

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

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
JACK DEAN GILLUM, P.E., :
RESPONDENT. :

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

Jack Dean Gillum
%KKBNA, Inc.
4251 Kipling
Wheat Ridge, CO 80033

Attorney Lawrence B. Grebel
Brown, James & Rabbitt, P.C.
705 Olive Street, 11th Floor
St. Louis, MO 63101

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

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

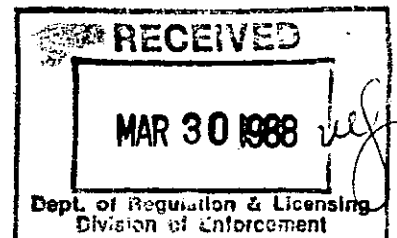
The parties in this matter agree to the terms and conditions of the
attached Stipulation as the final disposition of this matter, subject to
the approval of the Board. The Board has reviewed this Stipulation and
considers it acceptable.

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

FINDINGS OF FACT

1. Jack Dean Gillum, Respondent herein, currently holds a certificate
of registration to practice as a professional engineer in the State of
Wisconsin. His certificate bears number 17786 and was issued July 11, 1978.

2. Respondent's date of birth is November 21, 1928 and current
address is %KKBNA, Inc., 4251 Kipling, Wheat Ridge, Colorado 80033.



3. On January 22, 1986, the Missouri Board for Architects, Professional Engineers and Land Surveyors filed the Statement of the Case, Findings of Fact, Conclusions of Law, Decision and Order in its disciplinary case against Respondent.

4. The Missouri Board ordered that Respondent's certificate of registration to practice as a professional engineer be revoked. Said Order is attached as Exhibit A.

5. On January 26, 1988, the Missouri Court of Appeals, Eastern District, affirmed on appeal the revocation ordered by the Missouri Board.

6. On June 13, 1986, the Alabama Board of Registration for Professional Engineers and Land Surveyors filed Findings of Fact and Conclusions of Law and Order in its disciplinary case against Respondent.

7. The Alabama Board ordered that Respondent's registration to practice engineering be revoked. Said Findings of Fact and Conclusions of Law and Order are attached as Exhibit B.

8. On July 17, 1987, the Colorado State Board of Registration for Professional Engineers and Professional Land Surveyors filed a Stipulation, Surrender of Certificate of Registration, and Order in its disciplinary case against Respondent.

9. The Colorado Board accepted the surrender of Respondent's certificate of registration and revoked all rights and privileges to practice engineering in the State of Colorado. Said Stipulation, Surrender of Certificate of Registration and Order are attached as Exhibit C.

CONCLUSIONS OF LAW

1. The Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 443.11.

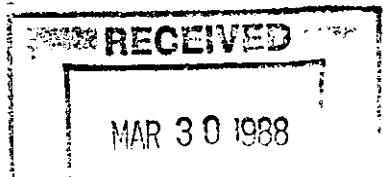
2. The Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

3. Respondent engaged in misconduct contrary to Wis. Stats. sec. 443.11(1)(e) and Wis. Adm. Code sec. A&E 4.003(3)(a), now renumbered sec. A&E 8.03(3)(a), and is subject to discipline in that his certificate of registration to practice as a professional engineer in the State of Missouri has been revoked, his registration to practice engineering in the State of Alabama has been revoked, and his certificate of registration to practice engineering in the State of Colorado has been revoked.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

That the Stipulation of the parties, attached hereto, is accepted.



IT IS FURTHER ORDERED:

That the Wisconsin Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors; Professional Engineers Section accepts the voluntary surrender of Jack Dean Gillum's certificate of registration to practice engineering.

IT IS FURTHER ORDERED:

That Respondent may never apply or reapply for registration in the State of Wisconsin without prior approval of the Board and that if the Board withholds approval it shall not be considered a denial of a license within the meaning of Wis. Stats. sec. 227.01(3)(a) and shall not entitle Respondent to a hearing on the Board's decision not to allow Respondent to apply for a certificate of registration.

