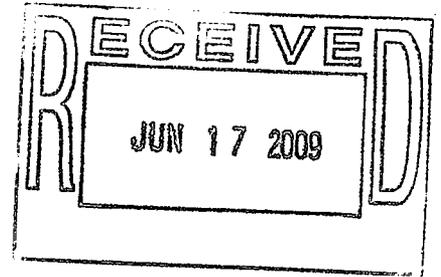


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN RE THE MATTER OF:

ROBERT J. WHELAN JR.  
DONAN ENGINEERING CO., INC.

Case No. 09-297-B

CONSENT ORDER

Mr. Robert J. Whelan Jr. (hereinafter referred to as "Respondent") and the company, Donan Engineering Co., (hereinafter referred to as "Firm") 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 was issued a license (# 26675) to practice engineering in the State of Alabama on December 3, 2004 and has held that license continuously since that date.

Respondent stipulates on March 31, 2009, a complaint was filed by Mr. John Barton Weeks, stating firm offered to practice and practiced engineering in the State of Alabama during the time that its certificate of authorization for engineering was lapsed.

Respondent stipulates that in an earlier case (Case # 08-17-C) the Board determined the Firm provided engineering services in the State of Alabama without obtaining a certificate of authorization for engineering from the Board. Respondent

further stipulates on July 25, 2008 the Board accepted an agreed upon Consent Order and issued a Final Order requiring the payment of a \$500.00 civil penalty to the State of Alabama General Fund, payment of \$209.50 to the Board for expenses and an order to cease and desist until such time the Firm obtained a certificate of authorization for engineering from the Board.

Respondent stipulates Firm received a certificate of authorization for engineering on June 30, 2008 and held that certificate continuously from that date until it was allowed to lapse on January 31, 2009. Respondent further stipulates the Firm's certificate of authorization for engineering was renewed on April 1, 2009

#### STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a licensed Alabama professional engineer stipulates in such capacity he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11, and the Rules of Regulations of the *Administrative Code* of this Board.

Respondent stipulates his conduct and the conduct of Firm as set forth in the foregoing "Stipulated Facts" constitutes violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-9(a) and the Boards *Administrative Code* § 330-X-15-.03 (1).

Respondent stipulates his conduct and the conduct of Firm set forth in the "Stipulated Facts" is a violation of those rules and statues set forth above, and that Firm is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

### STIPULATED DISPOSITION

1. Respondent agrees Firm 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 agrees Firm shall pay a fine of \$500.00 (five hundred dollars) to the Board within thirty days of date of Final Order.

4. Respondent agrees Firm shall pay the Board the sum of \$149.40 (one hundred forty nine dollars and forty cents) for the expenses incurred during the investigation.

5. 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.

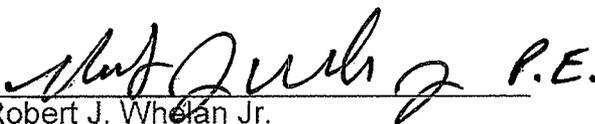
6. Respondent agrees any violation of the terms of this Consent Order, may result in the Board filing additional charges in accordance with the Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

7. 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 the Board's regularly scheduled meeting on July 24, 2009 in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

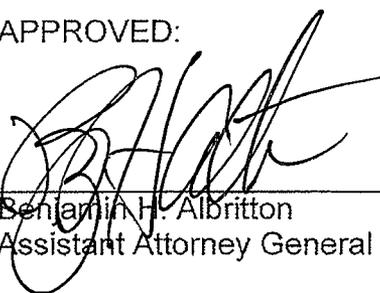
8. Respondent for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally 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.

9. 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 16 day of June, 2009.

  
Robert J. Whelan Jr.  
Respondent

APPROVED:

  
Benjamin H. Albritton  
Assistant Attorney General

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

**IN RE THE MATTER OF:**

**ROBERT J. WHELAN JR.  
DONAN ENGINEERING CO., INC.**

**CASE NO. 09-297-B**

**FINAL ORDER**

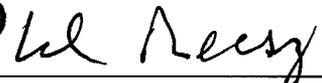
On July 23, 2009 the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance at the meeting were: Mr. Don T. Arkle, Mr. Al I. Reisz, Mr. William C. Ulrich, Jr, Mr. C. Michael Arnold, and Mr. W. Gerald Wilbanks. 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 based upon a Consent Order dated June 16, 2009 and signed by Mr. Robert J. Whelan, Jr., engineering principal for Donan Engineering Co., Inc. (hereafter referred to as Firm). In said Consent Order, Mr. Whelan stipulated Firm violated the Code of Alabama 1975 § 34-11-9(a) and the Board's *Administrative Code* § 330-X-15-.03 (1).

Upon Consideration of the above it is ORDERED the Consent Order dated June 16, 2009 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Firm abide by the Final Order in this manner.

ENTERED this the 23<sup>rd</sup> day of July 2009.

  
\_\_\_\_\_  
Don T. Arkle

**RECUSED**   
\_\_\_\_\_  
Al I. Reisz

  
\_\_\_\_\_  
William C. Ulrich, Jr

  
\_\_\_\_\_  
C. Michael Arnold

  
\_\_\_\_\_  
W. Gerald Wilbanks