fraud or deceit in obtaining a certificate of registration or a certificate of record.
6. As a result of the above violations, Respondent is also subject to discipline pursuant to Wis. Stat. § 443.11(1)(e).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Dave R. Wall (certificate of registration number 45934-6) is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$989.
4. Payment of costs (made payable to Department of Safety and Professional Services), shall be submitted to:

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

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

5. In the event Respondent violates any term of this Order, Respondent's certificate of registration (no. 45934-6) 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.

6. 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 Member of the Section

Date

6 October 2021

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVE R. WALL,
RESPONDENT.

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STIPULATION

ORDER 0007620

Division of Legal Services and Compliance Case No. 19 ENG 004

Respondent Dave R. Wall 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.

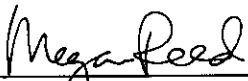
8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.



Dave R. Wall, Respondent
New York, NY 10108
Credential No. 45934-6

July 12, 2021

Date



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

07/12/2021

Date