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

BY:

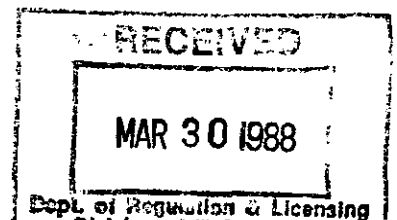
Edward P. Crawley

A Member of the Board

Date

5.27.88

SS:lm1
6927



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
JACK DEAN GILLUM, P.E., :
RESPONDENT. :

The parties in this matter agree and stipulate as follows:

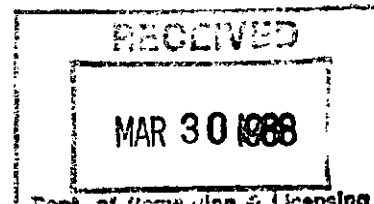
1. This Stipulation is entered into as a result of a pending investigation of Jack Dean Gillum's certificate of registration by the Division of Enforcement (case file 86 A&E 44). Mr. Gillum consents to the resolution of this investigation by stipulation and without the issuance of a formal disciplinary complaint and hearing.

2. 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 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. The Respondent admits the allegations and statements found in the attached Final Decision and Order, and hereby voluntarily surrenders his certificate of registration to practice engineering in the State of Wisconsin. Respondent expressly agrees never to reapply for registration in the State of Wisconsin without prior approval of the Board, and agrees that if the Board withholds approval it shall not be considered a denial of a license within the meaning of Wis. Stats. sec. 227.01(3)(a) and shall not entitle Respondent to a hearing on the Board's decision not to allow Respondent to apply for a certificate of registration.

4. The Respondent and the Complainant urge the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section to adopt this Stipulation and the attached Final Decision and Order in this matter.

5. If the terms of this Stipulation and attached Final Decision and Order are not acceptable to the Board, then none of the parties shall be bound by any of the terms.



6. The attached Findings of Fact, Conclusions of Law, Final Decision and Order may be made and entered in this matter by the Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section, without prior notice to any party.

7. All parties agree that Counsel for the Department of Regulation & Licensing, Division of Enforcement and the Board Advisor appointed in this matter may appear before the Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section, to argue in favor of acceptance of this stipulation and the entry of the attached Findings of Fact, Conclusions of Law, Final Decision and Order.

8. That this agreement in no way prejudices the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section, from any further action against Respondent based on any acts not stated in the present Findings of Fact which might be violative of the Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; Professional Engineers Section, Statutes and Rules.

9. That 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 as stated in the order.

10. The Respondent's Wisconsin registration documents are attached to this Stipulation.

February 25, 1988
Date

Sherry Steffel
Sherry Steffel, Attorney
Division of Enforcement

March 20, 1988
Date

Jack Dean Gillum
Jack Dean Gillum, Respondent

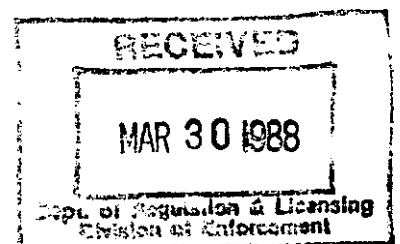
3/27/88
Date

Lawrence B. Grebel
Lawrence B. Grebel
Attorney for Respondent

5.27.88
Date

Edward P. Cranley
A Member of the Board

SS:lm1
108-985



OCT 30 1986

Architectural Division

Homer L. Williams, Chairman
D. Robert Downey, Member
Robert W. Marshall, Member

Engineering Division

Robert C. Flory, Chairman
Donald F. Cairns, Member
David G. Krehbiel, Member

Department of Economic Development
Carl M. Koupal, Jr., Director
Division of Professional Registration

**MISSOURI BOARD FOR ARCHITECTS,
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

P.O. Box 184
Jefferson City, Missouri 65102
Telephone 314/751-2334

John Ashcroft
Governor

Seth Evans
Board Chairman


Shirley Nixon
Executive Director

Doyle Nimmo
Public Member

STATE OF MISSOURI)
(
COUNTY OF COLE)

I, Shirley Nixon, Executive Director of the Missouri Board for Architects, Professional Engineers and Land Surveyors, do hereby certify that the attached are true and correct copies of all complaints filed with the Missouri Administrative Hearing Commission, the Statement of the Case, Findings of Fact, Conclusions of Law and Decision of the Missouri Administrative Hearing Commission, and the Order issued in the matter of the Missouri Board for Architects, Professional Engineers and Land Surveyors vs. Daniel M. Duncan, Jack D. Gillum, and G.C.E. International, Inc., Case No. AR-84-0239, issued the 22nd day of January, 1986.

Dated this 28th day of October, 1986.


