

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

**IN RE THE MATTER OF:**

**DON G. COCHRAN, JR.  
MAGNOLIA RIVER SERVICES**

**Case No. 09-296-B**

**FINAL ORDER**

On December 10, 2009 at 1:00 p.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. William C. Ulrich, Jr, Mr. Don T. Arkle, Mr. C. Michael Arnold, Mr. W. Gerald Wilbanks, Mr. Al I. Reisz, Dr. Daniel S. Turner, and Mr. Phillip E. Santora. Also present at the Board Meeting was 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. Don G. Cochran, Jr. and dated November 2, 2009. In said Consent Order, Respondent stipulated that he violated the Code of Alabama 1975 § 34-11-9(a) (5), and the Rules and Regulations the Board's *Administrative Code* § 330-X-15-.01(2).

Upon Consideration of the above it is ORDERED that the Consent Order dated November 2, 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 11th day of December 2009.

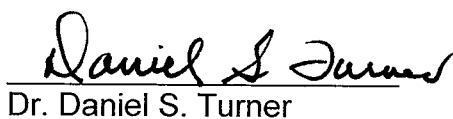
  
Mr. William C. Ulrich, Jr.

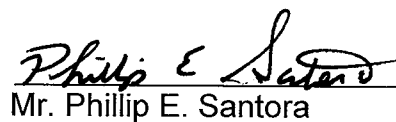
  
Mr. Don T. Arkle

  
Mr. C. Michael Arnold

  
Mr. W. Gerald Wilbanks

  
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IN RE THE MATTER OF:

DON G. COCHRAN, JR.  
MAGNOLIA RIVER SERVICES

CASE NO. 09-296-B

CONSENT ORDER

Don G. Cochran, Jr. (hereinafter referred to as "Respondent") 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 on February 1, 1993 the Board issued him a license (Certificate Number 19317) to practice engineering in the State of Alabama. Respondent has held that certificate continuously since that date. Respondent also stipulates that according to Board records, he is listed as the principal professional engineer for Gas Meter Engineers (CA #1665) and Magnolia River Services, Inc. (CA #3352), both located in Chelsea, Alabama. Both firms have held their certificates continuously since the date of issuance.

Respondent stipulates on March 30, 2009 a complaint was initiated by Ms. Regina A. Dinger, Executive Director of the Board of Professional Engineers and Land Surveyors (hereinafter referred to as "Complainant") based on information obtained from an application for examination submitted to the Board by Mr. Gregory B. Collier. The complaint indicated Firm may be maintaining a branch office located in Birmingham, Alabama without hiring a full-time resident licensed professional engineer for that office.

Respondent stipulates Firm maintained a branch office in Birmingham, Alabama and supervised engineering services performed by Mr. Collier in Birmingham, Alabama without hiring a full time resident licensed Alabama professional engineer for that office.

Respondent stipulates that as of March 30, 2009 Magnolia River Services advertised via a website indicating it provided engineering services in the State of Alabama with an office located at 711 Nance Ford Road, Suite E. Hartselle, Alabama and 1500 1<sup>st</sup> Avenue North, Suite R108, Birmingham, Alabama. The website did not indicate Magnolia River Services provides engineering services from an office located in Chelsea, Alabama, which was identified on its Certificate of Authorization as the office where all engineering services are performed.

#### STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a licensed professional engineer in the State of Alabama stipulates that in such capacity he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, and the Rules of Regulations of the *Administrative Code* of this Board. Respondent further stipulates Magnolia River Services is a certificated engineering firm and is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, and the Rules of Regulations of the *Administrative Code* of this Board.

Respondent stipulates the conduct as set forth in the foregoing "Stipulated Facts" constitutes violations of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-9(a)(5) and the rules and regulations of the Board's *Administrative Code* § 330-X-15-.01(2).

Respondent stipulates the conduct set forth in the "Stipulated Facts" constitutes a violation of those rules and statutes set forth above, and he is subjecting himself and Magnolia River Services to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, § 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* and the Rules of Professional Conduct promulgated together.

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

3. Respondent understands his license to practice engineering shall be subject to one (1) year **Probation** commencing immediately upon Final Order of the Board.

4. Magnolia River Services understands its certificate of authorization for engineering shall be subject to one (1) year **Probation** commencing immediately upon Final Order of the Board.

5. Respondent shall **cease and desist** offering engineering services from any corporate or branch office that does not employ a full-time resident licensed Alabama professional engineer.

6. Magnolia River Services shall **cease and desist** offering engineering services from any corporate or branch office that does not employ a full-time resident licensed Alabama professional engineer.

7. Magnolia River Services shall change website information to accurately reflect the Alabama office in which engineering services are performed.

8. Respondent shall pay the Board a fine of one thousand dollars (\$1,000.00) no later than thirty days from the date of Final Order as provided by Title 34, Chapter 11, Code of Alabama 1975, §34-11-11.

9. Respondent understands that failure to submit payment of specified penalty within six months of date of Final Order shall cause Respondent's license to practice engineering in the State of Alabama to be **revoked**. This matter would then be presented to the Board for its action at the next regularly scheduled meeting. Respondent understands he shall be notified in advance and has the right to appear at that meeting in order to present any facts or extenuating circumstances to the Board.

10. 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.

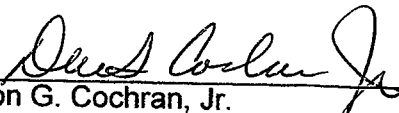
11. Respondent agrees any violation of the terms of this Consent Order, may result in the Board filing additional charges in accordance with the Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

12. 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 next regularly scheduled meeting on December 9, 2009 in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

13. 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.

14. 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 2<sup>nd</sup> day of November, 2009.

  
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Don G. Cochran, Jr.  
Respondent

APPROVED:

  
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Benjamin H. Albritton  
Assistant Attorney General