

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

IN THE MATTER OF:

Keith Carter, Ops Manager
Hiller Fire Protection
107 38th Street North
Birmingham Alabama 35222

Respondent



Case No. 2018-31-C

CONSENT ORDER

Keith Carter, of Hiller Fire Protection, (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 September 17, 2018, the Board received a complaint from Mr. William R. Huett regarding Respondent possibly violating Title 34 of the Code of Alabama.

Respondent stipulates Firm entered into an agreement with the CDI / Munford Head Start, located at 90 Main Street, Munford, Alabama to install a new fire alarm system.

Respondent stipulates in July 2018 Firm made design and installation modifications to an existing engineering design without consulting the Alabama licensed professional engineer supervising the project.

Respondent stipulates Firm does not hold a certificate of authorization issued by the Board that would authorize it to offer or provide engineering services in the state of Alabama.

STIPULATED CONCLUSIONS OF LAW

Respondent admits it 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 its 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 its 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, § 34-11-11.

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 in Enforcement Exchange of the National Council of Examiners for Engineering and Surveying.

Respondent agrees to **cease and desist** the practice of engineering related to projects in the State of Alabama until Firm employs an Alabama licensed professional engineer and obtains a certificate of authorization for engineering issued by the Board.

Respondent shall submit to the Board with this signed Consent Order a check made payable to the State of Alabama General Fund in the amount of two thousand dollars (\$2,000).

Respondent shall submit to the Board with this signed Consent Order a check made payable to PE/PLS Fund in the amount of two hundred dollars (\$200) 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 that the 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. 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 is 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 5 day of December, 2018.



Keith Carter, Ops Manager
Hiller Fire Protection

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

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FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Keith Carter, in which he stipulated his firm violated the Code of Alabama 1975, § 34-11-16(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 15th day of January 2019.



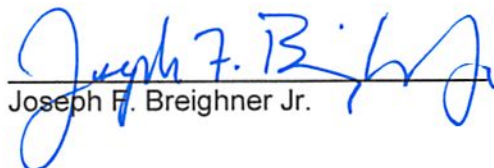
Nathan G. Johnson



M. Helen Adams-Morales



Marc S. Barter



Joseph F. Breighner Jr.



Randall D. Whorton

RECUSED

Richard G. Grace



M. Elisabeth Hyde