Executive Director

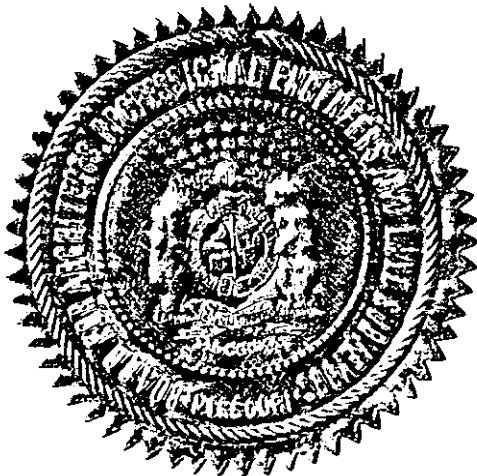


EXHIBIT A

BEFORE THE
MISSOURI BOARD FOR ARCHITECTS,
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

MISSOURI BOARD FOR ARCHITECTS,
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS
P. O. Box 184
Jefferson City, Missouri 65102

Petitioner,

vs.

DANIEL M. DUNCAN, JACK D. GILLUM
and G.C.E. INTERNATIONAL, INC.
100 North Broadway
St. Louis, Missouri 63102

Respondents.

Case No. AR-84-0239

ORDER

WHEREAS, in the case of the Missouri Board of Architects, Professional Engineers and Land Surveyors vs. Daniel M. Duncan, Jack D. Gillum and G.C.E. International, Inc., Case No. AR-84-0239, before the Administrative Hearing Commission, State of Missouri, the respondents were found, in a decision issued November 15, 1985, to have committed a violation of Section 327.441, RSMo. 1978, as amended, and

WHEREAS, pursuant to said decision and to Section 621.110 RSMo. 1978, as amended, a hearing was held on January 22, 1986, before the Missouri Board for Architects, Professional Engineers and Land Surveyors upon the issue of appropriate disciplinary action, at which hearing the respondents were present,

NOW THEREFORE, upon consideration of the entire record, it is the Order of the Missouri Board of Architects, Professional Engineers and Land Surveyors that (1) the certificate of registration to practice as a professional engineer of Daniel M. Duncan, E-18738, is revoked; (2) the certificate of registration to practice as a professional engineer of Jack D. Gillum, E-13146, is revoked, and (3) the certificate of authority of G.C.E. International, Inc., E-587D, is revoked.

Issued this 22nd day of January, 1986.



MISSOURI BOARD FOR ARCHITECTS,
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

BY: 

Shirley Nison
Executive Director

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing
Order was sent this 22nd day of January, 1986, by certified mail, return
receipt requested, to:

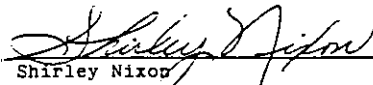
DANIEL M. DUNCAN, JACK D. GILLUM and
G.C.E. INTERNATIONAL, INC.
100 North Broadway
St. Louis, Missouri 63102

REEDER R. FOX, Esq.
Duane, Morris and Heckscher
One Franklin Plaza
Philadelphia, Pennsylvania 19102

GERALD M. HANDLEY, Esq.
Speck and Handley
1125 Grand Avenue, Suite 1804
Kansas City, Missouri 64106

ANN P. HAGAN, Esq.
Seigrfeid, Runge, Leonatti and
Pohlmeyer
123 East Jackson
Mexico, Missouri 65265

LAWRENCE B. GREBEL, Esq.
Brown, James and Rabbit P.C.
705 Olive Street, 11th Floor
St. Louis, Missouri 63101


Shirley Nixon
Executive Secretary

OCT 30 1986

BEFORE THE
ALABAMA STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOV 10 1986

IN THE MATTER OF THE COMPLAINT AGAINST:

Jack D. Gillum, Respondent

This is to certify that this is a true and correct copy of a copy on file in the Office of the Secretary of the State Board of Registration for Professional Engineers and Land Surveyors.

[Signature]
Signed by the Executive Secretary

Sworn to and subscribed before me this
10 day of Nov, 1986

[Signature]
Notary Public, State at Large

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

This cause having come before the Alabama State Board of Registration for Professional Engineers and Land Surveyors (hereinafter referred to as the Board) on a complaint against Jack D. Gillum (hereinafter referred to as the Respondent) and evidence having been presented on May 23, 1986, the Board has determined that the following facts and conclusions are supported by the great preponderance of the evidence and law.

