

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

**IN THE MATTER OF:**

Marshall W. Corlew  
348 West Paradise Drive  
Winchester, TN 37398

**Respondent**

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**Case No. 2014-33-B**

**CONSENT ORDER**

Marshall W. Corlew, an Alabama licensed professional engineer (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 professional engineer license # 11308 from the Board on July 14, 1976 and has held that license continuously from that date to the present.

Respondent stipulates that on September 25, 2014 the Board received a complaint from Mr. Gary L. Chynoweth that indicated Respondent placed his signature and professional engineer seal on documents identified as Site Plan for Payless No. 3 Convenience Store, 10335 County Line Road (Original submission), Site Plan for Payless No. 3 Convenience Store, 10335 County Line Road (First re-submittal) and Site Plan for Payless No. 3 Convenience Store, 10335 County Line Road (Second re-submittal) that contained errors and were generally incomplete.

Respondent stipulates he placed his signature and professional engineer seal to documents identified as Site Plan for Payless No. 3 Convenience Store, 10335 County Line Road (Original

submission) that contained eighty-two (82) separate deficiencies noted by the City of Madison, Alabama Planning, Engineering, and Utilities Departments.

Respondent stipulates he placed his signature and professional engineer seal to documents identified as Site Plan for Payless No. 3 Convenience Store, 10335 County Line Road (First re-submittal) that contained twenty-six (26) deficiencies noted by the City of Madison, Alabama Planning, Engineering, and Utilities Departments.

Respondent stipulates a Board Technical Advisor reviewed the design plans submitted to the City of Madison, Alabama that bear his professional seal and signature and provided a review that in summary stated "a set of plans submitted to a Planning Board, Engineering Department, and Utility Department for approval to issue appropriate permits that allow construction to take place realizing a facility that may be occupied and placed in use with little delay need to be complete in every detail on the first submission. Upon review of the Exhibit B-4 and the comments expressed in Exhibit B-2, the plans submitted, Exhibit B-4, do not provide the necessary information to construct the facility proposed."

### **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, and the Rules and Regulations of the Administrative Code of this Board.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" constitutes violations of Title 34, Chapter 11, Code of Alabama, § 34-11-11(a)(2) and violations of the Rules of Professional Conduct of the Administrative Code § 330-X-14-.06(a)(1), and § 330-X-14-.05(g).

Respondent stipulates his conduct set forth in the "Stipulated Facts" constitutes a violation of those rules and statutes set forth above, and he is subjecting himself to disciplinary action under

Title 34, Chapter 11, Code of Alabama, § 34-11-11.

**STIPULATED DISPOSITION**

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 he will not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama, or the Rules and Regulations of the Administrative Code of the Board and the Rules of Professional Conduct promulgated together.

Respondent understands his Alabama professional engineer license is suspended for two years, **(with that suspension stayed)** effective immediately upon issue of a Final Order by the Board. Respondent understands that during this stayed suspension period he may continue to practice engineering, 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 shall pay to the Board (via a certified check) a fine of two thousand five hundred dollars (\$2,500.00) with this signed consent order.

Respondent shall pay to the Board (via certified check) two hundred and seventy-five dollars (\$275.00) for the cost to the Board of the investigation.

Respondent agrees to provide a quarterly list of the engineering projects he performs to the Board beginning with the quarter described as October, November, December, 2015 and continuing with quarters, January, February, March, 2016, April, May, June, 2016, July, August, September, 2016, October, November, December, 2016, January, February, March, 2017, April, May, June, 2017, July, August, September, 2017. These lists must be provided to the Board office prior to the 10th day of the month of the new quarter beginning January 10, 2016 and ending October 10, 2017.

Respondent understands that three projects will be selected from the list for review and he will be required to submit all documentation related to those projects to the Board. Respondent understands he will be provided information related to the reviews conducted of the selected projects.

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 any violation of the terms of this Consent Order could result in the Board removing the stay from the suspension, and filing additional charges in accordance with Title 34, Chapter 11, Code of Alabama, § 34-11-11.

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 be present when this matter is discussed but hereby waives that right.

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.

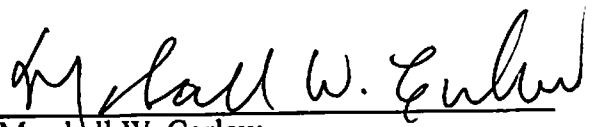
Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order 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. Should the Consent Order not be accepted by the Board, it is

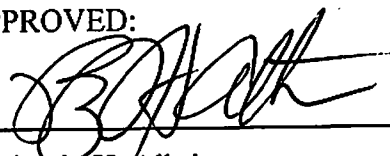
agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice the Respondent and/or the Board or any of its members from further participation in or resolution of these proceedings. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission.

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 27 day of MAY, 2016.

  
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Marshall W. Corlew  
Respondent

APPROVED:

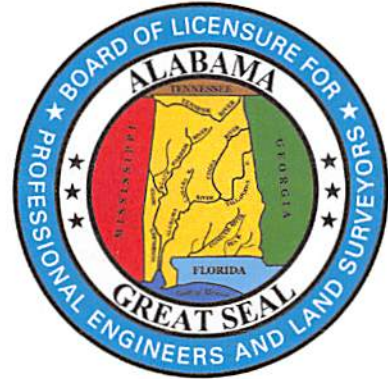
  
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Benjamin H. Albritton  
Assistant Attorney General

STATE OF ALABAMA BOARD OF LICENSURE  
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Respondent



Case No. 2014-33-B

FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Marshall W. Corlew, Professional Engineer, license number 11308, in which he stipulated he violated 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 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 into on June 1, 2016



Marc S. Barter



M. Elisabeth Hyde

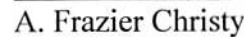


Richard G. Grace



Randall D. Whorton

RECUSED

  
A. Frazier Christy

DID NOT ATTEND

  
Charles P. Willis

  
Nathan G. Johnson