

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

IN RE THE MATTER OF:

Case No. 09-11-B

ROBERT G. BOLING

FINAL ORDER

This cause was called for hearing on July 23, 2009 at 9:00 a.m. Members of the Investigative Committee of the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as "Board") met in the office of the Board for an Administrative Hearing concerning the allegations filed against Mr. Robert G. Boling (hereinafter referred to as "Respondent"). The Board was not present but was represented by Mr. Benjamin Albritton, Board Counsel. Governmental Hearing Officer Dana A. Billingsley presided over the Hearing. Also present at the Hearing were Ms. Regina Dinger, Executive Director of the Board, and Mr. William R. Huett, Assistant Executive Director and Investigator for the Board. The Respondent was not present at the hearing.

STATEMENT OF ISSUES

On November 16, 2001, Respondent was issued a certificate of licensure (certificate number 24560) from the Board authorizing him to practice engineering in the State of Alabama and has held that license continuously from that date. At present, Respondent's license is currently in lapsed status as of December 31, 2008, due to failure to renew.

On November 7, 2008 a complaint was filed by Ms. Regina A. Dinger, Executive Director of the Board of Professional Engineers and Land Surveyors (hereinafter

referred to as “Complainant”) based on information and documents received by the Board regarding disciplinary action taken against Respondent in the States of Oklahoma and Kansas. The complaint alleged that Respondent may have violated Code of Alabama 1975 § 34-11-11(a)(5) and *Administrative Code* § 330-X-14-.08. The alleged violations are as follows;

Count I

On February 22, 2007, Respondent had entered into a Settlement Agreement and Consent Order with the Kansas Board of Professional Technicians which found Respondent guilty of signing and sealing engineering plans that were not prepared under his direct supervision and control. Respondent was ordered to cease and desist and pay a civil fine of \$1,370.40. In an Order dated November 8, 2007, the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors issued an order suspending Respondent’s license to practice engineering for a period of five (5) years relative to Respondent placing his signature and seal to engineering documents not prepared by him or under his supervision or control, providing his signature and professional seal to engineering designs beyond the scope of his education or competency, the providing false information to the Oklahoma Board regarding discipline in another jurisdiction. Disciplinary action against a licensee in another jurisdiction that results in revocation, suspension or voluntary surrender of a license is a violation Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)(2) and § 34-11-11(a)(5). It is also a violation of the Rules and Regulations of the Board’s *Administrative Code*, § 330-X-14-.06(a) (1 & 5) and § 330-X-14-.08.

CONCLUSIONS OF LAW

The Board hereby states that Respondent is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)(2), and *Administrative Code* § 330-X-14-.06(a)(1 & 5) and § 330-X-14-.08.

CONCLUSION

After hearing the testimony of all the witnesses presented by the Board and after considering all the evidence presented in the above-referenced case, Governmental Hearing Officer Dana Billingsley made the following recommendation;

1. Respondent's license to practice the profession of engineering in the State of Alabama be suspended in accordance with the provisions of Alabama Code § 34-11-11(a) (2) and (5) (1975) and the *Alabama Administrative Code* § 330-X-16-.06(a)1 and 5 and § 330-X-16-.06 for a period of five (5) years and may be reinstated only upon verification of Respondent's compliance with the provisions governing the reinstatement of his license to practice engineering in the State of Oklahoma, as set forth in its Order of November 8, 2007.

After deliberation and a review of the Governmental Hearing Officer's recommendations, the Board finds Respondent **Guilty** of the allegations made against him.

In accordance with the Code of Alabama 1975 § 34-11-11(m) which states the Board has the power to impose any and all disciplinary penalties and the licensee shall be responsible for the cost of such action if found guilty the Board respectfully modifies the Governmental Hearing Officer's proposed recommendation for disciplinary action to include payment of the cost of the hearing relative to this cause.

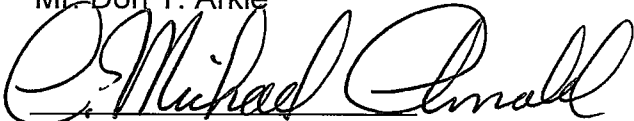
The Board hereby **Orders** as follows:

1. Respondent shall pay to the Board, two hundred and thirty-one dollars and twenty-five cents (\$231.25) for cost of the Hearing.
2. Respondent's license shall be **Suspended** effective the date of this Order for a period of five years and may only be reinstated only upon verification of his compliance with the all provisions governing the reinstatement of his license to practice engineering in the State of Oklahoma as set forth in its order of November 8, 2007.
3. The Hearing and Final Order will be public record.


Done this the 9th day of October, 2009


Mr. William C. Ulrich



Mr. Don T. Arkle


Mr. C. Michael Arnold

RECUSED


Mr. W. Gerald Wilbanks


Dr. Daniel S. Turner


Mr. Phillip E. Santora


Mr. Al. I. Reisz