

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

IN THE MATTER OF:

Bobby Glen Bailey
1205 Noble Street
Anniston, AL 36201

Respondent



Case No. 2017-18-B

CONSENT ORDER

Bobby Glen Bailey, a licensed professional land surveyor (hereinafter referred to as “Respondent”) hereby stipulates and agrees, subject to approval of the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as the “Board”) as follows:

STIPULATED FACTS

Respondent stipulates he received an Alabama professional land surveyor license (number 12502) from the Board on June 15, 1979.

Respondent stipulates the Board received a complaint from Mr. Randy Henson that alleged he performed a survey for Ed Thomas in Talladega County dated June 13, 2013 that contained violations of the standards of practice for land surveying in the State of Alabama.

Respondent stipulates a Board Technical Advisor reviewed the survey he performed of the Ed Thomas property located in Talladega County, Alabama and provided a report that indicated the locations indicated on the survey resulted in a line that does not correspond with the “old fence lines” shown on his plat; The report also indicated that research should have been conducted of this discrepancy to ensure the beginning point of the survey matched the historical location of the corner. Respondent should have attempted to locate the “Iron Pin” at the NW corner of Mr. Henson’s property called for on the 1974 Johnson survey. This location

would have alerted the Respondent that the west line of the survey did not match a previously established line.

Respondent stipulates a Board Technical Advisor reviewed the survey he performed and indicated the following Standards of Practice violations: (1) no reference to source of information was shown on the March 12, 2009 and June 13, 2013 surveys, and (2) the type of survey was not shown on the March 12, 2009 and the June 13, 2013 surveys.

STIPULATED CONCLUSIONS OF LAW

Respondent admits he is subject to the provisions of Title 34, Chapter 11, of the 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 Section 34-11-11(a)2 and the Rules of the 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

Respondent agrees he will not in the future violate the provisions of Title 34, Chapter 11, of the Code of Alabama 1975, and the Rules and Regulations of the Administrative Code of the Board.

Respondent understands this Consent Order and subsequent Final Order will become a matter of public record. Respondent further understands this information will be placed on the Board's website, in its newsletter, and posted to the National Council of Examiners for Engineers and Surveyors (NCEES) Enforcement Exchange.

Respondent agrees to pay a fine of one thousand five hundred dollars (\$1,500) to the Board via a check or money order made payable to PE/PLS Fund with this signed Consent Order.

Respondent agrees his license to practice land surveying is suspended for two years with that suspension stayed. Respondent understands that during the time his license is under this stayed suspension period he may continue to practice land surveying in the State of Alabama, and compliance with the terms of the consent order will cause the stayed suspension period to automatically cease at the end of the specified time period.

Respondent agrees that at any time during this stayed suspension period the Board may require him to submit a list of surveys he prepared within a one month period. Respondent understands the Board may select any of these surveys to be reviewed for compliance with the Standards of Practice for Land Surveying in the State of Alabama.

Respondent understands that failure to comply with the terms of this Consent Order will cause his professional land surveyor license to be **revoked** pending ratification by the Board. Respondent further understands this matter would be presented to the Board at a regularly scheduled meeting at which he could attend and present evidence on his behalf.

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.

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.

Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact-finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, 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.

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.

Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. It is agreed that presentation to and consideration of the Consent Order by the Board requires certain factual information related to this matter be disclosed to the Board members. Should the Consent Order not be accepted by the Board, it is therefore expressly agreed that the reviewing, and consideration of this Consent Order, and the information provided to the Board for their review, shall not unfairly prejudice the Board and shall in no way act to disqualify any Board member from any further participation in this matter through its resolution, including, but not limited to, any contested hearing on this matter should one be necessary. 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 3rd day of NOVEMBER, 2017


Bobby Glen Bailey, PE/PLS

APPROVED: 
Benjamin H. Albritton
Assistant Attorney General

