

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
JAMES M. KING, :
RESPONDENT. :

000467.2

Division of Legal Services and Compliance Case No. 15 ENG 035

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

James M. King
P.O. Box 8090
Amarillo, TX 79114

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 James M. King (DOB 01/29/1956) is registered by the State of Wisconsin as a Professional Engineer, having certificate of registration number 38520-6, first issued on September 26, 2006 and current through July 31, 2016. Respondent's most recent

address on file with the Department of Safety and Professional Services (Department) is P.O. Box 8090, Amarillo, Texas 79114.

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 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, as Respondent failed to complete any professional development hours and equivalent continuing education units (P.D.H./C.E.U.) during that time period.

4. Between December 29, 2014 and January 5, 2015, Respondent completed 10 approved P.D.H./C.E.U., which were retroactively applied to Respondent's P.D./C.E. requirements for the 2012-2014 biennial registration period. The courses taken by Respondent were:

- a. American Concrete Institute: "Design Ex.: Buried Concrete Basement Wall" (1 hour).
- b. CPE Solutions, LLC – Process Engineering Consultants: "A Wood-Pile-to-Beam Connections Final Exam" (1 hour).
- c. CPE Solutions, LLC – Process Engineering Consultants: "A-Foundation Walls Final Exam" (1 hour).
- d. CPE Solutions, LLC – Process Engineering Consultants: "Design of Pile Foundations Final Exam" (5 hours).
- e. CPE Solutions, LLC – Process Engineering Consultants: "Standards of Professional Conduct for Civil Engineers Final Exam" (2 hours).

5. The Department sent Respondent requests for information pertaining to his continuing education on January 12, 2016 and January 20, 2016. Respondent did not reply to these requests.

6. 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

P.D.H./C.E.U., pertinent to the practice of professional engineering, within the 2012-2014 biennial registration period.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 8.08(3) by failing to respond in a timely manner to a request by the department for information in conjunction with an investigation of a complaint filed against him. There is a rebuttable presumption that a registrant who takes longer than 30 days to respond to a request for information has not acted in a timely manner.

4. As a result of the above violations, 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 Professional Engineer certificate of registration issued to Respondent James M. King (certificate of registration number 38520-6) is SUSPENDED as follows:
 - a. Respondent's certificate of registration is suspended for an indefinite period of time.
 - b. This suspension shall be lifted upon submission of proof satisfactory to the Section or its designee that Respondent has completed 20 hours of approved P.D.H./C.E.U., pertinent to the practice of professional engineering, which meet the requirements of Wis. Admin. Code § A-E 13.03.
 - c. Respondent shall submit proof that he has satisfied the ordered P.D.H./C.E.U. in the form of verification from the institution offering the P.D.H./C.E.U. to the Department Monitor at the address stated below.
 - d. Any P.D.H./C.E.U. completed pursuant to this order may not be used to satisfy any other registered Professional Engineer professional development or continuing education requirements with the Section.
3. Any P.D.H./C.E.U. listed above in Finding of Fact paragraph 4, that were completed and retroactively applied to Respondent's P.D./C.E. requirements for the 2012-2014 biennium, may not be used to satisfy any other registered Professional Engineer P.D./C.E. requirements with the Section.
4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$171.
5. Proof of successful completion of the P.D.H./C.E.U. ordered above and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

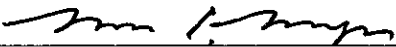
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's certificate of registration (no. 38520-6) may, in the discretion of the Section, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

7. 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

4-26-14
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

JAMES M. KING,
RESPONDENT.

:
:
:
:
:

STIPULATION

000467.2

Division of Legal Services and Compliance Case No. 15 ENG 035

Respondent James M. King 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.

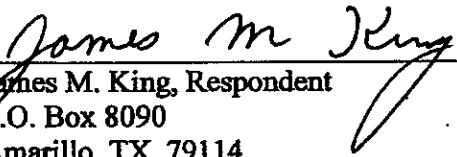
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Professional Engineer Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (Section). The parties to the Stipulation consent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



James M. King, Respondent
P.O. Box 8090
Amarillo, TX 79114
Registration no. 38520-6

3-31-16
Date



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

3/31/2016
Date