

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

**IN RE THE MATTER OF:**

**ENTECH ENGINEERING INC.**

**CASE NO. 2013-25-B**

**CONSENT ORDER**

Entech Engineering Inc., a certificated company (hereinafter referred to as "Respondent") by and through its President, Mitchell D. Simpson, 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 on January 10, 2000 the Board issued Respondent a Certificate of Authorization for engineering (CA-2044-E) authorizing Respondent to offer engineering services in the State of Alabama through Alabama licensed professional engineers. Respondent stipulates it held that certificate continuously from that date until January 31, 2008 when it lapsed. Respondent stipulates the Certificate of Authorization expired January 31, 2010 and was reissued on June 17, 2013.

Respondent stipulates on October 23, 2012 the Board initiated a complaint that indicated Respondent may have offered engineering services in Alabama during a time its Certificate of Authorization was in lapsed or expired status.

Respondent stipulates between January 31, 2008 and June 17, 2013 during the time its certificate of authorization was either in lapsed or expired status it provided engineering services for Jim 'n Nicks Bar-B-Q in Cullman, Alabama and Jim 'n Nicks Bar-B-Q in Auburn, Alabama.

### **STIPULATED CONCLUSIONS OF LAW**

Respondent stipulates it 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 its conduct as set forth in the foregoing "Stipulated Facts" may constitute violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-9(a)(1), and violations of the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1), and § 330-X-15-.01(1)

Respondent stipulates the conduct set forth in the "Stipulated Facts" constitutes a violation of those rules and statutes set forth above, and respondent is subjecting itself 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 submit to the Board via certified check a fine in the amount of one thousand dollars (\$1000.00) with this signed Consent Order.

4. 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.

5. 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.

6. Respondent understands in order to make a decision relative to approving this

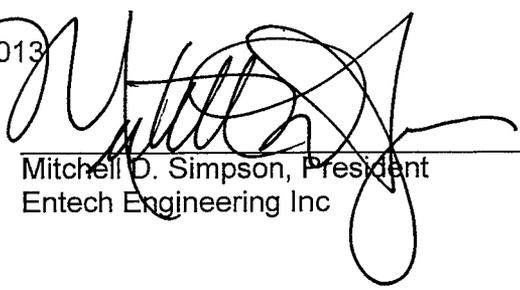
Consent Order discussions must take place between Board members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at the Board's next regularly scheduled meeting. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

7. Respondent understands it 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.

8. 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.

9. 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 18<sup>th</sup> day of September, 2013

  
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Mitchell D. Simpson, President  
Entech Engineering Inc

APPROVED:   
\_\_\_\_\_  
Benjamin H. Albritton  
Assistant Attorney General

STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
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IN RE THE MATTER OF:

ENTECH ENGINEERING INC

CASE NO. 2013-25-B

FINAL ORDER

On October 9, 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: Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Marc S. Barter, Mr. Charles P. Willis, Mr. Frazier Christy, Mr. W. Gerald Wilbanks and Dr. Daniel S. Turner.

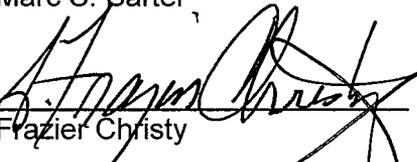
This Final Order is based upon a Consent Order signed by Entech Engineering Inc., by and through its President, Mitchell D. Simpson (hereafter referred to as "Respondent") and dated September 18, 2013. In the Consent Order, Respondent stipulated it violated the Code of Alabama 1975, § 34-11-9(a) 1, and the Rules and Regulations of the Board's Administrative Code § 330-X-14-.06(a)(1), and § 330-X-15-.01(1).

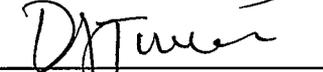
Upon Consideration of the above it is **ORDERED** that the Consent Order dated September 18, 2013 is adopted by the Board and hereby made a part of this Final Order. It is further **ORDERED** that Respondent abide by the Final Order in this manner.

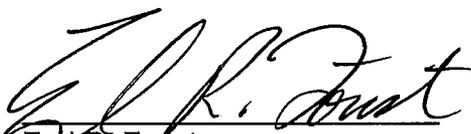
ENTERED this the 9th day of October, 2013

  
Phillip E. Santora

  
Marc S. Barter

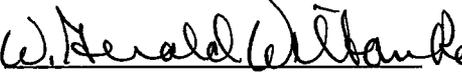
  
Frazier Christy

  
Daniel S. Turner

  
Earl R. Foust

**RECUSED**

Charles P. Willis

  
W. Gerald Wilbanks