

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

IN RE THE MATTER OF:

JAMES HARRY JEFFCOAT

CASE NO. 2013-14-B

CONSENT ORDER

James Harry Jeffcoat, an Alabama licensed professional engineer (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 he received an Alabama professional engineer license (number 25747) from the Board on May 30, 2003 and has held that license continuously from that date until the present. Respondent's license has not been subject to discipline during this time.

Respondent stipulates on February 27, 2013 he was informed via email that his 2013 professional engineer license renewal application had been selected at random for verification of earned continuing professional competency credits. Respondent also stipulates he was requested to provide documentation verifying his earned professional competency credits no later than April 1, 2013.

Respondent stipulates that in a telephone conversation on February 28, 2013 and by e-mail on March 4, 2013 he informed Board Staff that he had attended a one and a half (1.5) hour vendor training class on October 10, 2012 and had purchased a block of 14 hours of online professional development hours from Redvector.com on December 17, 2012. Respondent had therefore purchased adequate professional development hours to allow him to complete the

required professional development hours by December 31, 2013. But respondent did not complete the required number of hours by that time.

Respondent stipulates he provided documentation on March 11, 2013 that indicated he had completed his remaining professional development hours for 2012 by that time.

STIPULATED CONCLUSIONS OF LAW

Respondent admits he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11 and the jurisdiction of the Board as well as the Board's Administrative Code.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" constitutes violations of Title 34 Chapter 11 Code of Alabama 1975 Section 34-11-11(a)1 and 2 and the Rules and Regulations of the Board's *Administrative Code* § 330-X-13-.02(4)(a), and § 330-X-14-.06(a)(1).

Respondent stipulates his conduct as set forth in the "Stipulated Facts" is a violation of those statutes set forth above, and he 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, or the Rules and Regulations of the Administrative Code and the Rules of Professional Conduct promulgated together.

Respondent understands this Consent Order and subsequent Final Order will become a matter of public record.

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.

Respondent understands his Alabama professional engineer license shall be subject to audit of the claimed continuing professional competency credits twice within seven (7) years of the date of the Final Order.

Respondent understands his Alabama professional engineer license shall be subject to one (1) year **probation** to commence immediately upon the date a Final Order is issued. Respondent understands during this probationary period he is permitted to engage in the practice of engineering without limitation. This probationary period is un-supervised and compliance with the terms of the consent order will cause the probation period to automatically cease at the end of the specified time period.

Respondent understands that failure to comply with any term of this consent order shall cause his professional engineer license to be **revoked** pending ratification by the Board. Respondent further understands this matter would be presented to the Board at a regularly scheduled meeting in Montgomery, Alabama at which he could attend and present evidence on his behalf.

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.

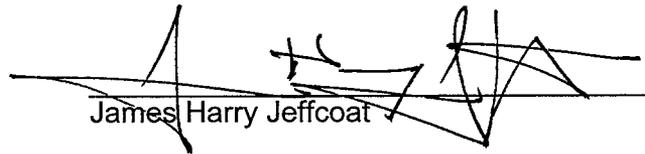
Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at a regularly scheduled meeting of the Board.

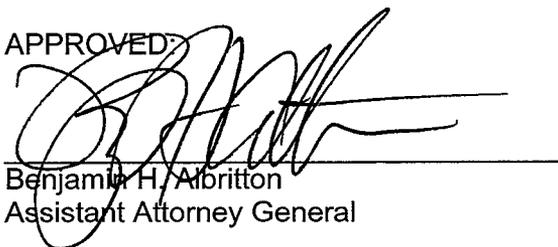
Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision 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. 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 23~~rd~~ day of July, 2013


James Harry Jeffcoat

APPROVED:

Benjamin H. Albritton
Assistant Attorney General

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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 James Harry Jeffcoat (hereafter referred to as "Respondent") and dated July 23, 2013. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a) 1 and 2, and the Rules and Regulations of the Board's Administrative Code § 330-X-13-.02(4)(a), and § 330-X-14-.06(a)(1).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated July 23, 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

RECUSED

Phillip E. Santora

Marc S. Barter

Frazier Christy

Daniel S. Turner

Earl R. Foust

DID NOT ATTEND

Charles P. Willis

W. Gerald Wilbanks