

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

**IN THE MATTER OF:**

Direct Scaffold Services  
3801 Messer Airport Highway  
Birmingham, AL 35222

**Respondent**

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**Case No. 2021-01**

**CONSENT ORDER**

Direct Scaffold Services (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**

Respondent stipulates on October 1, 2020, the Board received a complaint that alleged Respondent possibly violated Title 34 of the Code of Alabama. The complaint indicated Direct Scaffold Services offered to provide engineering services in the State of Alabama, without first obtaining a Certificate of Authorization (CA) for engineering from the Board.

Respondent stipulates in October 2020 signage on its company vehicles in the Birmingham, Alabama area indicated that it offered to provide engineering services. Respondent further stipulates its website also contained language that indicated it offered engineering services in the State of Alabama.

Respondent stipulates it did not possess a Certificate of Authorization for engineering issued by the Board that would have authorized it to offer or provide engineering services in the State of Alabama during the time it offered engineering services on its website and on signage placed on its company vehicles.

**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, § 34-11-2(c).

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 agrees firm will **cease and desist** the offering and/or the practice of engineering in the State of Alabama until it obtains a certificate of authorization for engineering issued by the Board.

Respondent agrees it will remove all references to the offer of engineering services from its website, signage on its vehicles, and any other materials within 90 days of the date a Final Order is issued by the Board.

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 five hundred dollars (\$500) as payment of a civil penalty.

Respondent shall submit to the Board a check made payable to the PE/LS Fund in the amount of eighty-five dollars (\$85) 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.

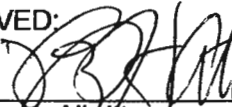
Respondent understands it has the right to seek the advice of legal counsel. Respondent also understands it has the right to a formal fact-finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against it, and to obtain judicial review of the Board's decision 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 16<sup>th</sup> day of November, 2020.

  
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Shane Barry  
Direct Scaffold Services

APPROVED:   
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Benjamin H. Albritton  
Assistant Attorney General

STATE OF ALABAMA BOARD OF LICENSURE  
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IN THE MATTER OF: )

Shane Barry )  
Direct Scaffold Services )  
3801 Messer Airport Highway )  
Birmingham AL 35222 )

Respondent )



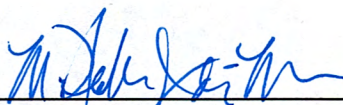
Case No. 2021-01

**FINAL ORDER**

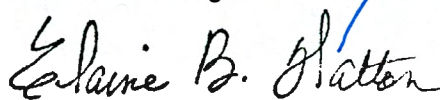
The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Shane Barry of Direct Scaffold Services, in which he stipulated the firm violated Title 34, Chapter 11, Code of Alabama 1975, § 34-11-2(c) approves the Consent Order and issues this Final Order.

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

**ENTERED** this the 17th day of November 2020.


  
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M. Helen Adams-Morales

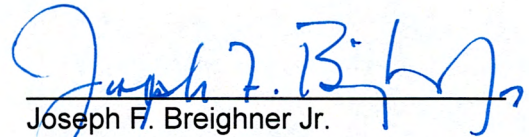
  
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Donald W. Vaughn

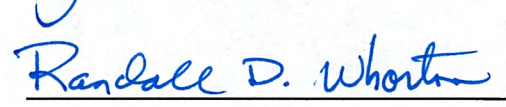
  
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Elaine B. Walton

**RECUSED**

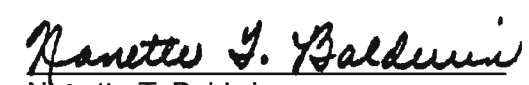
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John E. Averrett

  
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Marc S. Barter

  
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Joseph F. Breighner Jr.

  
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Randall D. Whorton

  
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Nathan G. Johnson

  
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Nanette T. Baldwin