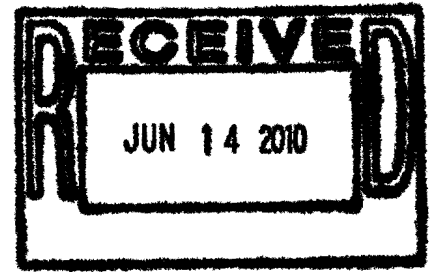


STATE OF ALABAMA
BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS



IN RE THE MATTER OF:

JAMES L. BURCH
ADVANCED ENGINEERING CONCEPTS

Case No. 10-17-B

CONSENT ORDER

James L. Burch, an Alabama licensed professional engineer, (hereinafter referred to as "Respondent") and the firm Advanced Engineering Concepts, (hereafter referred to as Firm) hereby stipulate and agree, 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 the Board issued him Alabama professional engineer license number 19405 on March 5, 1993 authorizing him to practice or offer to practice engineering in the State of Alabama. Respondent stipulates Firm never received a certificate of authorization for engineering authorizing it to offer and provide engineering services in the State of Alabama. Respondent further stipulates the Board issued certificate of authorization for engineering number CA-3991-E to his company, The Design Group Inc., on March 26, 2010 authorizing it to offer and provide engineering services in the State of Alabama.

Respondent stipulates on March 1, 2010, the Board received a complaint from Mr. Marvin E. Wheelless alleging he and Firm may have offered or provided engineering services in the State of Alabama without obtaining a valid certificate of authorization for engineering issued by the Board.

JLB
06.10.10

Respondent stipulates between January 25, 2005 and January 29, 2010 Firm offered and provided engineering services for numerous projects in the State of Alabama without obtaining a certificate of authorization for engineering from the Board.

STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a professional engineer and officer of Firm admits in such capacity he and Firm are 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 and Firm's conduct as set forth in the foregoing "Stipulated Facts" constitutes violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)2 and § 34-11-9(a)1 and the Board's *Administrative Code* § 330-X-14-.06(a)1 and § 330-X-15-.01(1).

Respondent stipulates the 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 Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

STIPULATED DISPOSITION

1. Respondent and 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 the Board a fine of \$1,500.00 (one thousand, five hundred dollars) within thirty (30) days of the date of the Final Order.
4. Respondent agrees failure to submit payment of the specified penalty within six months of the date of the Final Order shall cause his license to practice engineering in the State of Alabama to be revoked. Respondent understands this matter would then be presented to the Board for ratification at its next regularly scheduled meeting. Respondent further understands

he has the right to appear at that meeting and present any pertinent information to the Board for its consideration.

5. Respondent understands his Alabama professional engineer license shall be subject to two (2) years **Probation** commencing immediately upon the date of the Final Order.

6. Respondent agrees Firm shall **cease and desist** offering and providing engineering services in the State of Alabama without a valid certificate of authorization for engineering issued by the Board.

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 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.

9. 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 on **July 14-16, 2010** in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

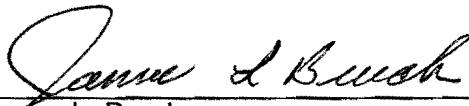
10. Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision in said formal hearing but expressly waives these rights with execution of this Consent Order and Final Order of the Board.

11. 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

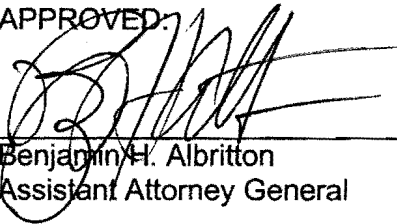
Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order of the Board incorporating said Consent Order.

12. 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 10TH day of JUNE, 2010.



James L. Burch
Respondent

APPROVED:


Benjamin H. Albritton
Assistant Attorney General



Alabama State Board of Licensure for
Professional Engineers and Land Surveyors

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Bob Riley
Governor

July 16, 2010

Regina A. Dinger
Executive Director

91 7108 2133 3935 0336 1000

**LETTER TRANSMITTED VIA REGULAR AND
CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. James L. Burch
Advanced Engineering Concepts
7589 Murkerson Street
Donaldsonville, Georgia 39845-5769

RE: Case No. 10-17-B

Dear Mr. Burch:

The State of Alabama Board of Licensure for Professional Engineers and Land Surveyors accepted an agreed upon Consent Order and issued a Final Order on July 16, 2010. In the Consent Order you agreed as follows:

- You shall pay the Board a fine of \$1,500.00 prior to **August 16, 2010**.
- You understand that failure to submit payment of the penalty within six months of Final Order shall cause your license to practice engineering to be revoked.
- Your license to practice engineering shall be subject to two (2) years **probation** commencing immediately.
- You agree the Firm shall **cease and desist** the offering to practice or practicing engineering in the State of Alabama without a valid Certificate of Authorization for engineering issued by the Board.
- The Consent Order and Final Order will be public record

If you have any questions, or if I can be of assistance, please contact my office directly at 334-242-5049 or toll free at (866) 461-7640 or email rick.huett@bels.alabama.gov.

Sincerely,

William R. Huett
Assistant Executive Director

WRH:jtw

Enclosure

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

IN RE THE MATTER OF:

**JAMES L. BURCH
ADVANCED ENGINEERING CONCEPTS**

Case No. 10-17-B

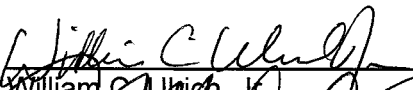
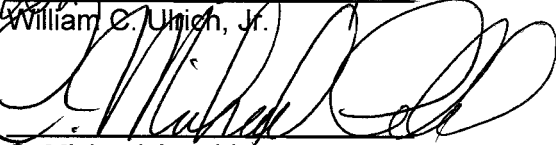
FINAL ORDER


On July 15-16, 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, and Mr. Phillip E. Santora and Mr. Earl R. Foust. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

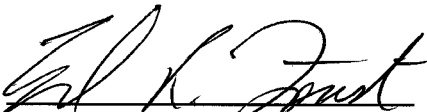
This Final Order is based upon a Consent Order signed by Mr. James L. Burch, (hereafter referred to as Respondent) and dated June 10, 2010. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a)(2), § 34-11-9(a)1, and The Board's *Administrative Code* § 330-X-14-.06(a) 1 and § 330-X-15-.01(1) .

Upon Consideration of the above it is **ORDERED** that the Consent Order dated June 10, 2010 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 16th day of July, 2009


William C. Ulrich, Jr.

C. Michael Arnold


Daniel S. Turner


Earl R. Foust


Don T. Arkle


W. Gerald Wilbanks


Phillip E. Santora