

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

IN THE MATTER OF

Marshall W. Corlew

PE 11308



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CONSENT ORDER

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Marshall W. Corlew, 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 was issued a Certificate of Licensure (License Number 11308) to practice as a Professional Engineer in the State of Alabama on July 14, 1976, and has held this certificate to practice continuously from that date to present.

2. Respondent stipulates that he performed eleven percolation tests, and certified each test on the "Permit to Install (Repair) an Onsite Sewage Disposal System" by signing, recording his license number, and dating each permit. These percolation tests are listed as follows:

- a. Mr. John Stover's property (lot 8), June 18, 1996.
- b. Mr. Dale Fairbanks' property, October 2, 1995.
- c. Mr. Curtis Thornton's property (.7 acres), September 19, 1997.

- d. Mr. Curtis Thornton's property (.7 acres), September 18, 1997.
- e. Mr. Jerry Tolbert's property, September 26, 1997.
- f. Mr. Curtis Thornton's property (.9 acres), May 1, 1997.
- g. Mr. Curtis Thornton's property (.92 acres), May 1, 1997.
- h. Mr. Curtis Thornton's property (Ham Rd.), June 18, 1996.
- i. Mr. Curtis Thornton's property (Ham Rd.), June 18, 1996.
- j. Mr. Curtis Thornton's property (Ham Rd.), June 18, 1996.
- k. Mr. Curtis Thornton's property (Ham Rd.), June 18, 1996.

3. Respondent stipulates that the percolation tests recorded on these eleven permits contained errors and/or omissions, to include violations of the "Rules of the State Board of Health, Bureau of Environmental Services, Chapter 420-3-1, Onsite Sewage Disposal and Subdivision-Onsite Sewage Systems, Water Supplies and Solid Waste Management."

## STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to the provisions of the 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 the Code of Alabama 1975, Sections 34-11-11(a)(2); and violations of the Rules of Professional Conduct, Sections 330-X-14-.05(g), and 330-X-14-.06(a)1, and 5. Such conduct provides grounds for disciplinary action against him pursuant to the Code of Alabama 1975, Section 34-11-11.

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

## STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the Code of Alabama 1975, Title 34, Chapter 11, or the Rules promulgated thereunder.

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

3. Respondent agrees to pay a fine as provided by Section 34-11-11(i), Code of Alabama 1975, of \$500.00 no later than August 10, 1998.

4. 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.

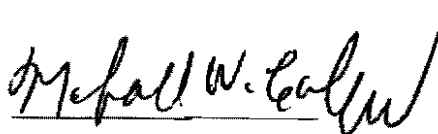
5. This Consent Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or 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.

6. Respondent understands that this matter will be presented to the Board at its meeting on July 10, 1998 (or next regularly scheduled meeting, if that meeting cannot be held), and that no hearing will be held on July 10, 1998. If, however, the Board fails to approve the Consent Order and issue a Final Order, Respondent hereby expressly waives any right he may have to a hearing on July 10, 1998, and expressly consents to the setting of a hearing in conjunction with a regularly scheduled meeting of the Board or at any reasonable time and place. Stated differently, Respondent agrees that any time limits imposed by statute for the hearing or charges against a licensee are waived.

7. Respondent further 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 those discussions will be scheduled for the Board's meeting at 10:00 A.M. in Montgomery (or other specified location) on July 10, 1998. Respondent has the right to be present and to present his case, but waives that right. Respondent specifically waives any objection to any decisions which might take place at that meeting, and waives objection for resultant bias or prejudice or any other cause in the event this offer is rejected and the hearing in this matter goes forth.

8. Respondent expressly waives all further procedural steps, and expressly waives all right 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 discipline contained herein, and the Final Order of the Board incorporating said Consent Order.

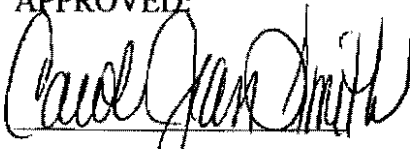
Signed this the 3rd day of JUNE, 1998.



Marshall W. Corlew

Respondent

APPROVED:



CAROL JEAN SMITH

Assistant Attorney General

Board Attorney

,11 South Union Street

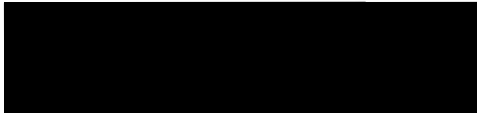
Montgomery, AL 36106

BEFORE THE STATE OF ALABAMA BOARD OF LICENSURE  
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PE 11308



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FINAL ORDER

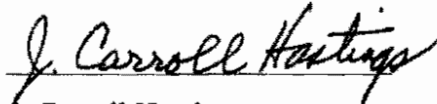
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This matter is presented to the Board upon a Consent Order signed by Respondent on June 3, 1998.

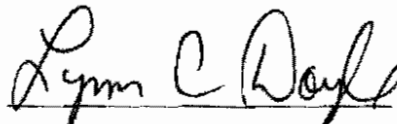
In that Consent Order, Respondent stipulated that he violated the Rules of Professional Conduct, Sections 330-X-14-.05(g), and 330-X-14-.06(a)1 and 5; and the Code of Alabama 1975, Section 34-11-11(a)(2).

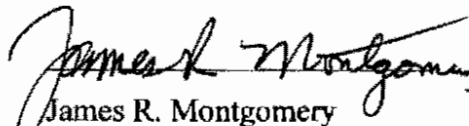
Upon consideration of the above, it is ORDERED that the Consent Order dated June 3, 1998, is adopted by the Board and hereby made a part of the Final Order. It is further ORDERED that the Respondent abide by the Final Order in this matter.

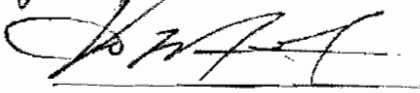
ENTERED this 10th day of July, 1998.

  
J. Carroll Hastings

  
Thomas F. Talbot

  
Lynn C. Doyle

  
James R. Montgomery

  
Veston W. Bush, Jr.