Findings of Fact

1. The Respondent is registered by the Board as a Registered Professional Engineer, holding registration number 12046.
2. The documentary evidence offered by Respondent was received into evidence (State's Exhibits 2 and 3).
3. After due consideration, Respondent's written request for a delay in the hearing was denied.
4. Proof of proper service of notice to Respondent of the hearing of a contested case on May 23, 1986 having been established by the introduction into evidence of a certified mail return receipt card, together with the complaint against Respondent, as well as other documentary evidence (State's Exhibits 1, 2, 3 and 4), the Board proceeded with the hearing pursuant to Code of Alabama 1975, Section 41-22-12(c) and other applicable law and rules.

EXHIBIT B

5. The State presented, among other evidence, documentary evidence to the Board as follows:

1. State's Exhibit 5 ... A 442 page document entitled Before the Administrative Hearing Commission State of Missouri - Statement of the Case, Findings of Facts, Conclusions of Law and Decision under date of November 15, 1985.

2. State's Exhibit 6 ... A 71 page document of the transcript of the hearing entitled Before the Missouri Board for Architects, Professional Engineers and Land Surveyors, In the Matter of: Daniel M. Duncan, Jack D. Gillum, and GCE International, Inc., Case No. AR-84-0239.

3. State's Exhibit 7 ... A 2 page Order of the Missouri Board for Architects, Professional Engineers and Land Surveyors dated January 22, 1986.

4. State's Exhibit 8 ... A certifications of State's Exhibits 5, 6 and 7 by the Executive Director of the Missouri State Board.

6. Respondent, a registered Professional Engineer in the States of Missouri and Alabama, pursuant to Missouri law, did have his license to practice engineering in the State of Missouri revoked by order of the Missouri State Board of Architects, Professional Engineers and Land Surveyors, dated January 22, 1986, (State's Exhibits 6 & 7) based upon an order of the Administrative Hearing Commission dated November 15, 1985 finding cause for discipline of Respondent based on findings of guilt of misconduct, gross negligence and unprofessional conduct in the practice of engineering as set forth in the Statement of the Case, Findings of Facts, Conclusions of Law and Decision. (State's Exhibit 5)

7. Pursuant to Rule 330-X-14-.07 (formerly Canon V,E) of the Alabama Board of Registration for Professional Engineers and Land Surveyors, Respondent having been found guilty of misconduct and gross negligence, in accordance with Missouri law, the Board finds Respondent guilty of misconduct and gross negligence in the practice of engineering, separately and severally, as proscribed by Code of Alabama 1975, Section 34-11-11 (a)(2) and, separately and severally, further finds the Respondent guilty of violating Rule 330-X-14-.07 (formerly Canon V,E) of the Alabama Board of Registration for Professional Engineers and Land Surveyors.

8. Additionally and alternatively, the Board finds that the reasons and causes for the revocation of Respondent's registration in Missouri as set forth in Paragraph 6 constitute violations, separately and severally, of Code of Alabama 1975, Section 34-11-11(a)(2), a part of the Alabama law regulating the practice of engineering. Therefore, sufficient cause exists for the revocation of Respondent's registration in Alabama pursuant to Code of Alabama 1975, Section 34-11-11 and Rule 330-X-14-.07 (formerly Canon V,E) of the Alabama Board of Registration for Professional Engineers and Land Surveyors.

Conclusions of Law

9. The Alabama State Board of Registration for Professional Engineers and Land Surveyors has jurisdiction of this cause pursuant to Code of Alabama, 1975, Section 34-11-11 and Rule 330-X-14-.07 (formerly Canon V,E) of the Alabama Board of Registration for Professional Engineers and Land Surveyors.

10. The hearing was properly conducted under the provisions of Code of Alabama 1975, Section 41-22-12(c) and other applicable law and rules.

11. Respondent having been found guilty of violating the Alabama Law regulating the practice of engineering, as set forth in Paragraph 7 of the Findings of Facts, pursuant to Code of Alabama 1975, Section 34-11-11 and Rule 330-X-14-.07 of the Alabama Board of Registration for Professional Engineers and Land Surveyors, his registration to practice engineering in the State of Alabama is due to be revoked.


