

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

IN RE THE MATTER OF:

JOHN HARRY CRIGLER

Case No. 06-04-C

CONSENT ORDER

John Harry Crigler (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 that on July 22, 1981 the Board issued him a Certificate of Licensure (Licensure Number 13417) authorizing him to practice as a professional engineer in the State of Alabama. Respondent held that certificate until it was revoked by the Board on July 30, 2004. Respondent further stipulates that he was serving as the professional engineer (principal) for Dixie Laboratories, Inc. (Certificate of Authorization number CA-515-E) when its certificate of authorization lapsed on January 31, 2004.

Respondent stipulates that on November 28, 2005 a complaint was filed by Ms. Regina A. Dinger, Executive Director of the Board of Professional Engineers and Land Surveyors (hereinafter referred to as "Complainant") stating that Dixie Laboratories, Inc. (hereinafter

referred to as "Firm") had violated Code of Alabama 1975 § 34-11-11) and *Administrative Code* § 330-X-14 and § 330-X-15.

Respondent stipulates that on November 28, 2005 the Board sent Firm a letter stating the Board had initiated a complaint alleging that the Firm had provided a GeoTechnical Inspection during the time the Firm's Certificate of Authorization for engineering was in lapsed status. Said letter requested documentation be provided no later than December 19, 2005.

Respondent stipulates that on December 22, 2005 the Board sent Firm another letter stating that the Board had initiated a complaint alleging that the Firm had provided a GeoTechnical Inspection during the time the Firm's Certificate of Authorization for engineering was in lapsed status. Said letter requested documentation be provided no later than January 12, 2006.

Respondent stipulates that on June 8, 2005 he provided a report for Geotechnical Investigation of a proposed building site located at I-65 Service Road which contained the seal and signature of Paul F. Crigler, Alabama professional engineer # 24681. Mr. Paul F. Crigler did not sign and seal this document or give him permission to place his signature or professional engineer's seal on the document.

Respondent stipulates that on March 1, 2006 he provided a report to Ms. Joyce Allen, Building Inspector for the Town of Dauphin Island, which certified a concrete slab for construction at 2249 Mallard Street and which contained the seal and signature of Paul F. Crigler, Alabama professional engineer #24681. Mr. Paul F. Crigler did not sign and seal this document or give him permission to place his signature or professional engineer's seal on the document.

Respondent stipulates that on March 1, 2006 he provided a report to Ms. Joyce Allen, Building Inspector for the Town of Dauphin Island, which certified a concrete slab for construction at 207 St. Stephens and which contained the seal and signature of Paul F. Crigler,

Alabama professional engineer #24681. Mr. Paul F. Crigler did not sign and seal this document or give him permission to place his signature or professional engineer's seal on the document.

Respondent stipulates that on March 21, 2006 he provided a report to Ms. Joyce Allen, Building Inspector for the Town of Dauphin Island, which certified a concrete slab for construction at 2304 Island Shores and which contained the seal and signature of Paul F. Crigler, Alabama professional engineer #24681. Mr. Paul F. Crigler did not sign and seal this document or give him permission to place his signature or professional engineer's seal on the document.

Respondent stipulates that on May 16, 2006 he provided a report to Ms. Joyce Allen, Building Inspector for the Town of Dauphin Island, which certified a concrete slab for construction at 1204 Cadillac Avenue and which contained the seal and signature of Paul F. Crigler, Alabama professional engineer #24681. Mr. Paul F. Crigler did not sign and seal this document or give him permission to place his signature or professional engineer's seal on the document..

Respondent stipulates that on June 28, 2006 he provided a report to Ms. Joyce Allen, Building Inspector for the Town of Dauphin Island, which certified a concrete slab for construction at 235 Chenault Street and which contained the seal and signature of Paul F. Crigler, Alabama professional engineer #24681. Mr. Paul F. Crigler did not sign and seal this document or give him permission to place his signature or professional engineer's seal on the document.

Respondent stipulates that on August 25, 2006 he provided a report to Ms. Joyce Allen, Building Inspector for the Town of Dauphin Island, which certified a concrete slab for construction at 603 Ft. Charlotte and which contained the seal and signature of Paul F. Crigler, Alabama professional engineer #24681. Mr. Paul F. Crigler did not sign and seal this document or give him permission to place his signature or professional engineer's seal on the document.

Respondent stipulates that on February 5, 2007 he provided a report to Ms. Joyce Allen, Building Inspector for the Town of Dauphin Island, which certified a concrete slab for construction at 206 Major Farmar Street and which contained the seal and signature of Paul F. Crigler, Alabama professional engineer #24681. Mr. Paul F. Crigler did not sign and seal this document or give him permission to place his signature or professional engineer's seal on the document.

