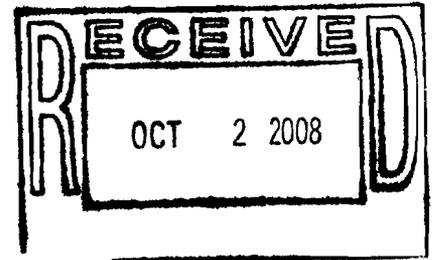


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN RE THE MATTER OF:

RICHARD C. BORDEN

CASE NO. 06-42-B

CONSENT ORDER

Richard C. Borden, (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 September 21, 2006 a complaint was filed by Ms. Cynthia Gainey, Executive Director of the Alabama Board of Registration for Architects (hereinafter referred to as "Complainant") stating that Respondent had violated Code of Alabama 1975 § 34-11-11 and the rules and regulations of the Board's *Administrative Code*.

Respondent stipulates on June 5, 1981 the Board issued him a license (Certificate Number 13402) to practice engineering in the State of Alabama. Respondent has held that certificate continuously since that date.

Respondent stipulates he placed his professional seal and signature to pages A1-A11 of design drawings for Mid-Pointe Plaza, Foley, Alabama dated May 16, 2006 that are within the practice of architecture. Before placing his professional seal and

signature to said pages, Respondent performed a structural engineering analysis of said pages and made certain calculations.

Respondent stipulates, in relation to design drawings for Mid-Pointe Plaza dated May 16, 2006 which bear his professional seal and signature, he did not prepare or provide direct supervision for said design drawings.

#### STIPULATED CONCLUSIONS OF LAW

Respondent in his capacity as a licensed professional engineer in the State of Alabama stipulates that in such capacity he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, and the Rules of Regulations of the *Administrative Code* of this Board.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" may constitute violations of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a) 2 and 3 and the Rules and Regulations of *Administrative Code* § 330-X-11-.03 (1), § 330-X-14-.03 (d), § 330-X-14-.05(h), and § 330-X-14-.06(a)1, 6 & 12. Respondent specifically denies that he has violated the above-referenced rules and / or statutes; however, desiring to avoid expensive and protracted litigation, Respondent consents to entry of this Order and hereby subjects himself 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 his license to practice engineering in the State of Alabama is ***Suspended*** commencing immediately upon issue of a Final Order of the Board until he completes a five (5) professional development hour Continuing Professional Competency course in Engineering ethics provided by Texas Tech University, Murdough Center for Engineering Professionalism.

4. Respondent understands he will serve one year probation beginning the date the license suspension period terminates.

5. Respondent shall pay the Board a fine of one thousand dollars (\$1,000.00) no later than thirty days from the date of Final Order as provided by Title 34, Chapter 11, Code of Alabama 1975, §34-11-11.

6. Respondent agrees failure to submit payment of specified penalty within six months of date of Final Order shall cause Respondent's license to practice engineering in the State of Alabama to be revoked (pending ratification of the Board). This matter will then be presented to the Board for ratification at its next regularly scheduled meeting. Respondent understands he has the right to appear at that meeting and present any facts or extenuating circumstances to the Board.

7. Respondent agrees 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 Title 34, Chapter 11, Code of Alabama 1975.

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 this discussion will take place at the Board's

regularly scheduled meeting at 9:00 a.m. on October 9, 2008 in Montgomery, Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

10. Respondent for the purpose of avoiding further administrative action with respect to this cause, executes this Consent Order which shall not constitute an admission by Respondent. 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 an admission and the Respondent shall be allowed a new hearing date other than that set forth in Paragraph 8 herein.

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.

SIGNED this the 09 day of Aug., 2008.

  
Richard C. Borden  
Respondent

APPROVED:

  
Benjamin H. Albritton  
Assistant Attorney General

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

**IN RE THE MATTER OF:**

**RICHARD C. BORDEN**

**Case No. 06-42-B**

**FINAL ORDER**

On October 10, 2008 at 9:00 a.m. the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance at the meeting were: Mr. Don T. Arkle, Mr. Al I. Reisz, Mr. William C. Ulrich, Jr., Mr. C. Michael Arnold, and Mr. Preston L. Jackson. Also present at the Board Meeting were Ms. Regina Dinger, Executive Director of the Board, and Mr. William R. Huett, Assistant Executive Director and Investigator for the Board. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

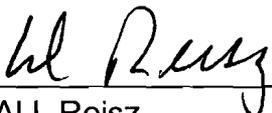
This Final Order is presented to the Board upon a Consent Order signed by Mr. Richard C. Borden on August 8, 2008.

In said Consent Order, Respondent stipulated that he violated Title 24, Chapter 11, Code of Alabama 1975 § 34-11-11(a) 2 and 3 and the Board's *Administrative Code* § 330-X-11-.03(1), § 330-X-14-.03(d), § 330-X-14-.05(h), and § 330-X-14-.06(a) a, 6 and 12.

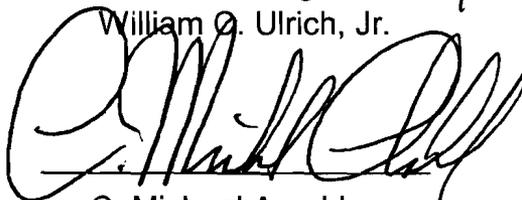
Upon Consideration of the above it is ORDERED that the Consent Order dated August 8, 2008 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Respondent abide by the Final Order in this manner.

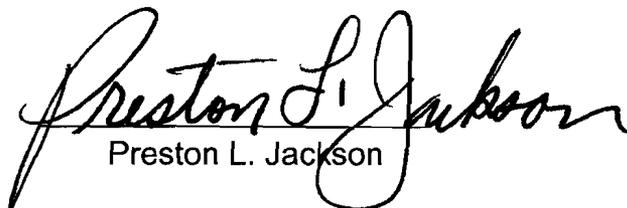
ENTERED this the 10th day of October, 2008.

  
Don T. Arkle

  
Al I. Reisz

  
William Q. Ulrich, Jr.

  
C. Michael Arnold

  
Preston L. Jackson