

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

IN RE THE MATTER OF:

Case No. 2013-11-B

RUSSELL THOMAS EMRICK

CONSENT ORDER

Russell Thomas Emrick, an Alabama licensed professional engineer (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 he received professional engineer license # 21208 from the Board on July 8, 1996 and has held that license continuously from that date to the present.

Respondent stipulates that on December 20, 2012 he submitted to the Board information indicating that a felony conviction was entered against him in the Circuit Court of Cleburne County, Alabama on the 13th day of December 2012.

Respondent stipulates that on January 15, 2013 the Board, by and through its Executive Director Ms. Regina A. Dinger, filed a complaint based on information self-reported to the Board indicating he had received a felony criminal conviction in the Circuit Court of Cleburne County, Alabama on December 13, 2012.

Respondent stipulates on December 13, 2012 he received ^{CONSPIRACY TO COMMIT} A Theft of Property in the first degree felony conviction in the Circuit Court of Cleburne County, Alabama. Respondent further stipulates on January 4, 2013 he was sentenced to serve ten years in a State Penitentiary in the

State of Alabama, assessed a fine of \$15,000.00 and ordered to pay restitution of \$34,272.75 to State Farm Insurance Company.

Respondent stipulates on February 4, 2013, his attorney filed a motion for new trial and appeal. He was allowed to pay a \$200,000.00 bond and be released from custody pending the outcome of his appeal.

STIPULATED CONCLUSIONS OF LAW

Respondent in his capacity as a licensed Professional Land Surveyor in the State of 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, § 34-11-11(a)(2), § 34-11-11(k)(2) and violations of the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1) and § 330-X-14-.06(a)(4).

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 understands his State of Alabama professional engineer license (#21208) shall be **Revoked** immediately upon date of Final Order until such time as his civil rights are restored and only upon unanimous approval vote of the Board.

4. Respondent understands that if his felony criminal conviction is overturned as a result of appeal and his civil rights restored, he may apply to the Board for re-issuance of his professional engineer license at that time.

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.

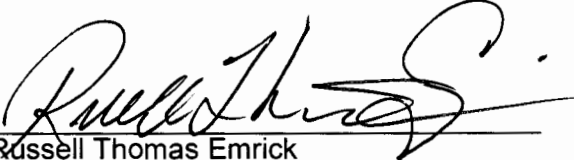
7. Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at the Board's next regularly scheduled meeting in Montgomery Alabama.

8. 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.

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.

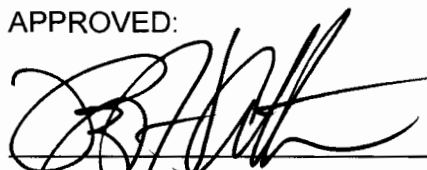
10. Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally 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 9th day of JULY, 2013



Russell Thomas Emrick
Respondent

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

STATE OF ALABAMA
BOARD OF LICENSURE FOR
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IN RE THE MATTER OF:

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FINAL ORDER

On July 24, 2013, the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled meeting. The Board Members in attendance at the meeting were: Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Marc S. Barter, Mr. Charles P. Willis, Mr. W. Gerald Wilbanks and Mr. Frazier Christy.

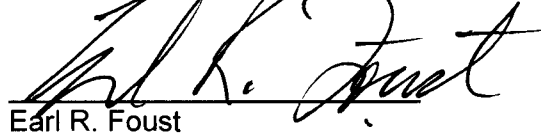
This Final Order is based upon a Consent Order signed by Russell Thomas Emrick (hereafter referred to as "Respondent") and dated July 9, 2013. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a)(2), § 34-11-16(k)(2) and the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1) and § 330-X-14-.06(a)(4).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated July 9, 2013 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.

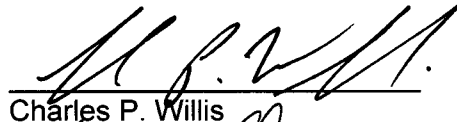
ENTERED this the 24th day of July, 2013

RECUSED

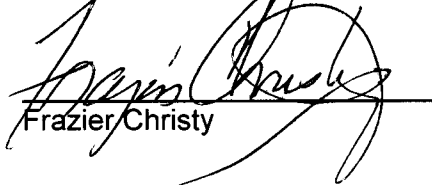
Daniel S. Turner



Earl R. Foust



Charles P. Willis



Frazier Christy



Phillip E. Santora



Marc S. Barter



W. Gerald Wilbanks