

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 AND PROFESSIONAL LAND SURVEYORS

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EDWARD P. HUTSON, JR.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:

: 0004442

Division of Legal Services and Compliance Case No. 14 ENG 007

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

Edward P. Hutson, Jr.
311 E. 11th Ave.
North Kansas City, MO 64116

Professional Engineer Section of the Wisconsin Examining Board of Architects,
Landscape Architects, Professional Engineers, Designers and Professional Land
Surveyors
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 and Professional 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 Edward P. Hutson, Jr. (dob 3/29/1952) is registered in the State of Wisconsin as a professional engineer, having certificate of registration number 32398-6, first issued on September 19, 1997, and current through July 31, 2016. Edward P. Hutson, Jr.'s most

recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 311 E. 11th Ave., North Kansas City, Missouri 64116.

2. On January 22, 2014, Respondent was disciplined by the Louisiana Professional Engineering and Land Surveying Board for aiding and abetting unlicensed practice by a firm. Respondent was fined \$500.00, assessed administrative costs of \$428.42, and was required to take and pass educational courses.

3. On July 23, 2014, Respondent notified the Department of the Louisiana discipline.

4. On five occasions between September 19, 1997, and April 1, 2014, Respondent practiced professional engineering in Wisconsin as engineer of record for a firm (NSCE) who had no certificate of authorization.

5. In resolution of this matter, Respondent consents 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 and Professional 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 the Findings of Fact, Edward P. Hutson, Jr. engaged in misconduct pursuant to 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, Edward P. Hutson, Jr. violated Wis. Admin. Code § A-E 8.08(4) by failing to notify the department within 48 hours in writing when he was disciplined in Louisiana.

4. By the conduct described in the Findings of Fact, Edward P. Hutson, Jr. violated Wis. Admin. Code § A-E 8.09(1) by failing to comply with the requirements in Wis. Stat. ch. 443, rules in Wis. Admin. Code ch. A-E 8 and all other federal, state and local codes relating to professional engineering.

5. By the conduct described in the Findings of Fact, Edward P. Hutson, Jr. violated Wis. Stat. § 443.08(2)(b)2. by practicing professional engineering as a principal, officer, employee, or agent of a firm, partnership or corporation without the firm, partnership, or corporation being issued a certificate of authorization.

6. As a result of the above violations, Edward P. Hutson, Jr. is subject to discipline pursuant to Wis. Stat. §§ 443.11(1)(d) and (e).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Edward P. Hutson, Jr. is REPRIMANDED.
3. Within 90 days from the date of this Order, Edward P. Hutson, Jr. shall pay the COSTS of this matter in the amount of \$673.00.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent 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) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. 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 Respondent's certificate of registration. 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 Respondent fails to timely submit payment of the costs as ordered, Respondent's certificate of registration (no. 32398-6) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

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

by:


A Member of the Section

12/17/15
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EDWARD P. HUTSON, JR.,
RESPONDENT.

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:
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:
:

STIPULATION

000442

Division of Legal Services and Compliance Case No. 14 ENG 007

Respondent Edward P. Hutson, Jr. 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. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Respondent, 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 Respondent;
 - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
 - the right to testify on Respondent's 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondent agrees 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 and Professional Land Surveyors (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. Respondent waives 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 Respondent, 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. Respondent is 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 Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.


Edward P. Hutson, Jr., Respondent
311 E. 11th Ave.
North Kansas City, MO 64116
License no. 32398-6

Oct 19, 2015
Date


Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

10/19/2015
Date