

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, PROFESSIONAL LAND SURVEYORS, AND REGISTERED INTERIOR
DESIGNERS

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MITCHELL SIMPSON,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
ORDER 0008274

Division of Legal Services and Compliance Case No. 21 ENG 013

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

Mitchell Simpson
Brentwood, TN 37027

Professional Engineer Section of the Wisconsin Examining Board of Architects,
Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors,
and Registered Interior Designers
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, Professional Land Surveyors, and Registered Interior Designers (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 Mitchell Simpson (Birth Year 1964) is registered by the State of Wisconsin as a professional engineer, having certificate of registration number 34022-6, first issued on March 17, 2000 and current through July 31, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Brentwood, Tennessee 37027.

2. On January 11, 2021, the Louisiana Professional Engineering and Land Surveying Board (Louisiana Board) disciplined Respondent for not timely reporting discipline from the Alabama Board of Licensure for Professional Engineers and Land Surveyors (Alabama Board). The Alabama Board had disciplined Respondent's firm, Entech Engineering, Inc. for practicing without a certificate of authorization (COA) in their state. Because Respondent was the engineer in responsible charge of Entech, the Louisiana Board disciplined him for failing to report the Alabama discipline.

3. On February 25, 2021, the Department received an email from Respondent informing the Department of this discipline. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 ENG 013 for investigation.

4. On March 21, 2022, DLSC emailed Respondent to inquire as to whether Entech had a valid COA in Wisconsin, and asked for a list of projects that Entech had completed in Wisconsin previously.

5. On March 28, 2022, Respondent replied stating that his firm had completed eleven (11) projects in Wisconsin since 2017, and that he was unable to locate a COA for Wisconsin.

6. On August 16, 2022, the Department received a COA application from Entech.

7. 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, Professional Land Surveyors, and Registered Interior Designers 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 another state 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. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 443.08(2)(b)2. by practicing engineering in this state on behalf of a firm that has not been issued a certificate of authorization.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 443.11(1)(e).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Mitchell Simpson is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent shall pay the COSTS of this matter in the amount of \$1,099.
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/>

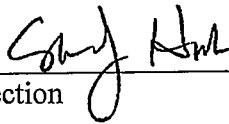
5. In the event Respondent violates any term of this Order, Respondent's certificate of registration (number 34022-6), or Respondent's right to renew his certificate of registration, may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent 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, PROFESSIONAL LAND SURVEYORS, AND REGISTERED INTERIOR DESIGNERS

by:

A Member of the Section



12/1/22

Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MITCHELL SIMPSON,
RESPONDENT.

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STIPULATION
ORDER 0008274

Division of Legal Services and Compliance Case No. 21 ENG 013

Respondent Mitchell Simpson 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, Professional Land Surveyors, and Registered Interior Designers (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.

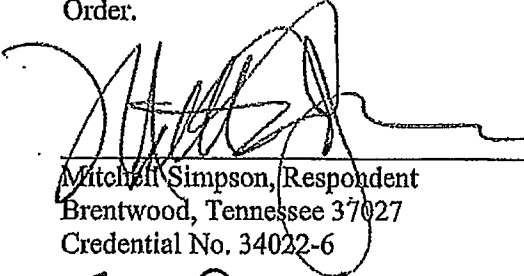
Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

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.

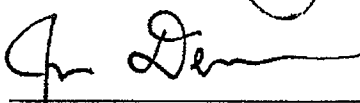
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Mitchell Simpson, Respondent
Brentwood, Tennessee 37027
Credential No. 34022-6

11-16-22
Date



Jon Derenne, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

11/22/22
Date