

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
W. GRAY HODGE, :
RESPONDENT. :
ORDER 0001082.

Division of Enforcement Case No. 09 ENG 004

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

W. Gray Hodge
22 Chestnut Street
Evansville, Indiana 47713

Professional Engineer Section of the
Examining Board of Architects, Landscape Architects,
Professional Engineers, Designers and Land Surveyors
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Safety and Professional Services
Division of Enforcement
Post Office 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 Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and 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 W. Gray Hodge (dob September 1, 1958) is licensed in the State of Wisconsin as a professional engineer, having license number 6-31980, first issued on February 28, 1997 and current through July 31, 2012. Mr. Hodge's most recent address on file with the Wisconsin Department of Safety and Professional Services ("Department") is 22 Chestnut Street, Evansville, Indiana 47713.

2. On February 16, 2009, Mr. Hodge was disciplined by the Florida Board of Professional Engineers for the negligent practice of engineering relating to a self supporting tower project in West Palm Beach, Florida. The Florida Board reprimanded Mr. Hodge's Florida Professional Engineer license and imposed an administrative fine of \$2,500.00 and costs of \$2,000.00. Mr. Hodge's Florida Professional Engineer license was placed on probation for two years with the conditions that he complete a Board-approved course in engineering professionalism and ethics within one year of the date of the Final Order; submit future completed tower projects to the Florida Board for review; and complete a study guide prepared by the Florida Board. True and correct copies of the Florida Board of Professional Engineers' Final Order Adopting Settlement Stipulation, Settlement Stipulation and Administrative Complaint are attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.

3. Based on the February 16, 2009 discipline from the Florida Board of Engineers, professional engineer regulatory authorities in Montana, Texas, Virginia, Georgia, Maryland and New York imposed discipline on Mr. Hodge's licenses in those states.

4. On January 5, 2010, Mr. Hodge successfully completed the Auburn Engineering, Samuel Ginn School of Engineering, Engineering Continuing Education, Ethics and Professionalism course.

5. In resolution of this matter, W. Gray Hodge consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Professional Engineer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and 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 Paragraphs two through four (2-4) of the Findings of Fact, Mr. Hodge has engaged in misconduct in the practice of professional engineering, as defined in Wis. Admin. Code § A-E 8.03(3)(a), by violating federal or state laws, local ordinances or administrative rules relating to the practice of professional engineering.

3. By the conduct described in the Findings of Fact, Mr. Hodge has violated Wis. Admin. Code § A-E 8.09(1) by violating federal, state or local codes relating to professional engineering.

4. As a result of the above violations, W. Gray Hodge is subject to discipline pursuant to Wis. Stat. §§ 443.11(1)(d) and 443.11(1)(e).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.

2. The Professional Engineering Registration of Respondent W. Gray Hodge (license number 6-31980) is hereby REPRIMANDED.

3. The Professional Engineering Registration of Respondent W. Gray Hodge (license number 6-31980) is hereby LIMITED for two years from the effective date of this Order in the following manner:

- a. Mr. Hodge shall submit to the Department Monitor, a detailed and comprehensive description of any and all tower projects completed in any jurisdiction in the United States during the preceding six (6) and twelve (12) months periods, respectively.
- b. The Department Monitor shall forward documentation to a professional engineer selected by Mr. Hodge and approved by the Section or its designee, for review of Mr. Hodge's tower projects. The professional review engineer shall select two (2) tower projects submitted from each list for review with preference for projects in Wisconsin. Mr. Hodge shall be responsible to provide all documentation requested.
- c. At least one hundred twenty (120) days prior to the first six (6) month interval, Mr. Hodge shall submit to the Department Monitor, in writing, the name, address and license number of a licensed professional engineer to provide him with review of his tower projects.

Any professional engineer selected for review shall:

- i. hold an active certificate to practice as a professional engineer in the State of Wisconsin.
 - ii. not have any history of discipline against his or her professional engineer credential with the State of Wisconsin or any other State.
 - iii. have read this Final Decision and Order.
 - iv. agree, in writing, to review Mr. Hodge's tower projects.
- d. The Section or its designee shall notify Mr. Hodge in writing within a thirty day of the request as to whether his proposed professional review engineer met approval.
 - e. In the event that the professional review engineer selected shall be unable to review Mr. Hodge's tower projects, then Mr. Hodge shall immediately submit to the Department Monitor the name of another licensed professional review engineer for approval.
 - f. The professional review engineer shall review the two (2) tower projects selected

during each interval to see if they comply with applicable federal and state laws and administrative rules relating to the practice of professional engineering.

