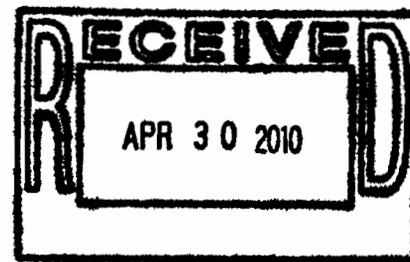


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN RE THE MATTER OF:

RODNEY YUKON SHIFLETT

Case No. 10-06-B

**CONSENT ORDER**

Rodney Y. Shiflett, a 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 on June 17, 1997, he received a license from the Board authorizing him to practice or offer to practice land surveying in the State of Alabama and has held that certificate continuously from that date to the present.

Respondent stipulates on November 10, 2009, the Board received a complaint from Mr. Walter Perkins of Shelby, Alabama indicating Respondent performed a survey of adjacent property that may have contained errors and violations of the acceptable standards of practice for land surveying in the State of Alabama.

Respondent stipulates he performed a boundary survey of property adjacent to 9384 Highway 42, Shelby, Alabama that contained violations of the acceptable standards of practice for land surveying in the State of Alabama.

### STIPULATED CONCLUSIONS OF LAW

Respondent, a licensed professional land surveyor admits in such capacity 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 violations of the Board's *Administrative Code* § 330-X-14-.05(g) and § 330-X-14-.06(a)(1).

Respondent stipulates the conduct set forth in the "Stipulated Facts" is a violation of those rules and statutes set forth above, and he is subject 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 shall be subject to one (1) year **probation** to commence immediately upon date of Final Order.

4. Respondent shall submit to the Board a fine in the amount of \$1,500.00 (one thousand five hundred dollars) within thirty (30) days of the date of the final order.

5. Respondent agrees failure to submit payment of the specified penalty within six months of the date of the Final Order shall cause his license to practice land surveying in the State of Alabama to be revoked. Respondent understands this matter would then be presented to the Board for ratification at its next regularly scheduled meeting. Respondent further understands he has the right to appear at that meeting and present any pertinent information to the Board for its consideration.

6. Respondent shall attend (via classroom) a Board approved Standards of Practice for Land Surveying in Alabama course within six (6) months of date of Final Order.

7. 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.

8. 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.

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 regularly scheduled meeting on **May 19-21, 2010** in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

10. 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 the execution of this Consent Order.

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.

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 27<sup>th</sup> day of April, 2010.

  
Rodney Y. Shiflett  
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:**

**RODNEY Y. SHIFLETT**

**CASE NO. 10-06-B**

**FINAL ORDER**

On May 19-20, 2010 the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance were: Mr. William C. Ulrich, Jr, Mr. C. Michael Arnold, Mr. W. Gerald Wilbanks, Dr. Daniel S. Turner, Mr. Phillip E. Santora and Mr. Earl R. Foust. Mr. Benjamin H. Albritton, Assistant Attorney General, appeared as counsel for the Board.

This Final Order is based upon a Consent Order signed by Mr. Rodney Y. Shiflett (hereafter referred to as Respondent) and dated April 27, 2010. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975 § 34-11-11, and the Rules of Professional Conduct of the Board's *Administrative Code* § 330-X-14-.03(a) and (b), §330-X-14-.05(g), and §330-X-14-.06(1) and (5).

Upon Consideration of the above it is ORDERED the Consent Order dated April 27, 2010 and signed by the Respondent 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.

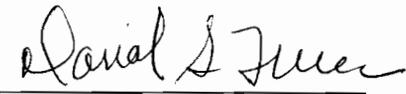
ENTERED this the 20<sup>th</sup> day of May 2010.

  
Mr. William C. Ulrich, Jr.

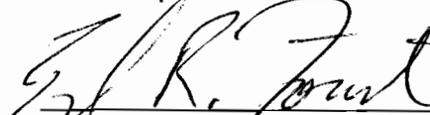
NOT PRESENT  
Mr. Don T. Arkle

  
Mr. C. Michael Arnold

  
Mr. W. Gerald Wilbanks

**RECUSED**   
Dr. Daniel S. Turner

  
Mr. Phillip E. Santora

  
Mr. Earl R. Foust