

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

IN RE THE MATTER OF:

Case No. 2012-04-B

J. KEITH MAXWELL

CONSENT ORDER

J. Keith Maxwell, an Alabama licensed professional land surveyor (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 professional land surveyor license # 17262 from the Board on June 16, 1989 and has held that license continuously from that date to the present.

Respondent stipulates that on December 2, 2011 the Alabama Board, by and through its Executive Director Ms. Regina A. Dinger, filed a complaint based on information obtained from internet websites. The complaint indicated the Respondent was offering land surveying services via internet websites that contained the business names: Dothan Land Surveying, Tuscaloosa Land Surveying, Huntsville Land Surveying and Mobile Land Surveying without obtaining a certificate of authorization for land surveying and employing a resident licensed professional land surveyor for the businesses.

Respondent stipulates he maintains an internet website with the name "Huntsville Land Surveying" which at the time of the complaint included the following language in the Contact Us section of the website: "Huntsville Land Surveying is owned and managed by J. Keith Maxwell, a licensed professional civil engineer and a land surveyor in Alabama." Respondent stipulates that at the time of the complaint the Contact Us section of the website included an address of 555

Sparkman Drive NW Suite 802F, Huntsville, Alabama 35816-3499 for Huntsville Land Surveying. Respondent stipulates that the website was not owned by an entity called Huntsville Land Surveying but by Pro17 Engineering, LLC. Respondent stipulates that he does not own or manage any firm known as Huntsville Land Surveying thus he has not employed a resident Alabama licensed professional land surveyor in Huntsville and has not obtained a certificate of authorization for land surveying from the Board for any firm known as Huntsville Land Surveying. Respondent stipulates that he has modified wording of the website and included language to reflect that it is a marketing website for Pro17 Engineering, LLC.

Respondent stipulates he maintains an internet website with the name "Montgomery Land Surveying" which at the time of the complaint included the following language in the Contact Us section of the website: "Montgomery Land Surveying is owned and managed by J. Keith Maxwell, a licensed professional civil engineer and a land surveyor in Alabama." Respondent stipulates that at the time of the complaint the Contact Us section of the website included an address of 6766 Overview Drive, Montgomery, Alabama 36117 for Montgomery Land Surveying. Respondent stipulates that the website was not owned by an entity called Montgomery Land Surveying but by Pro17 Engineering, LLC. Respondent stipulates that he does not own or manage any firm know as Montgomery Land Surveying thus he has not employed a resident Alabama licensed professional land surveyor in Montgomery and has not obtained a certificate of authorization for land surveying from the Board for any firm known as Montgomery Land Surveying. Respondent stipulates that he has modified wording of the website and included language to reflect that it is a marketing website for Pro17 Engineering, LLC.

Respondent stipulates he maintains an internet website with the name "Tuscaloosa Land Surveying" which at the time of the complaint included the following language in the Contact Us section of the website: "Tuscaloosa Land Surveying is owned and managed by J. Keith Maxwell, a licensed professional civil engineer and a land surveyor in Alabama." Respondent further stipulates the Contact Us section of the website includes an address of Post Office Box 230,

Auburn, Alabama 36831-3610 for Tuscaloosa Land Surveying and also contains the firm name Pro17 Engineering LLC.

Respondent stipulates he maintains an internet website with the name "Mobile Land Surveying" which at the time of the complaint included the following language in the Contact Us section of the website: "Mobile Land Surveying is owned and managed by J. Keith Maxwell, a licensed professional civil engineer and a land surveyor in Alabama." Respondent further stipulates the Contact Us section of the website includes an address of Post Office Box 230, Auburn, Alabama 36831-3610 for Mobile Land Surveying and also contains the firm name Pro17 Engineering LLC.

Respondent stipulates he maintains an internet website with the name "Dothan Land Surveying" which has the following language in the Contact Us section of the website. "Dothan Land Surveying is a marketing website for Pro17 Engineering LLC owned and managed by J. Keith Maxwell, a licensed professional civil engineer and a land surveyor in Alabama..." Respondent further stipulates the Contact Us section of the website includes an address of Post Office Box 230, Auburn, Alabama 36831-3610 for Dothan Land Surveying and also contains the firm name Pro17 Engineering LLC.

Respondent stipulates, and the Board agrees, that subsequent to the complaint Respondent revised and removed language from the listed internet websites which appeared to indicate they were firms owned by him that offered land surveying services.

STIPULATED CONCLUSIONS OF LAW

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

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" constituted violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-9(a)(1) and

violations of the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1), and § 330-X-15-.01 (1).

Respondent stipulates his conduct set forth in the "Stipulated Facts" constituted a 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 Alabama professional land surveyor license is subject to six (6) months **probation** effective immediately upon issue of a Final Order by the Board. Respondent understands this probation 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.

4. Respondent shall submit to the Board a fine of five hundred dollars (\$500.00) within thirty (30) days of the date of the Final Order.

5. Respondent must remove language from any website maintained by him which appears to indicate it is a firm with a physical location offering land surveying services unless the physical location employs an Alabama licensed professional land surveyor and obtains a certificate of authorization for land surveying 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 Alabama 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 next regularly scheduled meeting in Montgomery Alabama.

9. Respondent understands he has the right to a formal fact finding hearing before the Alabama 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.

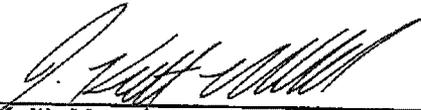
10. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order of the Board incorporating said Consent Order.

11. 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 Alabama Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice the Respondent and/or 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.

12. 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 30th day of October, 2012



J. Keith Maxwell
Respondent

APPROVED:


Benjamin M. Albritton
Assistant Attorney General