12. Additionally and alternatively, the Board having found, as set forth in paragraph 8 of the Findings of Fact, that the reasons and causes for the revocation of Respondent's license in Missouri constitute violations of Code of Alabama 1975, Section 34-11-11(a)(2) and, thus, sufficient cause exists for the revocation of Respondent's registration in Alabama, pursuant to Code of Alabama 1975, Section 34-11-11 and Rule 330-X-14-.07 of the Board of Registration for Professional Engineers and Land Surveyors, the Respondent's registration to practice engineering in the State of Alabama is due to be revoked.

ORDER

This cause having come before the Alabama State Board of Registration for Professional Engineers and Land Surveyors on a complaint containing charges against Jack D. Gillum and the Board having fully considered all the evidence presented, the Board has determined that Jack D. Gillum, the Respondent, is guilty as charged and pursuant to the provisions of Code of Alabama 1975, Section 34-11-11 hereby revokes the registration of Jack D. Gillum to practice engineering in the State of Alabama.

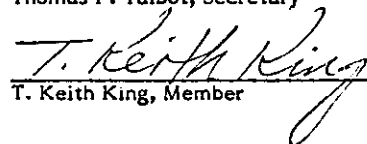
Provided, further, however, that, if and when, Jack D. Gillum's Missouri registration to practice engineering is reinstated, he may apply to the Board for reinstatement of his Alabama registration.

Done this 13th day of June, 1986.


Sam H. Wainwright, Chairman


Thomas A. Saunders, Vice-Chairman


Thomas F. Talbot, Secretary


T. Keith King, Member

STATE OF COLORADO

STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

Susan Miller
Program Administrator
1525 Sherman Street, Room 600B
Denver, Colorado 80203-1767
Phone (303) 866-2396

Department of Regulatory Agencies

Steven V. Berson
Executive Director



Division of Registrations

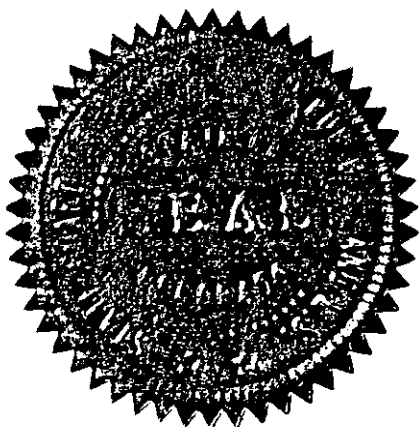
Bruce M. Douglas, Director

Roy Romer
Governor

COUNTY OF DENVER
STATE OF COLORADO

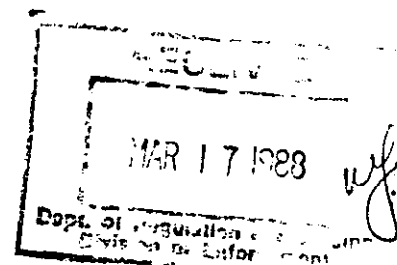
I, Susan Miller, the duly appointed Program Administrator for the State Board of Registration for Professional Engineers and Professional Land Surveyors, do hereby certify that I am the legal custodian of the records of said Board. I further certify that the attached Stipulation, Surrender of Certificate of Registration, and Order pertaining to Jack D. Gillum is a true and correct copy of the original on file in the Board office.

Dated this 14th day of March 1988, at Denver, Colorado.



Susan Miller
Susan Miller, Program Administrator

EXHIBIT C



BEFORE THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND PROFESSIONAL LAND SURVEYORS

STATE OF COLORADO

STIPULATION, SURRENDER OF CERTIFICATE OF REGISTRATION, AND ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE
AND CERTIFICATE OF REGISTRATION TO PRACTICE AS A PROFESSIONAL
ENGINEER OF JACK D. GILLUM

The State Board of Registration for Professional Engineers
and Professional Land Surveyors (Board) and Jack D. Gillum agree
as follows:

FINDINGS OF FACT

Mr. Gillum admits, and the Board finds:

1. Jack D. Gillum was issued a certificate of registration (number 2421) and a permit to practice as a professional engineer on April 23, 1955, and has held said certificate and required permits to practice continuously from that date to November 24, 1986.

2. On November 24, 1986, the Board summarily suspended the certificate of registration of Mr. Gillum.

3. Grounds for said suspension included the fact that the State of Missouri had revoked the Missouri registration of Mr. Gillum on or about January 26, 1986, for disciplinary reasons which are comparable to those set forth in title 12, article 25, part 1, Colorado Revised Statutes (1985).

