

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



IN THE MATTER OF:)

Mr. Todd B. Caton)
105 East Bridge Street)
Wetumpka, AL 36092)

Respondent)
_____)

Case No. 2018-08-B

CONSENT ORDER

Todd B. Caton (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 on January 4, 2018, the Board initiated a complaint regarding the Respondent possibly violating Title 34 of the Code of Alabama.

Respondent stipulates he was issued professional engineer license number 19539 by the Board on June 28, 1993, that authorized him to offer to practice, or to practice engineering in the State of Alabama.

Respondent stipulates in late 2015 he entered into an arrangement with Ralph Steve Hakel that allowed Mr. Hakel to obtain work and perform field work and other services related to soil percolation (PERC) tests. As part of this arrangement Respondent had business cards printed for Mr. Hakel that contained the firm name, Professional Septic Solutions.

Respondent stipulates in the arrangement him and Mr. Hakel agreed that Mr. Hakel would receive 70%, and he would receive 30% of the monies for the work. Respondent did not meet with Mr. Hakel's clients and they may not have known he was involved in the projects.

Respondent stipulates Mr. Hakel submitted documents to local health departments that contained his signature and professional engineer seal, along with the firm name "Septic Solutions" as providing the services listed on the CEP 2/3 forms.

Respondent stipulates the firm, Septic Solutions, does not hold a certificate of authorization issued by the Board that would authorize it to offer or provide engineering services in the state of Alabama.

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 a violation of one or more of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-9(a)1 and § 34-11-11(a)2 and the Administrative Code of the Board, Rule § 330-X-14-.06(a)(1), § 330-X-14-.06(a)2, and § 330-X-11-.03(4)(a).

Respondent stipulates his conduct as set forth in the "Stipulated Facts" is a violation of one or more 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

Respondent shall not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama 1975.

Respondent understands this Consent Order and subsequent Final Order will be a public record, and this information will be placed on the Board's website and in its newsletter.

Respondent agrees that his firm, Professional Septic Solutions, will **cease and desist** the offer or the practice of engineering in the State of Alabama until it obtains a certificate of authorization for engineering issued by the Board.

Respondent agrees that his license to practice engineering in the State of Alabama is suspended for one year, with that suspension stayed.

Respondent shall pay a three thousand dollar (\$3,000) fine to the Board with a check made payable to the PE/ PLS Fund in three monthly installments beginning November 2018.

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 agrees to comply with the terms of this Consent Order and understands failure to comply with the terms of the Consent Order may result in additional charges or discipline.

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 the 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 and all stipulations hereinabove are thereby rescinded.

SIGNED this the 10th day of November 2018.



Todd B. Caton
Respondent

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

STATE OF ALABAMA BOARD OF LICENSURE
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Respondent)

Case No. 2018-08-B

FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Todd B. Caton, professional engineer, in which he stipulated he violated the Code of Alabama 1975, § 34-11-9(a)1 and § 34-11-11(a)2 and the Administrative Code of the Board, Rule § 330-X-14-.06(a)(1), § 330-X-14-.06(a)2, and § 330-X-11-.03(4)(a). hereby adopts the Consent Order and issues this Final Order.

The Consent Order and Final Order take immediate effect upon the signing of this Final Order and the Respondent is **ORDERED** to abide by the Consent Order and Final Order as approved by the Alabama Board of Licensure for Professional Engineers and Land Surveyors.


ENTERED this the 15th day of January 2019.



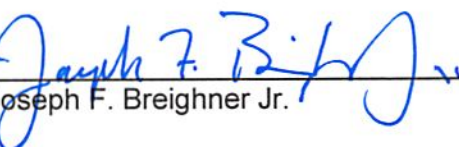
Nathan G. Johnson




M. Helen Adams-Morales



Marc S. Barter



Joseph F. Breighner Jr.



Randall D. Whorton



Richard G. Grace

RECUSED

M. Elisabeth Hyde