

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

IN THE MATTER OF:

Mr. John E. Cover
John E. Cover Engineering Inc
5425 Caldwell Mill Road
Birmingham AL 35242

Respondent



Case No. 2018-18-B

CONSENT ORDER

John E. Cover (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 June 29, 2018, the Board received a complaint from Mr. William R. Huett regarding Respondent possibly violating Title 34 of the Code of Alabama.

Respondent stipulates on March 29, 2018, he was sent via email a notice of his selection for the professional development hours (PDH) audit and instructed to provide the documents supporting the PDH he reported on his 2018 professional engineer license renewal application by April 30, 2018.

Respondent stipulates on July 27, 2018, he provided documents that indicated he had earned 2 PDH of the 40 PDH reported on his license renewal application. Respondent also provided additional information in which he wished to report (28) PDH for the time he spent as an expert witness on two court cases.

Respondent stipulates the continuing education activity log filed with his 2018-2019 license renewal does not match the documents he submitted in response to the audit notification.

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, § 34-11-11(a)2 and the Administrative Code of the Board § 330-X-13-.02(2) and § 330-X-13-.02(12).

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 agrees that he will 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 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 complete twenty-eight (28) professional development hours (PDH) prior to ~~December 31, 2018~~ *JANUARY 31, 2018*, that cannot be used for future renewals

Respondent shall submit to the Board payment of a fine with this signed Consent Order via a check made payable to the PE/PLS Fund in the amount of one thousand dollars (\$1,000.00).

Respondent understands that his professional engineer license is suspended for one year with that suspension stayed.

Respondent understands that he is subject to audit of his reported PDH for the 2020-2021 license renewal cycle.

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.

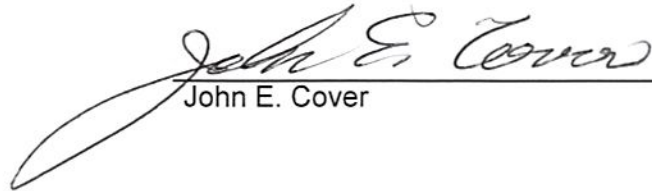
Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact-finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision 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 is 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 18 day of September 2018.



John E. Cover

APPROVED:



Benjamin H. Abritton
Assistant Attorney General

STATE OF ALABAMA BOARD OF LICENSURE
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IN THE MATTER OF:)

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Respondent)



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FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by John E. Cover, professional engineer, 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-13-.02(2) and § 330-X-13-.02(a)(12), 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.

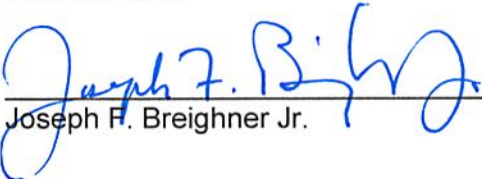
ENTERED this the 14th day of November 2018.


RECUSED

Nathan G. Johnson


M. Helen Adams-Morales

Marc S. Barter


Joseph F. Breighner Jr.


Randall D. Whorton


Richard G. Grace


M. Elisabeth Hyde