4. The Circuit Court of the State of Missouri has upheld the findings and action of the State of Missouri.

5. Mr. Gillum intends to bring a further appeal of this matter to the Missouri Court of Appeals.

6. By agreement of the parties, no formal notice of
----- charges has been issued to Mr. Gillum due to the resolution of

this matter by stipulation.

CONCLUSIONS OF LAW

The Board finds:

1. The findings of the State of Missouri as set forth in Appendix A hereto provide grounds for disciplinary action pursuant to section 12-25-108(1)(b), C.R.S. (1985) and section 12-25-102(9)(i), C.R.S. (1985). The Board finds that said sections have been violated by the conduct of Mr. Gillum as found by the State of Missouri.

2. Mr. Gillum does not admit this conclusion but does not object to entry of this finding by the Board.

SURRENDER OF CERTIFICATE

1. Mr. Gillum voluntarily surrenders, and the Board accepts the surrender of, certificate of registration number 2421 held by Mr. Gillum. The parties acknowledge that all rights and privileges to practice professional engineering in Colorado are revoked by the surrender of this certificate.

ORDER

The Board orders, and Mr. Gillum agrees:

1. Mr. Gillum may apply to the Board for registration if the State of Missouri findings of violation of Missouri statutes, sections 327.441, R.S.Mo. 1978, as amended prior to January 22, 1986, are reversed on appeal and the result of this reversal leaves the State of Missouri Board for Architects, Professional Engineers and Land Surveyors no grounds upon which to support a finding of any disciplinary action under Missouri law. For purposes of determining whether or not a violation of Missouri law is supported by findings remaining valid after appeal, the Colorado Board of Registration for Professional Engineers and Professional Land Surveyors will accept the action of the Missouri Board. If the Missouri Board vacates all disciplinary action after conclusion of appeals, the Colorado Board will allow Mr. Gillum to reapply for Colorado registration and the Colorado

MAR 17 1988

Board will vacate the findings of fact and conclusions of law of this order, and proceed as is set forth in paragraph 4 of this order. However, in a hearing to determine whether or not that application for Colorado registration should be granted, the Colorado Board may hear or determine the substantive underlying facts of this case as set forth further in paragraph 4 of this stipulation.

2. Mr. Gillum will not apply to the Board for registration in the State of Colorado for a period of 5 years from the effective date of this order, unless the conditions of paragraph 1 of this order are met, allowing immediate application.

3. The Board may consider the history of disciplinary action against registration number 2421, along with Mr. Gillum's ability to meet other licensing and statutory authority requirements then in effect, in determining whether or not to grant any subsequent application for licensure. The Board will proceed in accordance with the law then in effect governing denial of licensure for this reason or for any cause allowed by statute.

4. Should the findings of violation of section 327.441, R.S.Mo. 1978, of the State of Missouri, be reversed on appeal and application for relief from this order be filed by Mr. Gillum, the Colorado Board of Registration for Professional Engineers and Professional Land Surveyors may reinstate proceedings to determine whether grounds exist to sustain a finding of negligence, gross negligence, incompetence, substandard practice or other grounds for disciplinary action under Colorado law arising from the incidents described in the order of summary suspension (attached as Appendix A).

Dated: July 17, 1987, and effective July 17, 1987, 1987.

APPROVED AS TO FORM:

FOR THE ATTORNEY GENERAL

Beverly Fulton Beckett
BEVERLY FULTON BECKETT, 8287
Assistant Attorney General
Regulatory Law Section

Attorneys for State Board of
Registration for Professional
Engineers and Professional


AGREED TO, AND ORDERED BY:

Susan Miller
STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND
PROFESSIONAL LAND SURVEYORS

AGREED TO BY:

Land Surveyors

1525 Sherman Street, 3rd Fl.
Denver, CO 80203
Telephone: 866-5129
AG Alpha No. RG EN DAGED
AG File No. DRL8704282/2CW

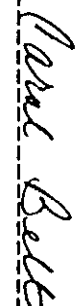

JACK D. GILLY
Colorado Registration No. 2421

Subscribed and sworn to before me in the County of

Jefferson, State of Colorado, this 26 day of
June 1987.

