

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, PROFESSIONAL LAND SURVEYORS, AND REGISTERED INTERIOR
DESIGNERS

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SCOTT H. CHYKO, DANIEL J. DREESSENS,
BART P. NIES,
AND DELTA 3 ENGINEERING INC.,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER

:
:
: **ORDER 0008451**
:

Division of Legal Services and Compliance Case No. 22 ENG 019

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

Scott H. Chyko
Platteville, WI 53818

Daniel J. Dreessens
Platteville, WI 53818

Bart P. Nies
Platteville, WI 53818

Delta 3 Engineering Inc.
Platteville, WI 53818

Professional Engineer Section of the Wisconsin Examining Board of Architects,
Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors,
and Registered Interior Designers
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, Professional Land Surveyors, and Registered Interior Designers (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 Scott H. Chyko (Birth Year 1960) is registered by the State of Wisconsin as a professional engineer, having certificate of registration number 35316-6, first issued on March 7, 2002 and current through July 31, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Platteville, Wisconsin 53818.

2. Respondent Daniel J. Dreessens (Birth Year 1975) is registered by the State of Wisconsin as a professional engineer, having certificate of registration number 35670-6, first issued on August 13, 2002 and current through July 31, 2024. Respondent's most recent address on file with the Department is in Platteville, Wisconsin 53818.

3. Respondent Bart P. Nies (Birth Year 1972) is registered by the State of Wisconsin as a professional engineer, having certificate of registration number 34685-6, first issued on March 26, 2001 and current through July 31, 2024. Respondent's most recent address on file with the Department is in Platteville, Wisconsin 53818.

4. Respondent Delta 3 Engineering Inc. is authorized by the State of Wisconsin as an engineering firm, having certificate of authorization (COA) number 2778-11, first issued on December 9, 2003 and current through January 31, 2024. Respondent's most recent address on file with the Department is in Platteville, Wisconsin 53818.

5. Respondents Scott H. Chyko, Daniel J. Dreessens, and Bart P. Nies are identified in Department records as the responsible licensees in charge of Respondent Delta 3 Engineering Inc., were identified on the COA renewal form as officers of the company, and are additionally identified on their company's website as the owners of and project managers for the firm.

6. On February 1, 2022, Respondent Delta 3 Engineering Inc.'s COA expired.

7. Between January 31, 2022 and September 23, 2022, Respondents submitted four stamped proposed facility plans, construction plans, and specifications to the Wisconsin Department of Natural Resources' Wastewater Plan Review staff (DNR).

8. On September 23, 2022, the Department was informed by the DNR that Respondent Delta 3 Engineering Inc. appeared to be operating as an engineering firm without possessing a current COA. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 22 ENG 019 for investigation.

9. On September 27, 2023, Respondent Delta 3 Engineering Inc. submitted renewal paperwork for its COA. Respondents stated that the failure to submit a timely renewal was due to an administrative oversight.

10. On September 27, 2023, the Department renewed Respondent Delta 3 Engineering Inc.'s COA.

11. In resolution of this matter, Respondents consent 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, Professional Land Surveyors, and Registered Interior Designers 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, Respondents Scott H. Chyko, Daniel J. Dreessens, and Bart P. Nies violated Wis. Stat. § 443.08(2)(b)2. by practicing or offering to practice professional engineering as a principal of a firm while the firm's COA was expired.

3. By the conduct described in the Findings of Fact, Respondent Delta 3 Engineering Inc. violated Wis. Stat. § 443.08(5)(b) by engaging in the practice of professional engineering as a firm with an expired COA.

4. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. § 443.11(1)(c), (e) and (2).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Scott H. Chyko is REPRIMANDED.

3. Respondent Daniel J. Dreessens is REPRIMANDED.

4. Respondent Bart P. Nies is REPRIMANDED.

5. Respondent Delta 3 Engineering Inc. is REPRIMANDED.

6. Within ninety (90) days from the date of this Order, Respondent Scott H. Chyko shall pay one-fourth of the COSTS of this matter, for a total of \$106.

7. Within ninety (90) days from the date of this Order, Respondent Daniel J. Dreessens shall pay one-fourth of the COSTS of this matter, for a total of \$106.

8. Within ninety (90) days from the date of this Order, Respondent Bart P. Nies shall pay one-fourth of the COSTS of this matter, for a total of \$106.

9. Within ninety (90) days from the date of this Order, Respondent Delta 3 Engineering Inc. shall pay one-fourth of the COSTS of this matter, for a total of \$106.

10. All submissions, including payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondents to the Department Monitor at the address below:

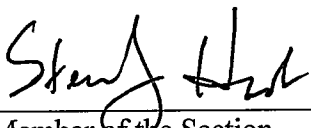
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Submissions may also be made online at: <https://dspsmonitoring.wi.gov/>

11. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 35316-6, 35670-6, 34685-6, and 2778-11), 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.

12. This Order is effective on the date of its signing.

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

by: 
A Member of the Section

4/12/2023
Date

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

MAR 17 2023

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SCOTT H. CHYKO, DANIEL J. DREESSENS,
BART P. NIES,
AND DELTA 3 ENGINEERING INC.,
RESPONDENTS.

STIPULATION

ORDER 0008451

DIVISION OF LEGAL SERVICES & COMPLIANCE
DEPT. OF SAFETY & PROFESSIONAL SERVICES

Division of Legal Services and Compliance Case No. 22 ENG 019

Respondents Scott H. Chyko, Daniel J. Dreessens, Bart P. Nies, and Delta 3 Engineering 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 Professional Engineer Section of the Wisconsin Examining Board of Architects, Landscape

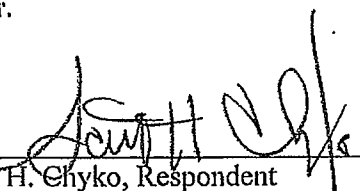
Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive 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.

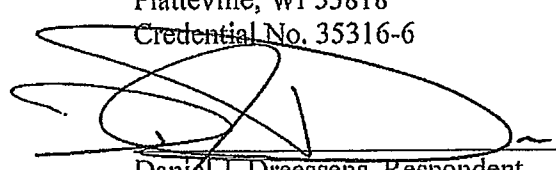
8. The Division of Legal Services and Compliance joins Respondents in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.



Scott H. Chyko, Respondent
Platteville, WI 53818
Credential No. 35316-6

Date

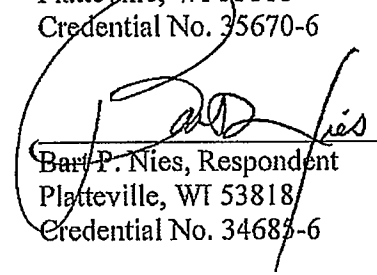
3/14/23



Daniel J. Dreessens, Respondent
Platteville, WI 53818
Credential No. 35670-6

Date

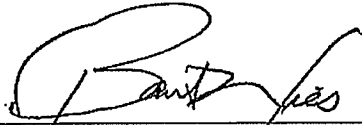
3/14/2023



Bart P. Nies, Respondent
Platteville, WI 53818
Credential No. 34683-6

Date

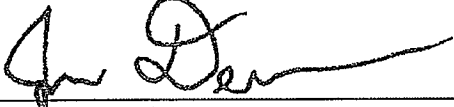
3/14/2023



Delta 3 Engineering Inc., Respondent
By: Scott H. Chyko, Daniel J. Dreessens, or
Bart P. Niles, Responsible Licensees
Platteville, WI 53818
Credential No. 2778-11

3/14/2023

Date



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

3/21/2023

Date