

## 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

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MARK F. PRONLEY, AND	:	
THE PROBST GROUP, LLC,	:	
RESPONDENTS.	:	<b>ORDER 0008801</b>

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Division of Legal Services and Compliance Case No. 22 ENG 026

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

Mark F. Pronley  
Brookfield, WI 53045

The Probst Group, LLC  
Brookfield, WI 53005

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 Mark F. Pronley (Birth Year 1985) is registered by the State of Wisconsin as a professional engineer, having certificate of registration number 42730-6, first

issued on January 3, 2013 and current through July 31, 2024. Respondent's most recent address on file with the Department is in Brookfield, Wisconsin 53045.

2. Respondent The Probst Group, LLC (Probst) is authorized by the State of Wisconsin as an engineering firm, having certificate of authorization number 3440-11, first issued on April 8, 2010 and current through January 31, 2024. Respondent's most recent address on file with the Department is in Brookfield, Wisconsin 53005.

3. Respondent Mark F. Pronley is the Vice President of Engineering for Probst.

4. On February 1, 2022, Respondent Probst's COA expired.

5. On October 14, 2022, Respondent Probst submitted engineering plans, stamped by Respondent Pronley, to the Wastewater Section of the Wisconsin Department of Natural Resources.

6. On November 4, 2022, Respondent Probst renewed its COA.

7. On November 8, 2022, the Department received a complaint alleging that Respondents provided professional engineering services while Respondent Probst's certificate of authorization (COA) was expired. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 22 ENG 026 for investigation.

8. On November 10, 2022, the Department contacted Respondents to request a response to the complaint.

9. On November 11, 2022, Respondents stated that Probst's COA had expired due to a clerical oversight, and that Probst had renewed its COA immediately upon learning of its expiration.

10. 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, Respondent Mark F. Pronley 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 when the firm's certificate of authorization was expired.

3. By the conduct described in the Findings of Fact, Respondent Mark F. Pronley violated Wis. Admin. Code § A-E 8.09(1) by failing to comply with the requirements of Chapter

443 of the Wisconsin Statutes, rules, and codes which relate to the practice of professional engineering.

4. By the conduct described in the Findings of Fact, Respondent The Probst Group, LLC violated Wis. Stat. § 443.08(5)(b) by engaging in the practice of or offering to practice professional engineering when it had not complied with Chapter 443 of the Wisconsin Statutes.

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

6. As a result of the above violations, Respondent The Probst Group, LLC is subject to discipline pursuant to Wis. Stat. § 443.11(2).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark F. Pronley is REPRIMANDED.

3. Respondent The Probst Group, LLC is REPRIMANDED.

4. Within ninety (90) days from the date of this Order, Respondent Mark F. Pronley shall pay one-half of the COSTS of this matter, for a total of \$249.

5. Within ninety (90) days from the date of this Order, Respondent The Probst Group, LLC shall pay one-half of the COSTS of this matter, for a total of \$249.

6. 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](mailto:DSPSMonitoring@wisconsin.gov)

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

7. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 42730-6, and 3440-11), 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.

8. 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

10/11/2023  
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

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARK F. PRONLEY, AND  
THE PROBST GROUP, LLC,  
RESPONDENTS.

STIPULATION

**ORDER 0008801**

Division of Legal Services and Compliance Case No. 22 ENG 026

Respondents Mark F. Pronley, and The Probst Group, LLC 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. Respondents are represented by Attorney Daniel G. Murphy.
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.

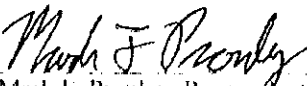
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondents, for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

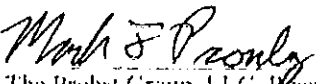
8. The Division of Legal Services and Compliance joins Respondents in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

  
Daniel G. Murphy, Attorney for Respondents  
Milwaukee, WI 53202

8-4-2023  
Date

  
Mark F. Pronley, Respondent  
Brookfield, WI 53045  
Credential No. 42730-6

8-4-2023  
Date

  
The Probst Group, LLC, Respondent  
By: Responsible Licensee  
Brookfield, WI 53005  
Credential No. 3440-11

8-4-2023  
Date



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

8/4/23  
Date