My Commission expires:

1-17-89


NOTARY PUBLIC

MAR 17 1988

BEFORE THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND PROFESSIONAL LAND SURVEYORS

STATE OF COLORADO

Proceeding No. 86 EN _____

ORDER OF SUMMARY SUSPENSION

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE
AND CERTIFICATE OF REGISTRATION TO PRACTICE AS A PROFESSIONAL
ENGINEER OF DANIEL M. DUNCAN AND JACK D. GILLUM

TO: Daniel M. Duncan
Jack D. Gillum

The State Board of Registration for Professional Engineers and Professional Land Surveyors, State of Colorado, (hereafter "Board"), having reviewed the investigative report of November 4, 1986, finds and orders as follows pursuant to section 24-4-104(4) and (10), and section 24-4-105(12), C.R.S. (1982):

1. Daniel M. Duncan was issued a certificate of registration (number 18694) and a permit to practice as a professional engineer in the State of Colorado on October 21, 1981, and has held said certificate, and required permits to practice, continuously from that date to the present.

2. Jack D. Gillum was issued a certificate of registration (number 2421) and a permit to practice as a professional engineer on April 23, 1955, and has held said certificate, and required permits to practice, continuously from that date to the present.

3. The Board has jurisdiction over the subject matter of these proceedings.

4. On or about April 4, 1978, Gillum-Colaco, Inc., entered into a contract with PBNMML Architects, Planners, Inc.,

ATTACHMENT A
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to perform all structural engineering services for the Hyatt Regency Project in Kansas City, Missouri.

5. Jack D. Gillum and Associates, Ltd., assumed responsibility for all structural engineering for the Hyatt Regency Project by means of an agreement between Gillum-Colaco, Inc. and Jack D. Gillum & Associates, Ltd.

6. Jack D. Gillum was at that time the licensed engineer who personally supervised professional engineering services for the structural engineering of the Hyatt Regency Project, and who placed his professional seal on all structural drawings prepared by Jack D. Gillum and Associates, Ltd. on the Hyatt Regency Project.

7. Daniel M. Duncan was at that time an employee of Jack D. Gillum and Associates, Ltd., and was the individual directly in charge of structural engineering work on the Hyatt Regency Project.

8. Included in the responsibilities of and work performed by Jack D. Gillum and Associates, Ltd., was the engineering and design of the second, third and fourth floor bridges spanning the atrium area of the lobby of the Hyatt Regency Project.

9. On or about July 17, 1981, the supports of the fourth floor bridge or walkway failed. The fourth and second floor walkways collapsed.

10. This failure occurred at least in part because of the specific failure of the box beam-hanger rod connections by which the walkways were suspended from above.

11. Mr. Duncan and Mr. Gillum failed to properly design the hanger rods and box beam-hanger rod connections for suspension of the walkways.

12. The licenses to practice engineering in the State of Missouri of Mr. Duncan and Mr. Gillum were revoked by the Missouri Board for Architects, Professional Engineers and Land Surveyors on or about January 22, 1986. Please see Order, attached as Appendix A and incorporated herein by reference.

13. Said revocation was imposed by the State of Missouri for disciplinary reasons which are comparable to those set forth in title 12, article 25, part 1, Colorado Revised Statutes (1985). This Missouri revocation provides the Board reasonable

grounds to believe that Mr. Duncan and Mr. Gillum have engaged in misconduct in the practice of professional engineering, as set forth at section 12-25-102(9)(i), C.R.S. (1985). This conduct therefore provides grounds for disciplinary action pursuant to section 12-25-108(1)(b), C.R.S. (1985).

14. The conduct of Mr. Duncan and Mr. Gillum in failing to properly and adequately design the box beam-hanger rod connections and the hanger rods provides the Board reasonable grounds to believe that Mr. Duncan and Mr. Gillum have engaged in sub-standard practice, two or more acts of negligence, an act of incompetence, and misconduct in the practice of professional engineering, and have caused damage to another by gross negligence in the practice of engineering. This conduct therefore provides grounds for disciplinary action pursuant to section 12-25-108(1)(b), C.R.S. (1985) and section 12-25-106(4)(b), C.R.S. (1978).

15. Based upon the facts set forth herein, the Board finds that the public health, safety and welfare imperatively require the emergency action of summary suspension, and that compliance with the provisions of section 24-4-105, C.R.S. (1982) prior to suspension of certificates of registration would be contrary to the public interest.

ORDER

16. The findings set forth herein are set forth solely for compliance with section 24-4-104(10), C.R.S. (1982) which requires that the grounds for the decision to summarily suspend be set forth in a written notice of suspension. These findings do not limit in any manner the right of the Board to issue a formal notice of charges setting forth additional or other allegations and charges.

