

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



IN THE MATTER OF:

Mr. Daniel Bruce Smith, PE
Cornerstone Facilities Engineering Inc
216 S. Tarragona Street #D
Pensacola FL 32502

Respondent

Case No. 2019-16

CONSENT ORDER

Daniel Bruce Smith, an Alabama licensed 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 the Board issued him an Alabama Professional Engineer license (Number 35871) on April 26, 2016.

Respondent stipulates on January 24, 2019, the Board received a complaint from Brandan Franklin, Building Official for the City of Gulf Shores, Alabama, regarding Respondent possibly violating Title 34 of the Code of Alabama.

Respondent stipulates that on June 28, 2018, he submitted electrical design drawings to the City of Gulf Shores, Alabama that contained his signature, his professional engineer seal, and the firm name "Cornerstone Facilities Engineering Inc.," relative to the Gulf Tower Condominiums project located at 1051 Beach Blvd, Gulf Shores, Alabama.

Respondent stipulates that his firm's name "Cornerstone Facilities Engineering Inc." appeared on engineering design plans submitted to the City of Gulf Shores, Alabama, while the firm did not hold a certificate of authorization for engineering which would authorize it to offer or provide engineering services in the State of Alabama.

Respondent stipulates that on January 22, 2019, at or around 3:15 pm, he forwarded an email along with an inspection report that contained his signature and professional engineer seal to Brandan Franklin, Building Official for the city of Gulf Shores, Alabama. Respondent further stipulates the report indicated that he had completed an inspection of all new equipment, that he had found the equipment met the requirements of his design drawings, that in his professional opinion the new equipment complied with NEC and IBC relevant sections, and requested that power be restored to the building.

Respondent stipulates that he had not performed a final inspection of the job site prior to sending the inspection completion letter, and when the project site was inspected by the Building Official on January 22, 2019, it was determined that the work had not been completed.

STIPULATED CONCLUSIONS OF LAW

Respondent admits he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" constitutes violations of the Code of Alabama, §34-11-9(a)(1), §34-11-11(a)(2) and the Administrative Code of the Board § 330-X-14-.06(a)(1), and § 330 X 15-.01(1).

STIPULATED DISPOSITION

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 of the Board.

Respondent understands this Consent Order and subsequent Final Order will be public record, and this information will be placed on the Board's website, in its newsletter, and on the Enforcement Exchange of the National Council of Examiners for Engineering and Surveying (NCEES) website.

Respondent agrees to submit to the Board with this signed Consent Order a check or money order made payable to PE/PLS Fund in the amount to one thousand five hundred dollars (\$1,500).

Respondent agrees to complete the thirty (30) professional development hour ethics course provided by the Murdough Center for Engineering Ethics located at Texas Tech University within ninety (90) days of the Board issuing its Final Order.

Respondent understands his license to practice engineering in the State of Alabama is suspended for one year with that suspension stayed. Respondent further understands that while maintaining compliance with this agreement, he may continue to practice engineering in the State of Alabama during the stayed suspension period.

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 to comply with the terms of this Consent Order and understands failure to comply with the terms of the Consent Order may result in additional charges or discipline.

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 the discussion will take place at a regularly scheduled meeting of the Board.

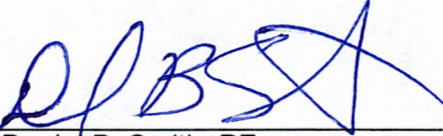
Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact-finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision 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. It is agreed that presentation to and consideration of the

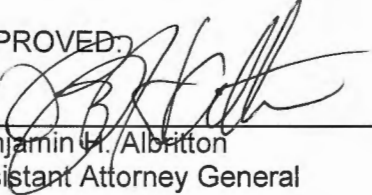
Consent Order by the Board requires certain factual information related to this matter be disclosed to the Board members. Should the Consent Order not be accepted by the Board, it is therefore, expressly agreed that the reviewing, and consideration of this Consent Order, and the information provided to the Board for their review, shall not unfairly prejudice the Board and shall in no way act to disqualify any Board member from any further participation in this matter through its resolution, including, but not limited to, any contested hearing on this matter should one be necessary. 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 and all stipulations hereinabove are thereby rescinded.

SIGNED this the 22 day of APRIL, 2019.



Daniel B. Smith, PE

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

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

IN THE MATTER OF:)

Mr. Daniel Bruce Smith, PE)
Cornerstone Facilities Engineering Inc)
PO Box 12282)
Pensacola FL 32591-2282)

Respondent)



Case No. 2019-16

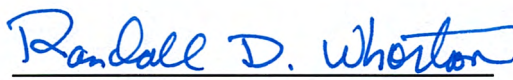
FINAL ORDER

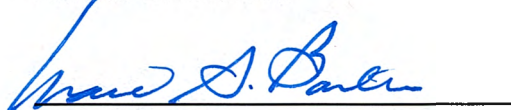
The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the Consent Order signed by Daniel Bruce Smith, Professional Engineer, (hereafter referred to as Respondent) in which he violated the Code of Alabama 1975, §34-11-9(a)1, § 34-11-11(a)(2), and the Administrative Code of the Board, Rule § 330-x-14-.06(a)(1) and § 330-X-15-.01(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.

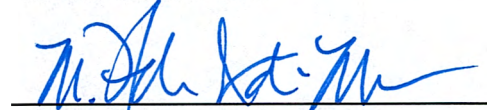
ENTERED this the 7th day of May 2019.


M. Elisabeth Hyde


Randall D. Whorton


Marc S. Barter


Nathan G. Johnson


M. Helen Adams-Morales

DID NOT ATTEND
Richard G. Grace

RECUSED

Joseph F. Breighner Jr.