

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

**IN RE THE MATTER OF:**

**Case No. 09-300-C**

**YULY HERNANDEZ**

**FINAL ORDER**

This cause was called for hearing on August 27, 2009 at 9:00 a.m. Members of the Investigative Committee of the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as "Board") met in the office of the Board for an Administrative Hearing concerning the allegations filed against Mr. Robert G. Boling (hereinafter referred to as "Respondent"). The Board was not present but was represented by Mr. Benjamin Albritton, Board Counsel. Governmental Hearing Officer Dana A. Billingsley presided over the Hearing. Also present at the Hearing were Ms. Regina Dinger, Executive Director of the Board, and Mr. William R. Huett, Assistant Executive Director and Investigator for the Board. The Respondent was not present at the hearing.

**STATEMENT OF ISSUES**

On January 9, 2009, Respondent submitted an application to the Board to sit for the Fundamentals of Engineering (FE) Examination scheduled for April 25, 2009. Enclosed with the application was a personal check from Respondent in the amount of \$85.00 as payment of the Board's \$15.00 application fee and a \$70.00 examination fee.

On March 2, 2009, the Board notified Respondent via certified and electronic mail that the check tendered with her application was returned for insufficient funds and requested that Respondent remit payment for the full amount of returned check plus a service charge of \$30.00 for a total of \$115.00 within ten (10) days from the date of the letter, in order to be admitted to the examination.

On April 15, 2009 a complaint was initiated by Ms. Regina A. Dinger, Executive Director of the Board of Professional Engineers and Land Surveyors (hereinafter referred to as "Complainant") alleging Respondent had violated Code of Alabama 1975 § 34-11-11 and the rules and regulations of the Board by failing to honor a check written to the Board. The Respondent was notified of the complaint via certified and first class mail which requested she respond in writing no later than May 7, 2009. Respondent failed to respond. The alleged violations are as follows;

Count I

On January 9, 2009, Respondent submitted a Fundamentals of Engineering Examination application and enclosed a personal check in the amount of \$85.00 as payment for the application and examination fee. Respondent's personal check in the amount of \$85.00 was returned to the Board for insufficient funds. On March 2, 2009, Respondent was notified via certified and electronic mail that her personal check was returned for insufficient funds and was requested to submit the full amount of returned check plus a service charge of \$30.00. Respondent failed to respond to any of the Board's request. Failure to honor a check provided with an application submitted to the Board for examination and failure to respond Board inquiries is a violation Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a) (2) . It is also a violation of the Rules and Regulations of the Board's *Administrative Code*, § 330-X-14-.06(a) (1) and § 330-X-14-.06(a) (15).

**CONCLUSIONS OF LAW**

The Board hereby states that Respondent is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)(2), and *Administrative Code* § 330-X-14-.06(a)(1) and § 330-X-14-.06(a)(15).

**CONCLUSION**

After hearing the testimony of all the witnesses presented by the Board and after considering all the evidence presented in the above-referenced case, Governmental Hearing Officer Dana Billingsley made the following recommendation;

1. It is hereby recommended that Respondent remit payment for the full amount of her personal check, plus a \$30.00 service charge, for a total of \$115.00, to the Board within thirty (30) days of the date of the Board's Final Order in this cause and that Respondent's application to sit for the Fundamentals of Engineering Examination be denied until such time as said payment is remitted to the Board in full.
2. The Board may consider this Order when ascertaining whether Respondent is qualified to sit for the Fundamentals of Engineering Examination at any future date or when determining whether Respondent meets the qualifications for licensure as a Professional Engineer.

After deliberation and a review of the Governmental Hearing Officer's recommendations, the Board finds Respondent **Guilty** of the allegations made against her.

In accordance with the Code of Alabama 1975 § 34-11-11(m) which states the Board has the power to impose any and all disciplinary penalties and the licensee shall be responsible for the cost of such action if found guilty the Board respectfully modifies the Governmental Hearing Officer's proposed recommendation for disciplinary action to include payment of the cost of the hearing relative to this cause.

The Board hereby **Orders** as follows:

1. Respondent shall pay to the Board, eighty-five dollars (\$85.00) for the Fundamentals of Engineering Examination fee and thirty dollars (\$30.00) service charge for the returned check for a total of one hundred and fifteen dollars (\$115.00) within thirty days of the date of the Board's Final Order in this cause and that Respondent's application to sit for the Fundamentals of Engineering Examination is denied until such time as said payment is

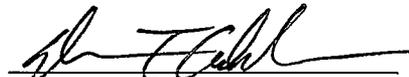
remitted to the Board in full. The Board may consider this Order when ascertaining whether Respondent is qualified to sit for the Fundamentals of Engineering Examination at any future date for which Respondent makes application therefor or when determining whether Respondent meets the qualifications for licensure as a Professional Engineer, if she makes application therefore.

2. Respondent shall pay to the Board, one hundred and sixty-five dollars (\$165.00) for cost of the Hearing.
3. The Hearing and Final Order will be public record.

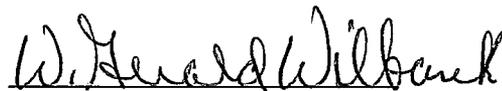
Done this the 9<sup>th</sup> day of October, 2009

  
Mr. William C. Ulrich

RECUSED

  
Mr. Don T. Arkle

  
Mr. C. Michael Arnold

  
Mr. W. Gerald Wilbanks

  
Dr. Daniel S. Turner

  
Mr. Phillip E. Santora

  
Mr. Al. I. Reisz