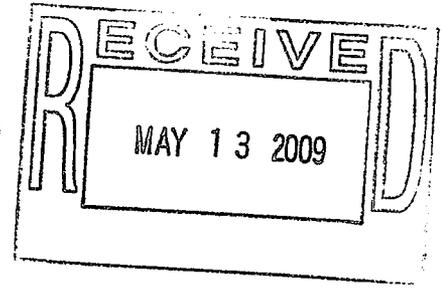


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



**IN RE THE MATTER OF:**

**JOSEPH W. KOWALSKI  
KOWALSKI ENGINEERING CO., INC.**

**Case No. 09-10-B**

**CONSENT ORDER**

Mr. Joseph W. Kowalski (hereinafter referred to as "Respondent") and the company, Kowalski Engineering Inc., (hereinafter referred to as "Firm") 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 he was issued a license (# 29360) to practice engineering in the State of Alabama on April 3, 2008 and has held that license continuously since that date.

Respondent stipulates at no time has Firm held a valid Alabama Certificate of Authorization for engineering.

Respondent stipulates on November 3, 2008, a complaint was filed by Mr. John Barnes stating he provided preliminary engineering services through the firm Kowalski Engineering Inc., without obtaining a certificate of authorization for engineering as required by Alabama law.

Respondent stipulates on June 26, 2008 the firm offered to practice or practiced engineering in the State of Alabama by providing notes and retaining wall design drawings for the Brookwood Medical Center project in Birmingham, Alabama that contained the firm name Kowalski Engineering Inc. without obtaining a Certificate of Authorization issued by the Board.

Respondent stipulates the title "Engineering" appears in the name of the firm.

#### STIPULATED CONCLUSIONS OF LAW

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

Respondent stipulates his conduct and the conduct of Firm as set forth in the foregoing "Stipulated Facts" constitutes violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-9 and § 34-11-11(a)2 and § 330-X-14-.06 (1 and 5) of the Rules and Regulations of the Administrative Code of the Board.

Respondent stipulates his conduct and the conduct of Firm set forth in the "Stipulated Facts" is a violation of those rules and statues set forth above, and that Firm is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

#### STIPULATED DISPOSITION

1. Respondent agrees Firm shall not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama 1975 and the Rules and Regulations of the Administrative Code of the Board.

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

3. Respondent agrees Firm shall pay a fine of \$500.00 (five hundred dollars) to the Board within thirty days of date of Final Order.

4. Respondent agrees Firm shall pay the Board the sum of \$242.00 (two hundred forty two dollars) for the expenses incurred during the investigation.

5. Respondent agrees Firm shall cease and desist offering to practice or practicing engineering services or using the title "Engineering" in its name in the State of Alabama until Firm obtains a Certificate of Authorization from the Board.

6. 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.

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

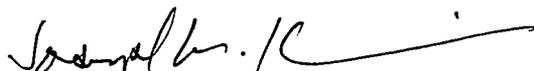
8. Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at the Board's regularly scheduled meeting on July 24, 2009 in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

9. Respondent for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be

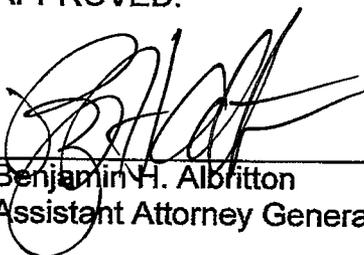
accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in or resolution of these proceedings. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission.

10. 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 11<sup>th</sup> day of MAY, 2009.

  
\_\_\_\_\_  
Joseph W. Kowalski  
Respondent

APPROVED:

  
\_\_\_\_\_  
Benjamin H. Albritton  
Assistant Attorney General

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

**IN RE THE MATTER OF:**

**JOSEPH W. KOWALSKI  
KOWALSKI ENGINEERING CO., INC.**

**CASE NO. 09-10-B**

**FINAL ORDER**

On July 23, 2009 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. Don T. Arkle, Mr. Al I. Reisz, Mr. William C. Ulrich, Jr, Mr. C. Michael Arnold, and Mr. W. Gerald Wilbanks. Also present at the Board Meeting were Ms. Regina Dinger, Executive Director of the Board, and 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 based upon a Consent Order dated May 11, 2009 and signed by Mr. Joseph W. Kowalski, engineering principal for Kowalski Engineering Co., Inc. (hereafter referred to as Firm). In said Consent Order, Mr. Kowalski stipulated he and Firm violated the Code of Alabama 1975 § 34-11-9 and § 34-11-11(a)(2) and the Board's *Administrative Code* § 330-X-14-.06 (1 and 5).

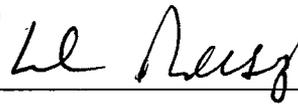
Upon Consideration of the above it is ORDERED the Consent Order dated May 11, 2009 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Firm abide by the Final Order in this manner.

ENTERED this the 23<sup>rd</sup> day of July 2009.

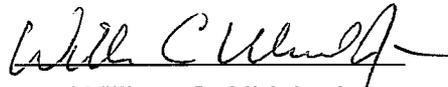


Don T. Arkle

**RECUSED**



Al I. Reisz



William C. Ulrich, Jr



C. Michael Arnold



W. Gerald Wilbanks