

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

IN THE MATTER OF:

Jonathan C. Payne, PE
1199 S. College Street
Auburn AL 36832

Respondent



Case No. 2017-~~13~~-B

17

CONSENT ORDER

Jonathan C. Payne, 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 on March 27, 2017, the Board initiated a complaint in reference to Respondent possibly violating Title 34 of the Code of Alabama. The complaint indicated Respondent allowed a non-licensed individual to pursue engineering projects and garner contracts for engineering design services.

Respondent stipulates he was issued a professional engineer license by the Board (number 28317) on December 20, 2006, that authorized him to offer to practice, or to practice engineering in the State of Alabama.

Respondent stipulates he had an arrangement that allowed a non-licensed individual to pursue engineering projects and garner contracts for engineering design services. Respondent did not meet or speak with the clients requesting the engineering services.

Board stipulates Respondent was cooperative during the lengthy investigative process and appreciates the professionalism he exhibited in all aspects of this matter.

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.

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 the Rules and Regulations of the Administrative Code of the Board § 330-X-11-.03(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 it is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

STIPULATED DISPOSITION

Respondent agrees he will not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama, or the Rules and Regulations of the Administrative Code of the Board 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 further understands this information will be placed on the Board's website, in its newsletter, and posted to the National Council of Examiners for Engineers and Surveyors (NCEES) Enforcement Exchange.

Respondent understands he is reprimanded regarding this matter and must submit to the Board via a check or money order a fine in the amount of seven hundred and fifty dollars (\$750) with this signed Consent Order.

Respondent understands that failure to comply with any term of this consent order shall cause his professional engineer license to be revoked. Respondent further understands the matter would be presented to the Board at a regularly scheduled meeting 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 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.

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 8TH day of JUNE, 2018


Jonathan C. Payne, PE

APPROVED:

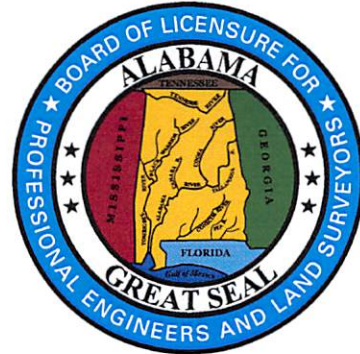

Benjamin H. Albritton
Assistant Attorney General

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FINAL ORDER


The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the Consent Order signed by Jonathan Chase Payne, Professional Engineer, (hereafter referred to as Respondent) in which he stipulated he violated the Code of Alabama 1975, §34-11-11(a)2, and the Administrative Code of the Board, Rule § 330-x-11-.03(4)(a) and § 330-X-14-.06(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 31st day of July 2018.


M. Elisabeth Hyde

RECUSED
Randall D. Whorton


Marc S. Barter

DID NOT ATTEND
A. Frazier Christy


Nathan G. Johnson


Richard G. Grace


M. Helen Adams-Morales