

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

IN THE MATTER OF:

Mr. Charles A. Garcia, PE
Freeland & Kaufman Inc
209 West Stone Ave
Greenville, SC 26909

Respondent



Case No. 2019-17

CONSENT ORDER

Charles A. Garcia of Freeland & Kaufman (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 February 7, 2019, the Board received a complaint regarding Respondent possibly violating Title 34 of the Code of Alabama.

Respondent stipulates firm entered into an agreement to provide engineering services for the Gulf Coast Auto project on June 13, 2018 with the architectural firm, Praxis3.

Respondent stipulates that he submitted engineering design plans dated January 22, 2019, bearing the firm name Freeland & Kauffman Inc., and a sidewalk waiver document dated 11/01/2018, to the city of Mobile for the Gulf Coast Auto project.

Respondent stipulates firm did not possess a certificate of authorization for engineering from January 31, 2013 until February 1, 2019, that would allow the firm to offer or provide engineering services in the State of Alabama.

Respondent stipulates the Board issued the firm a certificate of authorization for engineering on February 1, 2019, that authorized it to offer or provide engineering services in the State of Alabama.

STIPULATED CONCLUSIONS OF LAW

Respondent stipulates firm 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 firm's conduct as set forth in the foregoing "Stipulated Facts" constitutes a violation of one or more of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-16(a)(1).

Respondent stipulates firm's conduct as set forth in the "Stipulated Facts" is a violation of one or more of those statutes set forth above, and it is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975.

STIPULATED DISPOSITION

Respondent shall not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama 1975.

Respondent understands this Consent Order and subsequent Final Order will be a public record, and this information will be placed on the Board's website, in its newsletter, and on enforcement Exchange of the NCESS website.

Respondent agrees to submit to the Board with this signed Consent Order a check made payable to the State of Alabama General Fund in the amount of one thousand five hundred dollars (\$1,500).

Respondent agrees to submit to the Board with this signed Consent Order a check made payable to PE/PLS Fund in the amount of one hundred and twenty-five dollars (\$125) 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 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 this discussion will occur at a scheduled meeting of the Board.

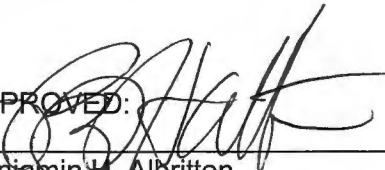
Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact-finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision 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. It is agreed that presentation to and consideration of the Consent Order by the Board requires certain factual information related to this matter be disclosed to the Board members. Should the Consent Order not be accepted by the Board, it is therefore expressly agreed that the reviewing, and consideration of this Consent Order, and the information provided to the Board for their review, shall not unfairly prejudice the Board and shall in no way act to disqualify any Board member from any further participation in this matter through its resolution, including, but not limited to, any contested hearing on this matter should one be necessary. 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 and all stipulations hereinabove are thereby rescinded.

SIGNED this the 5th day of APRIL, 2019.

APPROVED:


Benjamin M. Albritton
Assistant Attorney General


Charles Garcia
Freeland & Kauffman Inc.

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

IN THE MATTER OF:)

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Freeland & Kaufman Inc)
209 West Stine Ave)
Greenville, SC 26909)

Respondent)



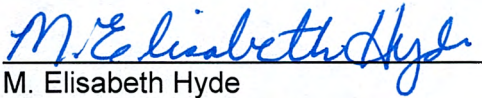
Case No. 2019-17

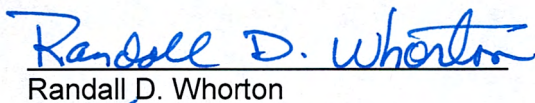
FINAL ORDER

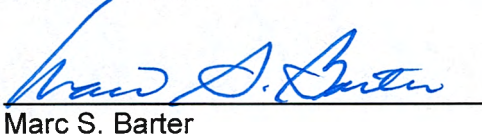
The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Charles A. Garcia, in which he stipulated his firm violated Title 34, Chapter 11, Code of Alabama 1975, § 34-11-16(a)(1).

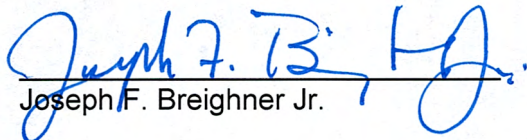
The Consent Order and Final Order take immediate effect upon the signing of this Final Order and the Respondent is **ORDERED** to abide by the Consent Order and Final Order as approved by the Alabama Board of Licensure for Professional Engineers and Land Surveyors.

ENTERED this the 7th day of May 2019.


M. Elisabeth Hyde

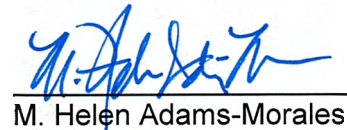

Randall D. Whorton


Marc S. Barter


Joseph F. Breighner Jr.

RECUSED

Nathan G. Johnson


M. Helen Adams-Morales

DID NOT ATTEND

Richard G. Grace