

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

| | | |
|-----------------------------------|---|---------------------|
| IN THE MATTER OF THE DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | FINAL DECISION |
| | : | AND ORDER |
| REX T. PLESS, P.E., | : | CASE NO. 89 ENG 014 |
| RESPONDENT. | : | |

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Rex T. Pless, P.E.
1900 Century Place, Suite 300
Atlanta, GA 30345

Examining Board of Architects, Professional Engineers,
Designers and Land Surveyors; Professional Engineers Section
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

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 Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Rex T. Pless, P.E., Respondent herein, 1900 Century Place, Suite 300, Atlanta, Georgia 30345, is duly licensed as a professional engineer in the State of Wisconsin, license no. 13645, granted August 22, 1973.
2. Rex T. Pless, licensed to practice professional engineering in the state of Florida, was subject to disciplinary action by the Florida Department of Professional Regulation, Board of Professional Engineers, by Final Order dated February 14, 1989, wherein that Board imposed an administrative fine, probation, and supplementary education on his license to practice professional engineering in that state.

CONCLUSIONS OF LAW

1. The Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, has jurisdiction in this matter pursuant to Wis. Stats., sec. 443.11.

2. In violating the laws relating to the practice of professional engineering in the state of Florida, Pless has engaged in misconduct in the practice of professional engineering within the meaning of Wis. Stats., sec. 443.11(1), as those terms are defined in Wis. Adm. Code, sec. A-E 8.03(3)(a), and Respondent is therefore subject to disciplinary action by the Professional Engineers Section, pursuant to sec. 443.11, Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached stipulation of the parties is accepted.

IT IS FURTHER ORDERED that the license of Rex T. Pless to practice professional engineering in Wisconsin is hereby reprimanded.

IT IS FURTHER ORDERED that the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Professional Engineers Section, shall close investigative file number 89 ENG 014.

Dated this 15th day of November, 1991.

EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS;
PROFESSIONAL ENGINEERS SECTION

By: _____

A Member of the Board

11/15/91
Date

RH:mkm
ATY-1797

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

| | | |
|-----------------------------------|---|---------------------|
| IN THE MATTER OF THE DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | |
| | : | STIPULATION |
| REX T. PLESS, P.E., | : | CASE NO. 89 ENG 014 |
| RESPONDENT. | : | |

It is hereby stipulated and agreed, by and between Rex T. Pless, P.E., Respondent; and Roger R. Hall, Attorney for Complainant, Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. The Examining Board of Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction over this matter pursuant to Wis. Stats. sec. 443.11.
2. This Stipulation is entered into as a result of a pending investigation of Rex T. Pless' practice as a professional engineer by the Division of Enforcement. Mr. Pless consents to the resolution of this investigation by Stipulation and without the issuance of a formal disciplinary complaint and hearing.
3. The Respondent understands by signing this Stipulation that he voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the allegations by clear, satisfactory and convincing evidence, the right to confront and cross-examine the witnesses against him, the right to call witnesses on his own behalf and to compel their attendance by subpoena, the right to testify in his own behalf, the right to file objections to any proposed decision and 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. This Stipulation shall be submitted to the Professional Engineers Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors to form the basis for the Final Decision and Order in this matter.
5. The Final Decision and Order attached to this Stipulation may be made and entered in this matter by the Wisconsin Professional Engineers Section, without prior notice, pleading, appearance or consent of any party. Respondent agrees that in the event the attached Final Decision and Order is made and entered, he will not appeal or seek review of the Final Decision and Order of the Board and hereby expressly waives any right to appeal.
6. In the event any portion of this Stipulation or attached Findings of Fact, Conclusions of Law and Final Decision and Order is not accepted by the Professional Engineers Section, the entire Stipulation and Findings of Fact, Conclusions of Law and Final Decision and Order shall be void and have no effect.

7. The attorney for the Complainant, and the Board Advisor assigned to this matter, may appear before the Professional Engineers Section and answer questions or argue in favor of acceptance of this Stipulation and the entering and issuance of the attached Final Decision and Order in the absence of any appearance by the Respondent.

8. If this Stipulation is adopted by the Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Professional Engineers section, the attached Order shall become effective upon the signing of the Order.

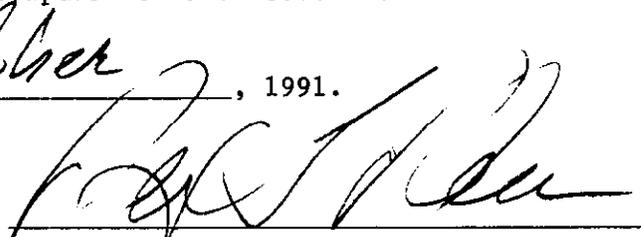
9. Rex T. Pless, P.E., Respondent herein, is a professional engineer currently licensed to practice professional engineering in the State of Wisconsin. His license bears #13645.

10. Respondent admits that on November 5, 1986, and February 14, 1989, the Florida Board of Professional Engineering entered Final Orders in its disciplinary action against Respondent wherein Pless agreed to an administrative fine, probation, and supplementary education.

11. In order to bring this matter to a final resolution, the Respondent agrees to accept a reprimand of his license to practice professional engineering in the State of Wisconsin.

12. In view of the foregoing agreement on the part of the Respondent, the Division of Enforcement agrees to recommend to the Wisconsin Professional Engineers Section that it accept this Stipulation and issue the attached Final Decision and Order.

Dated this 24 day of October, 1991.


Rex T. Pless, Professional Engineer

Dated this 29th day of October, 1991.


Roger R. Hall, Attorney for Complainant
State of Wisconsin
Department of Regulation and Licensing
Division of Enforcement

RRH:mkm
ATY-1796

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

The date of mailing of this decision is November 19, 1991.