

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

WALTER N. VERNON,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007864

Division of Legal Services and Compliance Case No. 19 ENG 003

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

Walter N. Vernon
San Francisco, CA 94104

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 Walter N. Vernon, (Birth Year 1961) is registered in the State of Wisconsin as a professional engineer, having certificate of registration number 29512-6, first issued on June 4, 1993 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 San Francisco, California 94104.

2. On January 30, 2019, the Department received notice from Respondent's assistant that Respondent had been assessed a fine of \$500 by the Florida Board of Professional Engineers after an audit found that Respondent had not completed his continuing education (CE) as required.

3. According to the Florida documents, when Respondent renewed his Florida professional engineer credential in February 2017, he certified that he had completed all required CE. However, Respondent had in fact not completed two courses required under Florida law (Laws & Rules and Ethics). He later completed those courses in August 2017.

4. On July 26, 2019, the Department emailed Respondent's assistant and requested Respondent's certificates of completion/attendance for his CE courses taken during the 2016-2018 biennium. The response was due August 9, 2019. No response was received.

5. On August 19, 2019, the Department mailed a letter via first class mail to the address of record for Respondent. The letter requested the same information as in the July 26, 2019 email. The response was due September 3, 2019. No response was received.

6. On September 4, 2019, the Department sent a letter via certified mail to the address of record for Respondent. The Department requested the same information as in the July 26, 2019 email. The response was due September 18, 2019. The letter was signed for on September 10, 2019, but the signature was not legible.

7. On September 11, 2019, an investigator from the Department called Respondent's office and spoke with someone who explained she was Respondent's new assistant. The investigator described the information needed from the Respondent. The assistant stated that Respondent was traveling but stated that she would attempt to get the information as soon as possible.

8. On October 22, 2019, the Department sent a letter via certified mail to Respondent's address of record with the Department. The letter requested the same information as the July 26, 2019 email, and also requested Respondent's CE certificates from the 2014-2016 biennium if Respondent planned on carrying forward CE hours from that biennium. The response was due November 5, 2019. The letter was signed for on October 25, 2019 by "Blaser," but the Department did not receive a response.

9. On November 26, 2019, an investigator from the Department spoke to Respondent's assistant on the phone and again requested Respondent's CE certificates. The assistant stated that she was having trouble locating the certificates. The investigator gave the assistant until December 13, 2019 to provide the CE certificates.

10. On December 23, 2019, Respondent's assistant emailed the Department and attached copies of two CE certificates. The assistant explained that neither she nor Respondent knew where the previous assistant had kept the CE certificates. The two attached CE certificates showed that Respondent completed one CE hour on the Florida Ethics for Professional Engineers and one CE hour on Florida Laws & Rules for Professional Engineers. Both courses were completed on August 22, 2017.

11. On January 8, 2020, the Department emailed the assistant and stated that Respondent was still lacking in sufficient CE hours for the 2016-2018 biennium and requested additional CE documentation. No response was received.

12. On February 10, 2020, the Department emailed the assistant and repeated the information from the January 8, 2020 email. No response was received.

13. On August 1, 2020, Respondent's license expired.

14. On October 23, 2020, Respondent renewed his license.

15. On August 11, 2021, Respondent's assistant submitted to the Department copies of CE certificates for Respondent from 2014 to 2020. The documentation included courses attended by Respondent as well as copies of published papers and articles by Respondent.

16. A Department review of the submitted documentation found that Respondent had completed the required number of professional development hours (PDHs) for the 2014-16, 2016-18, and 2018-20 biennia.

17. However, for these three biennia, Respondent submitted documentation of only one hour of ethics, which was the course referenced above, taken August 22, 2017 and titled, "Florida Ethics for Professional Engineers."

18. 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 13.03(1)(b) by failing to complete a minimum of 2 PDHs in the area of professional conduct and ethics during the 2014-16, 2016-18, and 2018-20 biennial registration periods.

3. 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 his continuing education units and PDHs earned for a minimum of the 3 most recent biennia on a form approved by the professional engineer section.

4. 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.

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

ORDER

1. The attached Stipulation is accepted.
2. The Professional Engineer certificate of registration issued to Respondent Walter N. Vernon (no. 29512-6) is SUSPENDED as follows:
 - a. Respondent's certificate of registration is suspended for an indefinite period of time.
 - b. This suspension shall be lifted upon submission of proof satisfactory to the Section or its designee that Respondent has completed two (2) hours of PDHs in the area of professional conduct and ethics, which meet the requirements of Wis. Admin. Code § A-E 13.03(1)(b).
 - c. Respondent shall submit proof that he has satisfied the ordered PDHs/CE in the form of verification from the institution offering the PDHs/CE to the Department Monitor at the address stated below.
 - d. Any PDHs/CE completed pursuant to this Order may not be used to satisfy any other registered Professional Engineer professional development or continuing education requirements with the Section.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$939.
4. Proof of successful completion of the PDHs/CE ordered above and 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://dspsmonitoring.wi.gov>

5. In the event Respondent violates any term of this Order, Respondent's certificate of registration (no. 29512-6) 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

2/24/2022
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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

WALTER N. VERNON,
RESPONDENT.

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STIPULATION

ORDER 0007864

Division of Legal Services and Compliance Case No. 19 ENG 003

Respondent Walter N. Vernon 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.



Walter N. Vernon, Respondent
San Francisco, CA 94104-3455
Credential No. 29512-6

01/31/2022

Date



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

02/01/2022

Date