

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

IN RE THE MATTER OF:

Case No. 2012-06-B

VICTOR G. SCHUMER

CONSENT ORDER

Victor G. Schumer, an Alabama licensed professional land surveyor (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 he received professional land surveyor license # 18393 from the Board on June 14, 1991 and has held that license continuously from that date to the present.

Respondent stipulates that on December 13, 2011 the Board, by and through its Executive Director Ms. Regina A. Dinger, filed a complaint based on information received by the Board regarding disciplinary action taken against Respondent in the State of Florida.

Respondent stipulates on December 15, 2011 the Board sent a complaint notification letter via regular mail informing Respondent of a Board initiated complaint. Respondent was asked to provide copies of documents relating to any disciplinary action taken against him in Florida as well as any other jurisdiction and to provide those documents prior to December 29, 2011.

Respondent stipulates on November 9, 2009 the Florida State Board of Professional Surveyors and Mappers issued a Final Order, originating from a "Joint Settlement Agreement"

dated July 31, 2009 requiring him to pay a \$2,500.00 civil penalty, \$753.53 administrative cost and probation.

Respondent stipulates on August 17, 2011 he entered into a Consent Order with the Florida State Board of Professional Surveyors and Mappers allowing him to voluntarily relinquish his Florida professional land surveyor license in lieu of formal disciplinary proceedings.

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" may constitute violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)(5) and violations of the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1), § 330-X-14-.06(a)(5) and § 330-X-14-.08.

Respondent stipulates his conduct set forth in the "Stipulated Facts" may constitute 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 shall surrender his State of Alabama professional land surveyor license (#18393) immediately upon date of Final Order and shall not seek reissuance of his license to practice land surveying in the State of Alabama.

4. 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.

5. 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.

6. 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. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

7. 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.

8. 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.

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.

SIGNED this the 27 day of Feb., 2012


Victor G. Schumer
Respondent

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

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FINAL ORDER

On March 15-16, 2012, 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. W. Gerald Wilbanks, Mr. C. Michael Arnold, Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Don T. Arkle and Mr. William C. Ulrich Jr.

This Final Order is based upon a Consent Order signed by Victor G. Schumer (hereafter referred to as Respondent) and dated February 27, 2012. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a)(5) and the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1), § 330-X-14-.06(a)(5) and § 330-X-14-.08.

Upon Consideration of the above it is **ORDERED** that the Consent Order dated February 27, 2012 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.

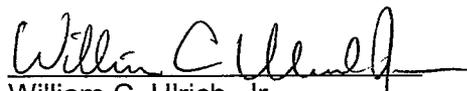
ENTERED this the 16th day of March, 2012


W. Gerald Wilbanks

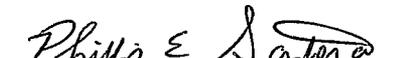

Daniel S. Turner

RECUSED

Earl R. Foust


William C. Ulrich, Jr


C. Michael Arnold


Phillip E. Santora


Don T. Arkle