

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

IN THE MATTER OF:

Richard C. Borden

PE/PLS 13402

8275 Highway 59 Suite 1

Foley, Alabama 36535

CONSENT ORDER

Richard C. Borden, hereafter referred to as Respondent, hereby stipulates and agrees subject to the approval of the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors, hereafter referred to as the Board, as follows:

STIPULATED FACTS

1. Respondent stipulates that he was issued a certificate of licensure on June 5, 1981 to practice as a professional engineer and was issued a certificate of licensure on May 30, 1983 to practice as a professional land surveyor from the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors and has held those certificates continuous from the dates indicated to the present.

2. Respondent stipulates that he accepted \$5,000.00 from Styron Sand & Gravel to provide engineering services related to obtaining an ADEM permit for Styron Sand & Gravel from the State of Alabama, that he failed to provide.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a professional engineer, admits that in such capacity he is subject to the provisions of Title 34 Chapter 11, Code of Alabama 1975, Section 34-11-11 and the jurisdiction of the Board.

2. Respondent stipulates that 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 violations of the Rules of Professional Conduct, Section 330-X-14-06(a)1 and 5.

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

STIPULATED DISPOSITION

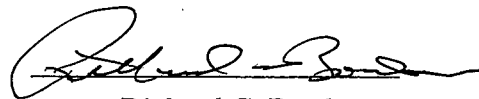
1. Respondent shall not in the future violate the provisions of Title 34 Chapter 11, Code of Alabama 1975 or the Rules and Regulations of the Administrative Code including the Rules of Professional Conduct.
2. Respondent understands that this Consent Order and subsequent Final Order will become a matter of public record.
3. Respondent shall pay Styron Sand & Gravel \$6,500.00 no later than fifteen days after receipt of the Final Order.
4. Respondent's license to practice engineering in the State of Alabama shall be suspended for two years with such suspension being stayed and he will serve two years probation from the date of Final Order in accordance with Title 34 Chapter 11, Code of Alabama 1975.
5. Respondent agrees that failure to submit payment of specified penalties shall cause Respondent's license to practice engineering in the State of Alabama to be suspended effective thirty days from date of Final Order and failure to submit payment prior to six months from date of Final Order shall cause Respondent's license to practice engineering to be revoked.
6. It is expressly understood that 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 that 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, Section 34-11-11.

8. Respondent understands that 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 10:00 AM on July 25, 2003 in Montgomery, Alabama. Respondent understands that he has the right to be present when this matter is discussed but hereby waives that right.

9. The Respondent for the purpose of avoiding further administrative or criminal 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 14 day of Aug, 2003.



Richard C. Borden
Respondent

APPROVED:



Carol Jean Smith
Assistant Attorney General

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PROFESSIONAL ENGINEERS AND LAND SURVEYORS

IN THE MATTER OF:

Richard C. Borden

PE/PLS 13402

P. O. Box 3482

Gulf Shores, Alabama 36547

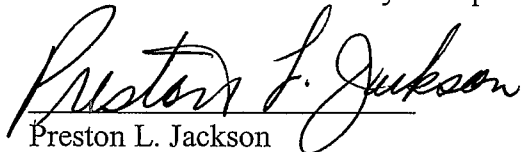
FINAL ORDER

This matter is presented to the Board upon a Consent Order signed by the Respondent on August 14, 2003.

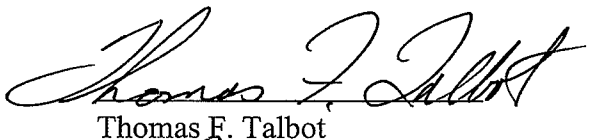
In the Consent Order, Respondent stipulated that he violated the Code of Alabama 1975 Section 34-11-11(a)2 and the Administrative Code Section 330-X-14-.06(a)1 and 5.

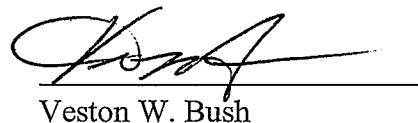
Upon Consideration of the above it is ORDERED that the Consent Order dated August 14, 2003 is adopted by the Board and hereby made a part of the Final Order. It is further ORDERED that Respondent abide by the Final Order in this manner.

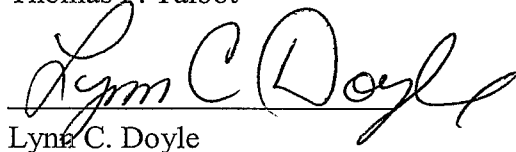
ENTERED this the 26th day of September 2003.


Preston L. Jackson


Charles D. Haynes


Thomas F. Talbot


Veston W. Bush


Lynn C. Doyle