Respondent stipulates that on August 1, 2007 he provided a report to Ms. Joyce Allen, Building Inspector for the Town of Dauphin Island, which certified a concrete slab for construction at 103 Ryan Court and which contained the seal and signature of Paul F. Crigler, Alabama professional engineer #24681. Mr. Paul F. Crigler did not sign and seal this document or give him permission to place his signature or professional engineer's seal on the document.

STIPULATED CONCLUSIONS OF LAW

Respondent in his capacity as an unlicensed individual in Alabama, stipulates that in such capacity he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, and the Rules and 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, § 34-11-15 and 34-11-16.

Respondent stipulates his conduct set forth in the "Stipulated Facts" may constitute 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 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 shall pay the State of Alabama General Fund a civil penalty of two thousand five hundred dollars (\$2,500.00) for each report provided during said period for a total of twenty two thousand five hundred dollars (\$22,500.00) as provided by Title 34, Chapter 11, Code of Alabama 1975, §34-11-11.

4. Respondent shall pay the Board the sum of nine hundred twenty one dollars and sixty-eight cents (\$921.68) for administrative costs incurred during the investigation as provided by Title 34, Chapter 11, Code of Alabama 1975, §34-11-11.

5. Respondent shall pay the above civil penalties and fines in scheduled payments beginning with an initial payment of four thousand nine hundred thirty-three dollars and eighty cents (\$4,933.80) payable to the State of Alabama General Fund and nine hundred twenty one dollars and sixty-eight cents (\$921.68) payable to the Board.

6. Respondent shall beginning August 24, 2008 and on a monthly basis thereafter over a period of thirty-six (36) consecutive months, pay the State of Alabama General Fund four hundred eighty-seven and ninety-five cents (\$487.95) on or before the 24th day of each month.

5. Respondent understands that he must ***Cease and Desist*** offering to provide or providing engineering services in the State of Alabama immediately.

6. 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.

7. Respondent agrees that failure to provide the payments as agreed would render this consent agreement null and void, and this in turn could lead to the Board's referral of the matter to the District Attorney for possible criminal prosecution.

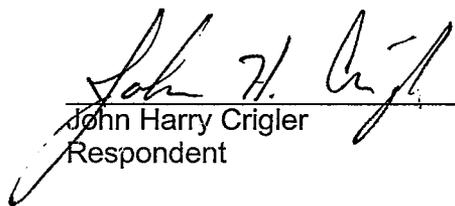
8. Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands this discussion will take place at the Board's regularly scheduled meeting at 9:00 a.m. on July 24, 2008 in Montgomery, Alabama. Respondent

understands he has the right to be present when this matter is discussed but hereby waives that right.

9. The Respondent for the purpose of avoiding further administrative or criminal 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 an admission and the Respondent shall be allowed a new hearing date other than that set forth in Paragraph 8 herein.

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.

SIGNED this the 18 day of July, 2008.



John Harry Crigler
Respondent

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

**STATE OF ALABAMA
BOARD OF LICENSURE FOR
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LAND SURVEYORS**

IN RE THE MATTER OF:

JOHN HARRY CRIGLER

Case No. 06-04-C

FINAL ORDER

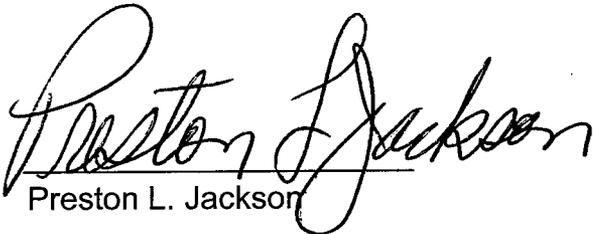
On July 25, 2008 at 9:00 a.m. the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance at the meeting were: Mr. Preston L. Jackson, Mr. Al I. Reisz, Mr. William C. Ulrich, Jr., Mr. Don T. Arkle and Mr. C. Michael Arnold. 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. John Crigler on July 18, 2008.

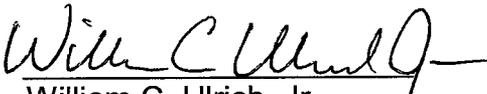
In said Consent Order, Mr. Crigler stipulated that he violated the Code of Alabama 1975 § 34-11-15 and § 34-11-16.

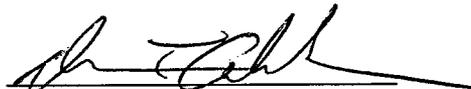
Upon Consideration of the above it is ORDERED that the Consent Order dated July 18, 2008 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Respondent abide by the Final Order in this manner.

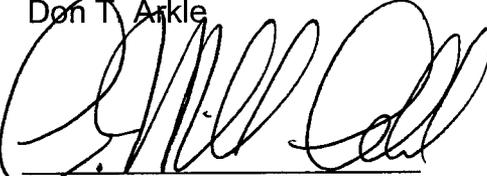
ENTERED this the 25th day of July 2008.


Preston L. Jackson


Al I. Reisz


William C. Ulrich, Jr.


Don T. Arkle


C. Michael Arnold