

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

**IN THE MATTER OF:**

Coalmont Electrical Development Corporation  
22577 Hwy 216  
McCalla, AL 35111

**Respondent**

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**Case No. 2020-16**

**CONSENT ORDER**

Coalmont Electrical Development Corporation (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to approval of the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as the "Board") as follows:

**STIPULATED FACTS**

On February 19, 2020, the Board received a complaint in reference to Respondent possibly violating Title 34 of the Code of Alabama. The complaint indicates Coalmont Electrical Development, offered and provided engineering services in the State of Alabama, without first obtaining a Certificate of Authorization from the Board to practice engineering.

Respondent stipulates that it has a general contractor's license and that Respondent's owner, Shaun McCutcheon (PE 23393) ("McCutcheon"), practiced engineering in connection with production, manufacture, transportation, distribution, or communication carried on by Respondent, as allowed by Ala. Code § 34-11-9(a)(2), and that McCutcheon received his individual Alabama professional engineer license in 2000.

Respondent stipulates that it did not possess a Certificate of Authorization to practice engineering issued by the Board during a period of time within the past year, that it has offered engineering services through its website (<https://coalmont.com>) identifying an office located at 22577 Hwy 216, McCalla, Alabama, and offered such service without regard for whether those services are in connection with services exempt from the requirement for a certificate of authorization.

Respondent stipulates it submitted to the Board an application and was issued a

certificate of authorization for engineering # 6014 on February 18, 2020.

### **STIPULATED CONCLUSIONS OF LAW**

Respondent stipulates its conduct as set forth in the foregoing "Stipulated Facts" constitutes a violation of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-9(a)1.

Respondent stipulates it is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11 and the jurisdiction of the Board, and it is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)2.

### **STIPULATED DISPOSITION**

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

Respondent understands this Consent Order and subsequent Final Order will be a public record, and this information will be placed on the Board's website, in its newsletter, and on the Enforcement Exchange portion of the website of the National Council of Examiners for Engineering and Surveying (NCEES).

Respondent shall submit to the Board with this signed Consent Order a check made payable to the State of Alabama General Fund in the amount of two thousand five hundred dollars (\$2,500) as payment of a fine.

Respondent shall submit to the Board a check made payable to the PE/LS Fund in the amount of three hundred eighty dollars (\$380) as payment for the cost of the Investigation.

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.

Respondent agrees to comply with the terms of this Consent Order and understands failure to comply with the terms of the Consent Order may result in additional charges or discipline.

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 this discussion will occur at a scheduled meeting of the Board.

Respondent understands it has the right to seek the advice of legal counsel. Respondent also understands it has the right to a formal fact-finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against it, 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.

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.

Respondent, for the purpose of avoiding further administrative action with respect to this Cause executes this Consent Order. It is agreed that presentation to and consideration of the Consent Order by the Board requires certain factual information related to this matter be disclosed to the Board members. Should the Consent Order not be accepted by the Board, it is therefore, expressly agreed that the reviewing, and consideration of this Consent Order, and the information provided to the Board for their review, shall not unfairly prejudice the Board and shall in no way act to disqualify any Board member from any further participation in this matter through its resolution, including, but not limited to, any contested hearing on this matter should one be necessary. 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 and all stipulations hereinabove are thereby rescinded.

SIGNED this the 27<sup>th</sup> day of May, 2020.

Coalmont Electrical Development Corporation

By: Shaun McCutcheon, President  
Shaun McCutcheon

APPROVED:

  
Benjamin H. Albritton  
Assistant Attorney General

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FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereafter referred to as Board) having considered the consent order agreed upon by Coalmont Electrical Development Corporation (hereafter referred to as Respondent) in which it was stipulated the firm violated Title 34, Chapter 11, Code of Alabama 1975, § 34-11-9 (a)1 approves the Consent Order and issues this Final Order.

The Consent Order and Final Order take immediate effect and the Respondent is **ORDERED** to abide by the Consent Order and Final Order as agreed upon by the Board.

ENTERED this the 21st day of July 2020.

*Randall D. Whorton*

Randall D. Whorton

*Marc S. Barter*

Marc S. Barter

*Elaine B. Walton*

Elaine B. Walton

*John E. Averett*

John E. Averett

*Donald W. Vaughn*

Donald W. Vaughn

*Mary H. Adams-Morales*

M. Helen Adams-Morales

*Joseph F. Breighner Jr.*

Joseph F. Breighner Jr.

*Nathan G. Johnson*

Nathan G. Johnson

RECUSED

Nanette T. Baldwin