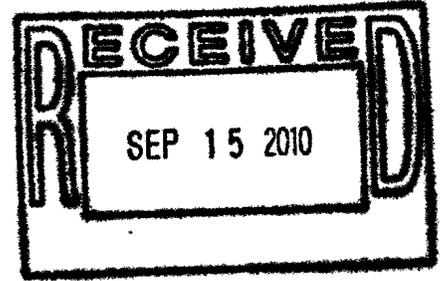


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



**IN RE THE MATTER OF:**

**J.H. Wright & Associates, Inc.**

**CASE NO. 09-322-B**

**Keith O'Neal Walsh**

**Respondents,**

**CONSENT ORDER**

Keith O'Neal Walsh, individually and his employer J.H. Wright & Associates, Inc. (sometimes hereafter the "Walsh" and "Wright", respectively) enter into and consent to this order subject to the approval of the State of Alabama Board of Licensure for Professional for Professional Engineers and Land Surveyors (hereafter, the "Board"). The Respondents enter into this consent order to settle its differences with the Board.

**STIPULATED ALLEGATIONS AND FACTS**

Respondents and the Board stipulate that for all relevant times Walsh held an "inactive status" on his engineering license. Further, Wright has never held a certificate of authorization to practice or offer to practice engineering in the state of Alabama.

Respondents and the Board stipulate that on August 2, 2010, Regina Dinger, Executive Director of the Board filed a complaint with the Board alleging Wright did offer to practice and practiced engineering without a valid professional engineer license or certificate of authorization in the state of Alabama.

Wright stipulates that it is in the business of distributing pumps and fluid handling systems. Moreover, Wright's sales engineers are licensed with the State Board.

Walsh and the Board stipulate that at all relevant times, his license with the Board was On an inactive" status when he verified engineering experience for applicant Jason Skelton.

Further, the Board and Walsh stipulate that since the original investigation into this matter, Walsh's license has been reinstated into active status with all privileges attendant thereto.

### **STIPULATED CONCLUSIONS OF LAW**

Respondents and the Board stipulate that *Code of Alabama (1975) §34-11-1, et seq.* is the controlling law in this matter and grants jurisdiction to the Board.

Respondents stipulate the conduct set forth in the foregoing "Stipulated Allegations and Facts" constitutes violations of Title 34, Chapter 11, Code of Alabama 1975, or the Rules and Regulations of the Board's Administrative Code.

### **STIPULATED DISPOSITION**

1. Respondents consent to abide by the provisions of Title 34, Chapter 11, Code of Alabama 1975 in all future conduct in the state of Alabama.
2. Wright agrees to reimburse and shall pay the Board for its costs and expenses related to this matter in the amount of \$649.93 within 30 days of the Board entering a final order.
3. Walsh agrees to pay the Board a fine of \$1,000 within 30 days of the Board entering a final order.
4. Wright agrees to not use the terms "engineer" or "engineering" (or any modification thereof) without first obtaining a certificate of authorization from the Board. Wright further agrees to cease and desist practicing or offering engineering services in the State of Alabama until it receives a certificate of authorization for engineering issued by the Board.
5. Walsh and the Board agree that Walsh's license will be on probation for a term of one year beginning on the dates the Board enters a final order. The Board consents to Walsh using the term "P.E.", engineer, engineering or any combination of those terms consistent with Title 34, Chapter 11.
6. Respondents understand this Consent Order and any final order issued by the Board shall become a matter of public record.
7. Respondents understands this Consent Order is subject to approval of the Board and has

no force and effect until a Final Order approving it is issued by the Board.

8. Respondents stipulate that any violation of this Consent Order may result in the filing of additional complaints pursuant to *Code of Alabama (1975) §34-11-11*.

9. Respondents stipulates that for the Board to make a decision on approving this Consent Order, Board members, Board staff and Board Counsel must discuss this case and will discuss this case and consent order at the Board's next regularly scheduled meeting on September 16-17, 2010. Respondents understand their right to be present at such meeting but waives such right by entering into this Consent Order.

10. The Respondents and the Board hereby stipulate that should the Board not accept this Consent Order such non-acceptance shall not unfairly prejudice the Board or its members in participating in further proceedings toward the resolution or final disposition of this case. In the event the Consent Order is not accepted by the Board, its contents shall not be deemed an admission by nor used as evidence against the Respondents.

11. The Respondents and the Board expressly agree that upon the approval of this Consent Order this case shall be deemed disposed upon the payment of monies stipulated in Paragraph 2, and 3 above. Furthermore, if the Consent Order is approved by the Board, Respondents expressly waive all rights to judicial review or otherwise challenge the validity of it.

AGREED TO and signed on this the 15<sup>th</sup> day of September, 2010.

Keith O'Neal Walsh, his attorney  
Keith O'Neal Walsh, Individually  
J.H. Wright & Associates, Inc.

By: Keith O'Neal Walsh  
Its: Attorney

APPROVED:

Benjamin H. Albritton  
Assistant Attorney General

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

IN RE THE MATTER OF:

J H WRIGHT & ASSOCIATES, INC  
KEITH O'NEAL WALSH

CASE NO. 09-322-B

FINAL ORDER

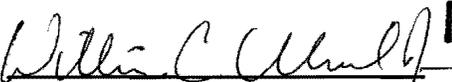
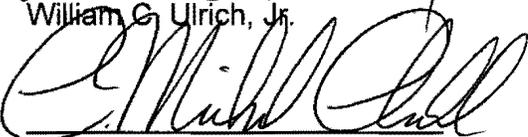
On September 16, 2010, the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance at the meeting were: Mr. William C. Ulrich, Jr., Mr. Don T. Arkle, Mr. C. Michael Arnold, Mr. W. Gerald Wilbanks, Dr. Daniel S. Turner, Mr. Phillip E. Santora and Mr. Earl R. Foust. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

This Final Order is based upon a Consent Order executed by Mr. James M. Smith, Counsel for J. H. Wright and Associates, (hereafter referred to as Respondent Wright) and Mr. Frank O. Walsh, (hereafter referred to as Respondent Walsh) and dated September 15, 2010. In the Consent Order, Respondents stipulated their conduct violated the Code of Alabama 1975 or the Board's *Administrative Code*.

Upon Consideration of the above it is **ORDERED** the Consent Order dated September 15, 2010 is adopted by the Board and hereby made a part of this Final Order. It is further **ORDERED** that Respondents abide by the Final Order in this manner.

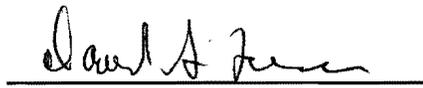
ENTERED this the 16th day of September, 2010

**RECUSED**

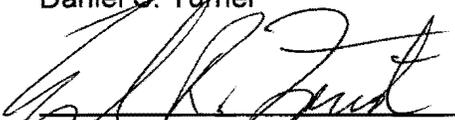
  
William C. Ulrich, Jr.  
  
C. Michael Arnold

  
Don T. Arkle

  
W. Gerald Wilbanks

  
Daniel S. Turner

  
Phillip E. Santora

  
Earl R. Foust