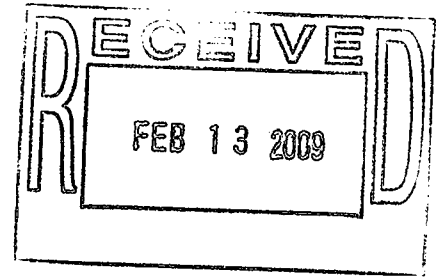


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN RE THE MATTER OF:

MIKE ROPER DBA  
ALPHA CANOPY COMPANY

Case No. 07-45-C

CONSENT ORDER

Mike Roper, a non-licensed individual (hereinafter referred to as "Respondent") and Alpha Canopy Company, a non-certificated company (hereinafter referred to as "Firm") 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 has at no time obtained a valid license from the Board authorizing him to practice or offer to practice engineering in the State of Alabama. Respondent also stipulates at no time has Firm held a valid Certificate of Authorization from the Board allowing it to practice or offer to practice engineering in the State of Alabama.

Respondent stipulates on September 5, 2007 the Board received a complaint from Mr. David W. Anderson (hereinafter referred to as "Complainant") alleging Respondent and Firm may have violated the Board's Administrative Code in reference

to providing engineering services in the State of Alabama without obtaining a valid Certificate of Authorization from the Board or hiring a professional engineer licensed to practice engineering in the State of Alabama.

Respondent stipulates in 2007, he and the Firm provided engineering services relative to the design and installation of a custom canopy for Corky's Service Station located in Argo, Alabama without obtaining a valid Certificate of Authorization from the Board or hiring a professional engineer licensed by the Board to practice engineering in the State of Alabama. Respondent further stipulates engineering design changes were made to the project design on-site without the review of a licensed engineer.

#### STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as the owner of the Firm, 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 its conduct as set forth in the foregoing "Stipulated Facts" may constitute violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-15(a) and § 34-11-16(a)1.

Respondent stipulates the conduct of Firm set forth in the "Stipulated Facts" is a violation of those rules and statues set forth above, and that Firm is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, Section 34-11-15.

#### STIPULATED DISPOSITION

1. Respondent's Firm shall not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama 1975.

2. Respondent understands this Consent Order and subsequent Final Order will become a matter of public record.

3. Respondent shall pay a civil penalty of \$1,000.00 (one thousand dollars) to the General Fund of the State of Alabama within thirty (30) days of date of Final Order.

4. Respondent shall pay the Board the sum of \$788.61 (seven hundred eighty-eight dollars and sixty-one cents) for the expenses incurred during the investigation.

5. Respondent agrees Firm shall cease and desist offering to practice or practicing engineering services in the State of Alabama until Firm employs a licensed Alabama professional engineer and obtains a Certificate of Authorization from the Board.

6. 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.

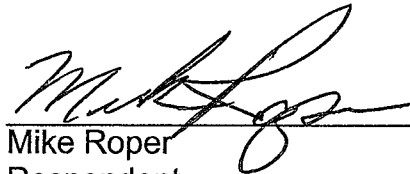
7. Respondent understands this Consent Order is subject to the approval of the Board and has no force and effect until a Final Order based upon it is rendered by the Board.

8. Respondent 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 regularly scheduled meeting at 9:00 a.m. on March 5, 2009 in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.


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.

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.

SIGNED this the 10<sup>TH</sup> day of FEBRUARY, 2009.

  
\_\_\_\_\_  
Mike Roper  
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:**

**MIKE ROPER  
dba ALPHA CANOPY COMPANY**

**Case No. 07-45-C**

**FINAL ORDER**

On March 5, 2009 at 9:00 a.m. 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. Don T. Arkle, Mr. Al I. Reisz, Mr. William C. Ulrich, Jr, Mr. C. Michael Arnold and Mr. Preston L. Jackson. Also present at the Board Meeting were Ms. Regina Dinger, Executive Director of the Board, and Mr. William R. Huett, Assistant Executive Director and Investigator for the Board. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

This Final Order is presented to the Board upon a Consent Order signed by Mr. Mike Roper in his capacity as owner of Alpha Canopy Company on February 10, 2009.

In said Consent Order, Respondent stipulated that he and his company Alpha canopy Company violated the Code of Alabama 1975 § 34-11-15(a) and § 34-11-16(a)1.

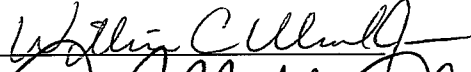
Upon Consideration of the above it is ORDERED that the Consent Order dated February 10, 2009 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Respondent abide by the Final Order in this manner.

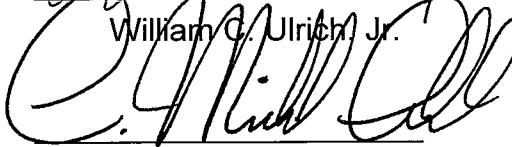
ENTERED this the 6th day of March 2009.

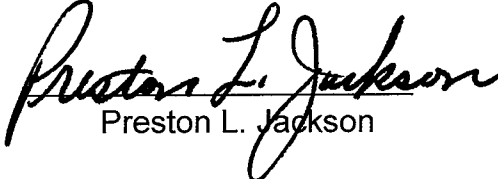
**RECUSED**

  
\_\_\_\_\_  
Don T. Arkle

  
\_\_\_\_\_  
Al I. Reisz

  
\_\_\_\_\_  
William C. Ulrich Jr.

  
\_\_\_\_\_  
C. Michael Arnold

  
\_\_\_\_\_  
Preston L. Jackson