

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

**IN RE THE MATTER OF:**

**LIONEL AYER WALLACE**

**Case No. 2011-36-B**

**CONSENT ORDER**

Lionel Ayer Wallace, an Alabama licensed professional engineer (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 a professional engineer license # 20488 from the Board on February 1, 1995 and has held that license continuously from that date to the present.

Respondent stipulates he indicated on his 2011 license renewal application dated December 30, 2010 he had obtained the fifteen (15) professional development hours required to renew his Alabama professional engineer license.

Respondent stipulates he was informed via an email dated March 10, 2011 that his 2011 professional engineer license renewal application had been selected at random for verification of his earned continuing professional competency credits. Respondent also stipulates he was requested to provide documentation verifying the earned professional competency credits no later than April 21, 2011.

Respondent stipulates that in an email dated March 14, 2011 he submitted to the Board a letter, a copy of his 2010 PDH Activity Log listing professional development hours earned through an online resource provided by his employer and pages printed from his employer's website relative to onscreen presentations.

Respondent stipulates he was informed via email on April 11, 2011 that after review, it was determined the documentation provided did not comply with the Board's requirements and he was asked to provide further documentation.

Respondent stipulates on June 7, 2011 the Board, by and through its Executive Director Ms. Regina A. Dinger initiated a complaint alleging Respondent failed to provide documentation verifying the continuing professional competency credits earned by him and reported on his 2011 professional engineer license renewal. The letter requested Respondent provide a written response no later than June 23, 2011.

Respondent stipulates he contacted the Board office and advised via email, written response and oral interview that although he completed the professional development hours reported on his 2011 professional engineer license renewal application, he could not provide any documentation which would support this statement.

#### 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 Section 34-11-11(a)2 and the Rules and Regulations of the Board's *Administrative Code* § 330-X-13-.02(4)(a), § 330-X-14-.02(12) 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 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 he shall pay to the Board a fine of five hundred dollars (\$500.00) within thirty (30) days of date of Final Order.

4. Respondent understands his Alabama professional engineer license shall be subject to six (6) months **probation** commencing immediately upon the date of the Final Order.

5. Respondent understands his Alabama professional engineer license shall be subject to audit of the claimed continuing professional competency credits twice within seven (7) years of the date of the Final Order.

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 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 a regularly scheduled meeting of the Board in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

9. 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.

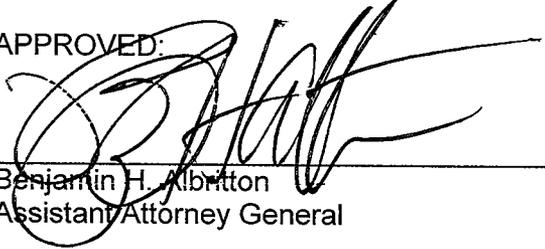
10. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final 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 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 18<sup>th</sup> day of July, 2011

  
Lionel A. Wallace

APPROVED:

  
Benjamin H. Albritton  
Assistant Attorney General

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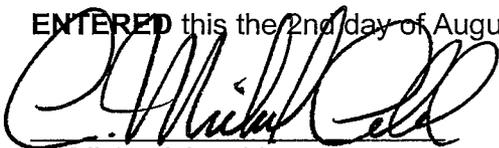
FINAL ORDER

On August 1-2, 2011, 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. C. Michael Arnold, Mr. William C. Ulrich, Jr., Mr. W. Gerald Wilbanks, Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl R. Foust and Mr. Don T. Arkle.

This Final Order is based upon a Consent Order signed by Lionel A. Wallace (hereafter referred to as Respondent) and dated July 18, 2011. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a) (2), and the Rules of Professional Conduct of the Administrative Code § 330-X-13-.02(4) (a), § 330-X-14-.02(12), and § 330-X-14-.06(a) (1).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated July 18, 2011 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.

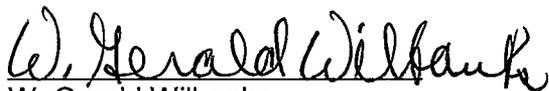
ENTERED this the 2nd day of August, 2011



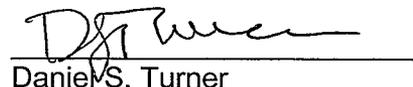
C. Michael Arnold



William C. Ulrich, Jr



W. Gerald Wilbanks



Daniel S. Turner

**RECUSED**

Phillip E. Santora



Earl R. Foust



Don T. Arkle