

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

IN RE THE MATTER OF:

**JAMES SCOTT CARPENTER
CARPENTER PLUMBING INC.**

CASE NO. 2012-33-C

CONSENT ORDER

James Scott Carpenter, an unlicensed individual and his firm, Carpenter Plumbing, Inc., an un-certificated company located in Mobile, Alabama (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 he has never received a license to practice engineering in the State of Alabama. Respondent also stipulates the company "Carpenter Plumbing, Inc." has never received a certificate of authorization from the Board authorizing it to practice or offer to practice engineering in the State of Alabama

Respondent stipulates on August 3, 2012 the Board received a complaint from Mr. James A. Johnson alleging Respondent and his company may be providing or offering to provide engineering services in the State of Alabama without employing an Alabama licensed professional engineer, or obtaining a certificate of authorization for engineering from the Board relative to an internet website advertisement for Carpenter Plumbing, Inc. as "water and sewer distribution engineers".

Respondent stipulates he and his firm maintained an internet website which contained language that advertised the firm as "water and sewer distribution engineers" without employing

an Alabama licensed professional engineer or obtaining a certificate of authorization for engineering from the Board.

Respondent stipulates that the terminology “water and sewer distribution engineers” was removed from the firm’s internet website after Respondent was notified of a complaint.

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, § 34-11-15(b), § 34-11-16(a)(2).

Respondent stipulates his conduct as set forth in the “Stipulated Facts” is a violation of those statutes set forth above, and it 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.

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

3. Respondent shall ***cease and desist*** the use of the term “engineers” until such time as he employs an Alabama licensed professional engineer and his firm obtains a Certificate of Authorization for engineering from the Board.

4. Respondent shall submit to the Board a civil penalty of \$338.96 (three hundred thirty-eight dollars and ninety-six cents) made payable to the **General Fund of the State of Alabama** within thirty (30) days of the date of the Final Order.

5. Respondent shall submit to the Board a payment of \$161.04 (one hundred sixty-one dollars and four cents) made payable to the Board within thirty (30) days of the date of the Final Order for the costs associated with the complaint investigation.

6. 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.

7. 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.

8. 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.

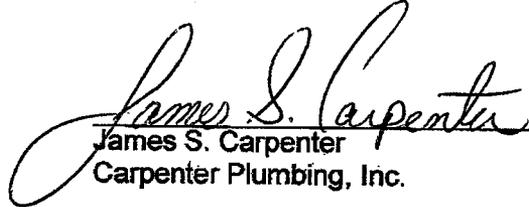
9. Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision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

10. 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.

11. 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 18 day of MARCH, 2013


James S. Carpenter
Carpenter Plumbing, Inc.

APPROVED.


Benjamin H. Albritton
Assistant Attorney General

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FINAL ORDER

On April 17, 2013, 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: Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Marc S. Barter, Mr. W. Gerald Wilbanks and Mr. C. Michael Arnold.

This Final Order is based upon a Consent Order signed by James Scott Carpenter (hereafter referred to as Respondent) and dated March 18, 2013. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-15(b) and § 34-11-16(a)(2).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated March 18, 2013 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 17th day of April, 2013



Daniel S. Turner



Earl R. Foust

DID NOT ATTEND



Charles P. Willis


C. Michael Arnold



Phillip E. Santora



Marc S. Barter

RECUSED

W. Gerald Wilbanks