

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 :
 : FINAL DECISION AND ORDER
KIMLEY-HORN AND ASSOCIATES INC, :
RESPONDENT. : **ORDER 0008661**

Division of Legal Services and Compliance Case No. 22 ENG 025

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

Kimley-Horn and Associates Inc
Raleigh, NC 27601

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 Kimley-Horn and Associates Inc is authorized by the State of Wisconsin as an engineering firm, having certificate of authorization number 2474-11, first issued on June 26, 2000 and current through January 31, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Raleigh, North Carolina 27601.

2. On November 8, 2022, Respondent notified the Department that it had been disciplined in Ohio for operating without an Ohio Certificate of Authorization (COA). The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 22 ENG 025 for investigation.

3. A review of Department records found that:

- a. On February 7, 2008, Respondent's Wisconsin COA expired.
- b. On February 27, 2008, Respondent's renewed its Wisconsin COA.
- c. On February 1, 2022, Respondent's Wisconsin COA expired.
- d. On July 28, 2022, Respondent renewed its Wisconsin COA.

4. On February 15, 2023, the Department contacted Respondent to ask why their COA had been allowed to expire in 2008 and 2022, and to ask if they provided engineering services while their COA was expired.

5. On March 1, 2023, Respondent stated that the expirations were due to administrative oversight. Respondent stated that it performed 3 engineering projects while its license was expired in 2008, and 121 projects while its license was expired in 2022.

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, 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. Stat. § 443.08(5)(b) by engaging in the practice of or offering to practice professional engineering without possessing a current COA.

3. 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 Kimley-Horn and Associates Inc is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent Kimley-Horn and Associates Inc shall pay the COSTS of this matter in the amount of \$300.

4. All submissions, including 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

Submissions may also be made online at: <https://dpsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's certificate of authorization (number 2474-11), 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, PROFESSIONAL LAND SURVEYORS, AND REGISTERED INTERIOR DESIGNERS

by: 

A Member of the Section

7/27/2023

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 :

KIMLEY-HORN AND ASSOCIATES INC, :
RESPONDENT. :

STIPULATION
ORDER 0008661

Division of Legal Services and Compliance Case No. 22 ENG 025

Respondent Kimley-Horn and Associates Inc 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.

Ashley Keid, Corporate Counsel
Kimley-Horn and Associates Inc, Respondent
Raleigh, NC 27601
Credential No. 2474-11

5.23.23
Date

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

05/23/2023
Date