

## 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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

CUSHING TERRELL,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007621**

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Division of Legal Services and Compliance Case No. 20 ENG 004

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

Cushing Terrell  
Billings, MT 59103

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 Cushing Terrell is authorized by the State of Wisconsin as an engineering corporation, having certificate of authorization number 2873-11, first issued on October 27, 2004 and current through January 31, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Billings, Montana 59103.



2. On March 16, 2020, the Department received an email from Respondent stating that Respondent had received out of state discipline. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 ENG 004 for investigation.

3. On September 25, 2019, the South Carolina State Board of Registration for Professional Engineers and Surveyors (South Carolina Board) reprimanded Respondent for providing professional engineering services for one project in South Carolina while its license was expired. Respondent was also fined \$500. Respondent notified the Department of this discipline on March 16, 2020.

4. On December 3, 2019, the Ohio Board of Registration for Professional Engineers & Surveyors (Ohio Board) ordered Respondent to pay a \$500 fine for offering to provide and providing engineering services while its certificate of authorization was inactive. Respondent notified the Department of this discipline on March 16, 2020.

5. On March 12, 2020, the Oregon State Board of Architect Examiners (Oregon Board) ordered Respondent to pay \$1,600 in civil penalties for practicing architecture while its architecture firm license was lapsed. Respondent notified the Department of this discipline on March 16, 2020.

6. On May 12, 2020, the Commonwealth of Virginia Department of Professional and Occupational Regulation (Virginia Board) placed Respondent on probation for one year for receiving out of state discipline. Respondent notified the Department of this discipline on March 19, 2021.

7. On July 21, 2020, the West Virginia State Board of Registration for Professional Engineers (West Virginia Board) ordered Respondent to pay a \$500 civil penalty for not reporting that it had been disciplined in other jurisdictions on its firm renewal. Respondent notified the Department of this discipline on March 19, 2021.

8. 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 8.08(4) by failing to notify the Department in writing within 48 hours that Respondent had been disciplined in other states for unprofessional conduct related to the practice of a professional engineer.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 8.09(1) by failing to comply with all other state and local codes which relate to the practice of professional engineering.



4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 443.11(2).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Cushing Terrell is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent Cushing Terrell shall pay the COSTS of this matter in the amount of \$831.
4. 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) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's certificate of authorization (number 2873-11), or Respondent's right to renew its certificate of authorization, may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Section may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN 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

6 October 2021

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

CUSHING TERRELL,  
RESPONDENT.

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STIPULATION

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**ORDER 0007621**

Division of Legal Services and Compliance Case No. 20 ENG 004

Respondent Cushing Terrell 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.

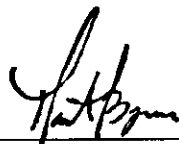


5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted 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.

  
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Cushing Terrell, Respondent  
Billings, MT 59103  
Credential No. 2873-11

7.16.2021  
Date

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

7/16/2021  
Date