The professional review engineer shall also review the two (2) tower projects to see if they conform to standard and accepted practices of professional engineering.

- g. Mr. Hodge's professional review engineer shall provide reports detailing Mr. Hodge's performance of engineering duties. The report shall be received by the Department Monitor within sixty (60) days after the date of each interval and shall include a description of the work performed, whether errors were found, the type of errors committed by Mr. Hodge and whether it was completed satisfactorily. The report shall also include the percentage of Mr. Hodge's work in which the professional review engineer found errors, the types of errors and the supervising professional engineer's recommendations for further education and/or supervision.
- h. In the event the section or its designee receives reports from Mr. Hodge's professional review engineer indicating that the percentage of work in which Mr. Hodge has made errors exceeds ten percent (10%), then the Section or its designee may require Mr. Hodge and his professional review engineer to appear personally before the Section or its designee to discuss Mr. Hodge's performance. At the conclusion of any such meeting, the Section or its designee may modify the terms of this Order if necessary to protect the health, safety and welfare of the public.
- i. The Section or its designee may also require Mr. Hodge to appear before it at any time, provided that written notice is given to Mr. Hodge at least sixty (60) days before any scheduled meeting.
- j. Mr. Hodge shall be responsible for all costs and expenses associated with the work required of his professional review engineer by this Order.
- k. Mr. Hodge is responsible for compliance with all the terms and conditions of this Order, including timely submission of reports by others. Mr. Hodge shall report any violation of any of the terms of this Order to the Department Monitor, in writing, within 24 hours of the violation of this Order.
- l. Within one (1) year from the effective date of this Order, Mr. Hodge shall successfully complete the Engineering Ethics and Its Relationship to Society on-line distance learning course offered by Texas Tech University, College of Engineering, Murdough Center for Engineering Professionalism. The address, telephone number and internet Website contact information for the course provider is Box 41023, Lubbock, Texas 79409-1023, 806-742-3525, 806-742-0444 (fax) and www.murdough.ttu.edu. Successful completion is defined as receiving a grade point of 3.0 or better. Mr. Hodge shall submit proof of successful completion of the course to the Department Monitor. This completed course shall not be used to comply with any Wisconsin mandated continuing education requirements.
- m. During the time that this limitation is in effect, Mr. Hodge shall inform the

Department Monitor within 10 days of any change in his address.

- n. Mr. Hodge may petition the Section for removal of the above-stated limitations, but any such petition may be filed no earlier than two years from the effective date of this Order. Any petition shall be in writing and shall be submitted to the Department Monitor at the address set forth in paragraph 6 below. Denial in whole or in part of any petition under this paragraph shall not constitute denial of a registration or license and shall not give rise to a contested case within the meaning of Wis. Stat. § 227.01(3)(a).

4. Respondent W. Gray Hodge shall, within one hundred and twenty (120) days of the date of this Order, pay COSTS of this matter in the amount of ONE THOUSAND TWO HUNDRED AND FIFTY dollars (\$1,250.00).

5. Payment of the costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at:

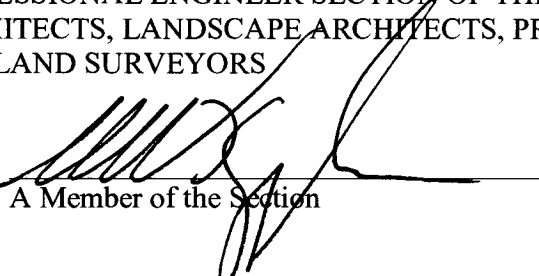
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of W. Gray Hodge's license (number 6-31980). The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event W. Gray Hodge fails to timely submit payment of the costs or proof of successful completion of the education as ordered and as set forth above, his license (number 6-31980) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until W. Gray Hodge has complied with payment of the costs.

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

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

By


A Member of the Section

Date

9/8/11