

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

IN THE MATTER OF:

Elder Consulting LLC
13 W Kent St
PO Box 4680
Chattanooga, TN 37405

Respondent



Case No. 2020-17

CONSENT ORDER

Elder Consulting LLC (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 May 7, 2020, the Board received a complaint in reference to Elder Consulting LLC possibly violating Title 34 of the Code of Alabama. The complaint indicated the firm offered and provided engineering services in the State of Alabama, without first obtaining a Certificate of Authorization for engineering from the Board.

Respondent stipulates it provided engineering services for the Mobile Midtown Development project located in Mobile, Alabama in May 2019 during a time when 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.

Respondent stipulates it provided engineering services for “The Henry Lofts” Fairhope, Alabama (May 2018) and the “A Building for Wise Living” Fairhope, Alabama (November 2019) projects during a time that 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.

Respondent stipulates it was issued certificate of authorization for engineering (CA-6061-E) on May 11, 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, § 34-11-11.1.

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 amount of three thousand dollars (\$3,000) 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 one hundred thirty-one dollars (\$131) 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.

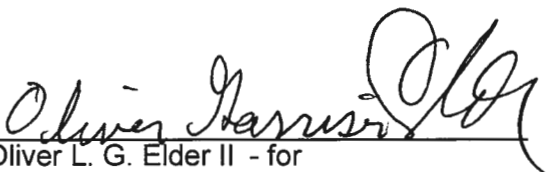
Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff, and Board Counsel. Respondent understands this discussion will occur at a scheduled meeting of the Board.

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 1 day of July, 2020.


Oliver L. G. Elder II - for
Elder Consulting LLC

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 signed by Oliver Garrison Elder for Elder Consulting LLC, (hereafter referred to as Respondent) in which he 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

RECUSED

Marc S. Barter

Elaine B. Walton
Elaine B. Walton

John E. Averrett
John E. Averrett

Donald W. Vaughn
Donald W. Vaughn

Mary J. Adams-Morales
M. Helen Adams-Morales

Joseph F. Breighner Jr.
Joseph F. Breighner Jr.

Nathan G. Johnson
Nathan G. Johnson

Nanette T. Baldwin
Nanette T. Baldwin