17. A formal notice of charges shall be issued by the Board on or before December 12, 1986. This notice of charges shall be subject to future amendment, and shall be mailed to Mr. Duncan and Mr. Gillum on or before December 12, 1986. The Board anticipates that the setting conference for hearing will be held on December 19, 1986 at 9 a.m.

18. The registration and permit to practice as a professional engineer of Daniel M. Duncan is suspended, effective upon service of this order by the Board by the depositing of said

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Stamp on registration
for
and

order in the United States Post Office mail according to section 24-4-104(10), C.R.S. (1982). Mr. Duncan shall surrender his registration (both wall certificate and pocket card) to the Board on or before December 19, 1986.

19. The registration and permit to practice as a professional engineer of Jack D. Gillum is suspended, effective upon service of this order by the Board by the depositing of said order in the United States Post Office mail pursuant to section 24-4-104(10), C.R.S. (1982). Mr. Gillum shall surrender his registration (both wall certificate and pocket card) to the Board on or before December 19, 1986.

Dated: December 3, 1986.

APPROVED AS TO FORM:
FOR THE ATTORNEY GENERAL

STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND
PROFESSIONAL LAND SURVEYORS

Beverly Fulton Beckett

BEVERLY FULTON BECKETT, 8287
Assistant Attorney General
Regulatory Law Section

By George Davis Sellards

GEORGE DAVIS SELLARDS, P.E., P.L.S.
Chairman

Attorneys for State Board of
Registration for Professional
Engineers and Professional
Land Surveyors

1525 Sherman Street, 3d Floor
Denver, Colorado 80203
Telephone: 866-3611
AG Alpha No. RG EN DAGED
AG File No. DRL8607054/MT

MAR 17 1988

BEFORE THE
MISSOURI BOARD FOR ARCHITECTS,
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

MISSOURI BOARD FOR ARCHITECTS,
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS
P. O. Box 184
Jefferson City, Missouri 65102

Petitioner,

vs.

Case No. AR-84-0239

DANIEL M. DUNCAN, JACK D. GILLUM
and G.C.E. INTERNATIONAL, INC.
100 North Broadway
St. Louis, Missouri 63102

Respondents.

ORDER

WHEREAS, in the case of the Missouri Board of Architects, Professional Engineers and Land Surveyors vs. Daniel M. Duncan, Jack D. Gillum and G.C.E. International, Inc., Case No. AR-84-0239, before the Administrative Hearing Commission, State of Missouri, the respondents were found, in a decision issued November 15, 1985, to have committed a violation of Section 327.441, RSMo. 1978, as amended, and

WHEREAS, pursuant to said decision and to Section 621.110 RSMo. 1978, as amended, a hearing was held on January 22, 1986, before the Missouri Board for Architects, Professional Engineers and Land Surveyors upon the issue of appropriate disciplinary action, at which hearing the respondents were present.

NOW THEREFORE, upon consideration of the entire record, it is the Order of the Missouri Board of Architects, Professional Engineers and Land Surveyors that (1) the certificate of registration to practice as a professional engineer of Daniel M. Duncan, E-18738, is revoked; (2) the certificate of registration to practice as a professional engineer of Jack D. Gillum, E-13146, is revoked; and (3) the certificate of authority of G.C.E. International, Inc., E-587D, is revoked.

Issued this 22nd day of January, 1986.



MISSOURI BOARD FOR ARCHITECTS,
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

BY:

Shirley Nixon
Executive Director

APPENDIX A

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CERTIFICATE OF SERVICE

This is to certify that I have duly served the within ORDER OF SUMMARY SUSPENSION upon all parties herein by depositing copies of same in the United States mail, postage prepaid, at Denver, Colorado this 14th day of December 1986, addressed as follows:

Daniel M. Duncan
G.C.E. International, Inc.
100 North Broadway
St. Louis, MO 63102

Daniel M. Duncan
Route 1, Box 258
Millstadt, IL 62260

Jack D. Gillum
KKBNA
4251 Kipling
Wheatridge, CO 80033

Jack D. Gillum
13682 Peacock Farm Road
St. Louis, MO 63131

Bunch R. Rouse

AG File No. ARL8607054/C

DEC 17 1986

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 June 3, 1988.

WLD:dms
886-490