

**STATE OF ALABAMA
BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS**

IN RE THE MATTER OF:

RANDY R ARP

Case No. 2011-38-B

CONSENT ORDER

Mr. Randy R. Arp, a licensed Alabama professional engineer (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to approval of the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as the "Board") as follows:

STIPULATED FACTS

Respondent stipulates on November 16, 2001 the Board issued him a Certificate of Licensure (Licensure Number 24556) authorizing him to practice as a professional engineer in the State of Alabama and he has held that certificate continuously from that date.

Respondent stipulates on June 24, 2011 the Board received a complaint alleging Respondent may have provided expert witness and technical testimony under oath that may have been outside his area of experience, training and knowledge. The complaint also indicated Respondent was hired in October 2008 by a condominium owner in Gulf Shores, Alabama to inspect and provide a review of condominiums for "structural and building code issues".

Respondent stipulates a Board investigation determined he provided testimony and reports relative to civil, structural, mechanical and electrical engineering disciplines in the Circuit Court of Baldwin County, Alabama during the Regency Club Condominium Owners Associates v. Regency Club, LLC, litigation bearing case number CV-2009-900173.

Respondent stipulates Board Technical Advisors, with expertise in specific engineering disciplines, (civil, structural, mechanical and electrical) reviewed the documents he prepared and his court testimony relative to the Regency Club Condominium Owners Associates v. Regency Club, LLC, litigation in Baldwin County, Alabama, relative to their respective engineering discipline to determine if they contained violations of the acceptable practice of engineering in the State of Alabama. Respondent stipulates the four Board Technical Advisors identified deficiencies with the engineering reports and the testimony he provided in the Circuit Court of Baldwin County, Alabama relative to Case Number CV-2009-900173.

STIPULATED CONCLUSIONS OF LAW

Respondent admits he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11 and the jurisdiction of the Board.

Respondent stipulates his conduct as set forth in the foregoing “Stipulated Facts” constitutes violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11 (a) (2) and the Rules and Regulations of the Board’s *Administrative Code* § 330-X-14-.05 (g) and § 330-X-14-.06 (a) (1).

Respondent stipulates his conduct as set forth in the “Stipulated Facts” is a violation of those statutes set forth above, and he is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama 1975, or the Rules and Regulations of the Administrative Code and the Rules of Professional Conduct promulgated together.

2. Respondent understands this Consent Order and subsequent Final Order will become a matter of public record.

3. Respondent understands he shall pay to the Board a fine of two thousand dollars (\$2000.00) within thirty (30) days of date of Final Order.

4. Respondent understands his Alabama professional engineer license is **suspended** (with that suspension stayed) for a period of two (2) years commencing immediately upon the date of the Final Order. Respondent understands this stayed suspension period allows him to continue to offer and practice engineering in the State of Alabama in compliance with the terms of this consent order.

5. Respondent understands he must complete the ten (10) professional development hour course in Engineering Ethics provided by the Murdough Center of Texas Tech University within six (6) months of date of Final Order.

6. Respondent understands he must submit a list of clients to the Board each month for twelve (12) months commencing thirty days from the date of the Final Order. Respondent understands one client's name will be selected, and he must provide a copy of the design drawings prepared for that client to the Board office. Respondent understands the design drawings will be reviewed for compliance with the acceptable standards of practice for engineering in Alabama.

7. Respondent understands this Consent Order is subject to the approval of the Board and has no force and effect until a Final Order based upon it is rendered by the Board.

8. Respondent agrees any violation of the terms of this Consent Order, may result in the Board filing additional charges in accordance with the Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

9. Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at a regularly scheduled

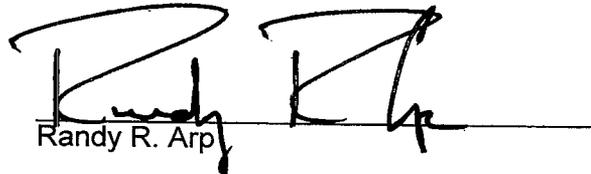
meeting of the Board in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

10. Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands it has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against it, and to obtain judicial review of the Board's decision in said formal hearing but expressly waives these rights with execution of this Consent Order and Final Order of the Board.

11. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order of the Board incorporating said Consent Order.

12. Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in or resolution of these proceedings. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission.

SIGNED this the 17 day of MAY, 2012


Randy R. Arp

APPROVED:


Benjamin H. Albritton
Assistant Attorney General

STATE OF ALABAMA
BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND
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IN RE THE MATTER OF:

RANDY RAY ARP

Case No. 2011-38-B

FINAL ORDER

On June 19, 2012 the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled meeting. The Board Members in attendance at the meeting were: Mr. W. Gerald Wilbanks, Mr. C. Michael Arnold, Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Marc S. Barter and Mr. Charles P. Willis.

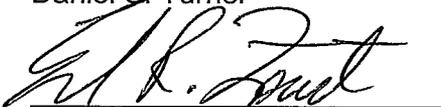
This Final Order is based upon a Consent Order signed by Randy Ray Arp (hereafter referred to as Respondent) dated May 17, 2012. In the Consent Order, Respondent stipulated his conduct constitutes violations of the Code of Alabama 1975, § 34-11-11(a) 2 and the Rules and Regulations of the Board's Administrative Code § 330-X-14-.05(g) and § 330-X-14-.06 (a) 1.

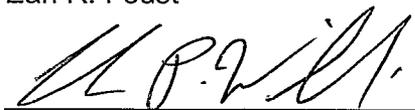
Upon Consideration of the above it is **ORDERED** that the Consent Order dated May 17, 2012 is adopted by the Board and hereby made a part of this Final Order. It is further **ORDERED** that Respondent abide by the Final Order in this manner.

ENTERED this the 19th day of June, 2012


W. Gerald Wilbanks

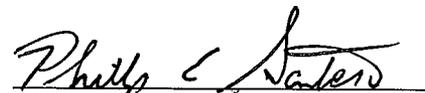

Daniel S. Turner


Earl R. Foust


Charles P. Willis

RECUSED

C. Michael Arnold


Phillip E. Santora


Marc S. Barter