

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

IN RE THE MATTER OF:

**K. TIMOTHY KEY
DBA KEY LAND SURVEYING**

Case No. 09-289-B

FINAL ORDER

On December 10, 2009 at 1:00 p.m. the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance at the meeting were: Mr. William C. Ulrich, Jr, Mr. Don T. Arkle, Mr. C. Michael Arnold, Mr. W. Gerald Wilbanks, Mr. Al I. Reisz, Dr. Daniel S. Turner, and Mr. Phillip E. Santora. Also present at the Board Meeting was Mr. William R. Huett, Assistant Executive Director and Investigator for the Board. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

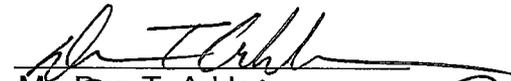
This Final Order is presented to the Board upon a Consent Order signed by Mr. K. Timothy Key and dated November 4, 2009.

In said Consent Order, Respondent stipulated that he violated the Code of Alabama 1975 § 34-11-11(a) (2), and the Rules of Professional Conduct of the Board's *Administrative Code* § 330-X-14-.05(g) and § 330-X-14-.06(a) (1 & 5).

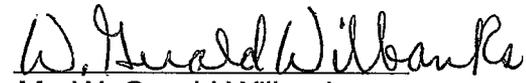
Upon Consideration of the above it is ORDERED that the Consent Order dated November 4, 2009 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Respondent abide by the Final Order in this manner.

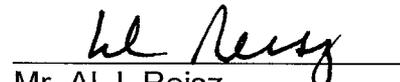
ENTERED this the 11th day of December 2009.


Mr. William C. Ulrich, Jr.


Mr. Don T. Ankle


Mr. C. Michael Arnold

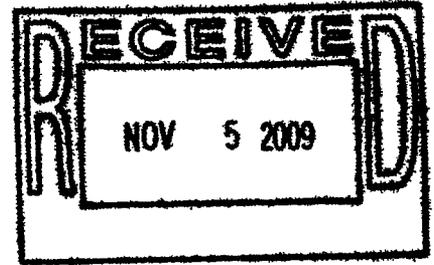

Mr. W. Gerald Wilbanks


Mr. Al. I. Reisz


Dr. Daniel S. Turner


Mr. Phillip E. Santora

STATE OF ALABAMA
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IN RE THE MATTER OF:

K. TIMOTHY KEY
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Case No. 09-289-B

CONSENT ORDER

K. Timothy Key (hereinafter referred to as "Respondent") 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 June 11, 1993 the Board issued him a Certificate of Licensure (Licensure Number 19521) authorizing him to practice as a professional land surveyor in the State of Alabama. Respondent's license has been held continuously since that date.

Respondent stipulates on March 3, 2009 the Board received a complaint from Mr. Mike Lann of Northport, Alabama alleging the Respondent provided him a survey of his personal property located in Northport, Alabama which contained errors and violations of the Standards of Practice for Land Surveying in Alabama.

Respondent stipulates that on June 10, 2007 he provided a survey of personal property located in Northport, Alabama for Mr. Mike Lann which contained errors and violations of the Standards of Practice for Land Surveying in Alabama.

STIPULATED CONCLUSIONS OF LAW

Respondent in his capacity as a licensed professional land surveyor stipulates that in such capacity he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, and the Rules of Regulations of the *Administrative Code* of this Board.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" constitutes violations of Title 34, Chapter 11, Code of Alabama 1975, §34-11-11(a)(2), and violations of the Board's *Administrative Code* § 330-X-14-.05(g) and § 330-X-14-.06(a)(1) and (5).

Respondent stipulates his conduct set forth in the "Stipulated Facts" constitutes violation of those rules and statutes set forth above, and he is subjecting himself 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 understands his license to practice land surveying in the State of Alabama is subject to six (6) months **probation** commencing the date of Final Order.

4. Respondent shall pay the Board a fine of five hundred dollars (\$500.00) no later than thirty days from the date of Final Order.

5. Respondent must attend (via classroom) a Standards of Practice for Land Surveying in Alabama course approved by the Board within six (6) months.

6. Respondent agrees failure to submit payment of specified penalty within six months of date of Final Order shall cause Respondent's license to practice land surveying in the State of Alabama to be **revoked** (pending ratification of the Board). This matter will then be presented to the Board for ratification at its next regularly scheduled meeting. Respondent understands he has the right to appear at that meeting and present any facts or extenuating circumstances to the Board.

7. Respondent agrees 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.

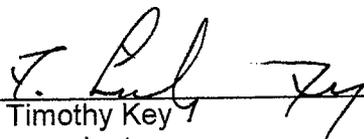
8. Respondent agrees any violation of the terms of this Consent Order may result in the Board filing additional charges in accordance with Title 34, Chapter 11, Code of Alabama 1975.

9. 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 take place at the Board's next regularly scheduled meeting on **December 9, 2009** in Montgomery, Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

10. 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.

11. 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.

SIGNED this the 4th day of Nov, 2009


K. Timothy Key
Respondent

APPROVED:


Benjamin H. Albritton
Assistant Attorney General