

## 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	:	
	:	FINAL DECISION AND ORDER
RICHARD W. WHITWELL,	:	
RESPONDENT.	:	0004444

Division of Legal Services and Compliance Case No. 15 ENG 010

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

Richard W. Whitwell  
 19 Blossom Lane SW  
 Lakewood, WA 98499-1606

The 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  
 Wisconsin 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 adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Richard W. Whitwell (DOB 03/10/1948) is registered in the State of Wisconsin as a Professional Engineer, having certificate of registration number 16402-6, first issued on February 18, 1977 and current through July 31, 2016. Respondent's most recent

address on file with the Department of Safety and Professional Services (Department) is 19 Blossom Lane SW, Lakewood, Washington 98499-1606.

2. In 2014, the Department initiated an audit of registered Professional Engineer professional development/continuing education (P.D./C.E.) for the 2012-2014 biennial registration period (August 1, 2012 to July 31, 2014).

3. Pursuant to the Department's audit, Respondent was found to be noncompliant with the P.D./C.E. requirements for registered Professional Engineers in the 2012-2014 biennial registration period.

4. In response to the audit, Respondent indicated he wished to surrender his certificate of registration.

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, Respondent violated Wis. Admin. Code § A-E 13.03(1)(a) by failing to complete at least 30 hours of approved professional development hours or equivalent continuing education units, pertinent to the practice of Professional Engineering, within the 2012-2014 biennial registration period.

3. As a result of the above violation, Respondent has engaged in misconduct in the practice of Professional Engineering as defined in Wis. Admin. Code § A-E 8.03(3)(a) and is subject to discipline pursuant to Wis. Stat. § 443.11(1)(d).

#### ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent's Professional Engineer certificate of registration (number 16402-6) is hereby ACCEPTED.

3. Respondent shall not attempt to reactivate or renew his license for a period of one (1) year following the date of this Order.

4. Should Respondent attempt to reactivate or renew his license:

a. Respondent shall pay COSTS of this matter in the amount of \$75, before any such reactivation or renewal may be considered.

b. Respondent shall successfully complete, during the biennial period immediately preceding the application, the professional development or equivalent continuing education requirements specified in Wis. Admin. Code § A-10.01(2381). Respondent shall submit proof of successful completion of the professional development or equivalent continuing education with the application. Any professional development hours or equivalent continuing education units completed pursuant to this limitation may not be used to satisfy any other registered Professional Engineer professional development or equivalent continuing education requirements with the Section.

c. The Section may determine whether and under what terms and conditions such certificate of registration may be reactivated.

5. 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

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IN THE MATTER OF DISCIPLINARY  
 PROCEEDINGS AGAINST

RICHARD W. WHITWELL,  
 RESPONDENT.

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:  
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:

STIPULATION

0004444

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Division of Legal Services and Compliance Case No. 15 ENG 010

Respondent Richard W. Whitwell 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.

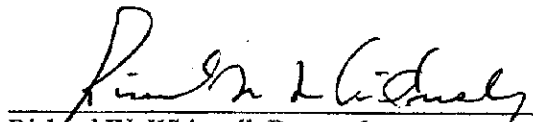
4. Respondent agrees to the adoption of the attached Final Decision and Order by  
 the Professional Engineer Section of the Wisconsin Examining Board of Architects, Landscape  
 Architects, Professional Engineers, Designers, and Professional Land Surveyors (Section). The  
 parties to the Stipulation 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.

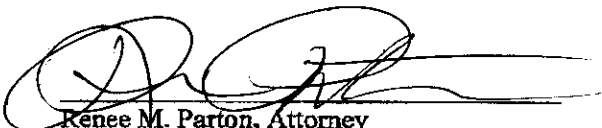
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent, for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

  
 Richard W. Whitwell, Respondent  
 19 Blossom Lane SW  
 Lakewood, WA 98499-1606  
 Registration no. 16402-6

09 Dec 2015  
 Date

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

12/10/15  
 Date