

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

IN THE MATTER OF:)

Mr. Russell W. Duke)
60 Bienville Avenue)
Mobile, AL 36606)

Respondent)
_____)



Case No. 2015-50-B

CONSENT ORDER

Russell W. Duke, a 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 on June 21, 2006 the Board issued him certificate of licensure (number 27813) authorizing him to practice as a professional engineer in the State of Alabama.

Respondent stipulates on August 31, 2015 the Board, by and through its Executive Director, initiated a complaint alleging he failed to provide documents that support the professional development hours (pdh) he reported on his 2015 professional engineer license renewal application after being notified of his selection for audit of the reported pdh.

Respondent stipulates the Board sent an email on March 24, 2015 that advised his 2015 professional engineer license renewal application had been selected at random for audit of the reported pdh. Respondent stipulates the email instructed him to provide the pdh documents to the Board office prior to April 30, 2015.

Respondent stipulates the 2015 license renewal application he submitted to the Board indicated he had completed activities that totaled nine and a half (9.5) professional development hours (pdh), and six (6) pdh were carried over from the previous year.

Respondent stipulates he provided documents to the Board in support of his reported professional development activities that included course announcements, course registrations, and completion certificates. Respondent acknowledges the documentation he provided only verified completion of courses totaling 10 pdh.

Respondent stipulates the pdh documentation he submitted to the Board does not indicate he completed all the professional development activities he reported on his 2015 professional engineer license renewal application.

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 violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)(2) and the Rules and Regulations of the Board’s Administrative Code § 330-X-13-.02(14)(a) and § 330-X-14-.06(a)(1).

Respondent stipulates his conduct as set forth in the “Stipulated Facts” is a violation 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 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 agrees his license to practice engineering is suspended for six months, with the suspension stayed. Respondent understands that during the time his license is under this stayed suspension period he may continue to practice engineering in the State of Alabama, 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 agrees to provide documentation of completion of five professional development hours (pdh) to the Board prior to ~~June 1~~^{July 15 RWD}, 2016 and understands the pdh must be in addition to any pdh reported on his license renewal application. Respondent understands that failure to provide documentation of his completion of the (5) five professional development hours to the Board prior to ~~June 1~~^{July 15 RWD}, 2016 will cause his professional engineer license to be *revoked* pending ratification by the Board. Respondent further understands this matter would be presented to the Board at a regularly scheduled meeting at which he could attend and present evidence on his behalf.

Respondent agrees to pay a fine to the Board via a certified check made payable to the PE/PLS Fund in the amount of one thousand dollars (\$1,000) with this signed Consent Order.

Respondent agrees to submit to the Board with this signed Consent Order a certified check in the amount of two hundred and twelve dollars (\$212) made payable to the PE/PLS Fund for the cost of the investigation.

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 understands that failure to comply with any term of this consent order shall cause his professional engineer license to be *revoked* pending ratification by the Board. Respondent further understands this matter would be presented to the Board at a regularly scheduled meeting at which he could attend and present evidence on his behalf.

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 this discussion will take place at a regularly scheduled meeting of the Board.

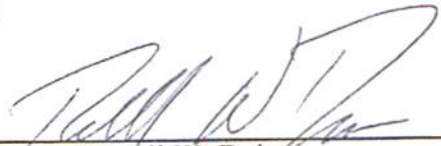
Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision 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. 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 2nd day of JUNE, 2016



Russell W. Duke

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

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

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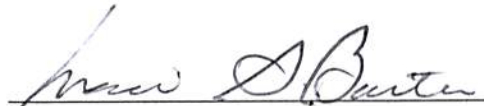
Case No. 2015-50-B

FINAL ORDER

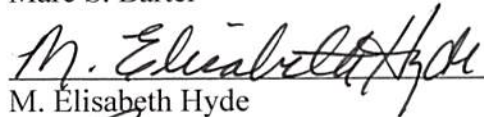
The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Russell W. Duke, Professional Engineer, license number 27813, in which he stipulated he violated the Code of Alabama 1975, §34-11-11(a)2, and the Rules and Regulations of the Board's Administrative Code § 330-X-13-.02(14)(a) 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.

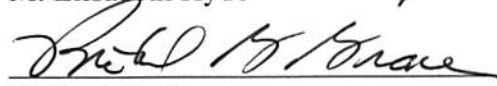
ENTERED this the 13th day of July 2016



Marc S. Barter



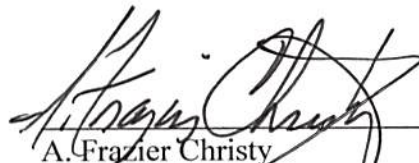
M. Elisabeth Hyde



Richard G. Grace

RECUSED

Randall D. Whorton



A. Frazier Christy

DID NOT ATTEND

Charles P. Willis



Nathan G. Johnson