

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

IN RE THE MATTER OF:

DUDLEY L. GREENWAY

Case No. 09-319-B

FINAL ORDER

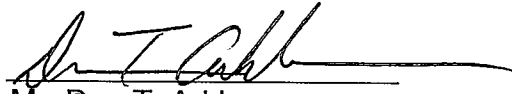
On December 10, 2009 at 1:00 p.m. the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance at the meeting were: Mr. William C. Ulrich, Jr, Mr. Don T. Arkle, Mr. C. Michael Arnold, Mr. W. Gerald Wilbanks, 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.

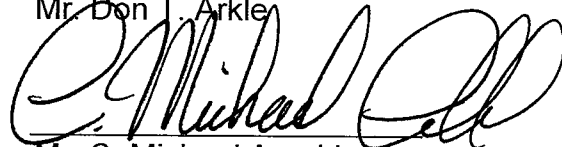
This Final Order is presented to the Board upon a Consent Order signed by Mr. Dudley L. Greenway and dated December 2, 2009. In said Consent Order, Respondent stipulated that he violated the Code of Alabama 1975 § 34-11-11(a) (2), and the Rules of Professional Conduct of the Board's *Administrative Code* § 330-X-13-.02(4)(a), and § 330-X-14-.06(a)(1).

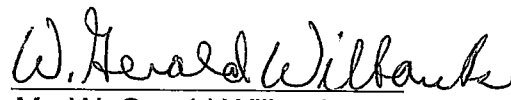
Upon Consideration of the above it is ORDERED that the Consent Order dated December 2, 2009 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Respondent abide by the Final Order in this manner.

ENTERED this the 11th day of December 2009.


Mr. William C. Ulrich, Jr.



Mr. Don T. Arkle


Mr. C. Michael Arnold

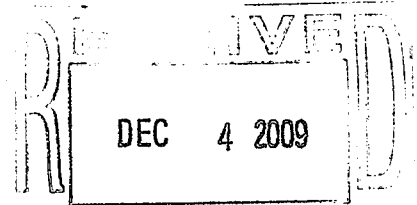

Mr. W. Gerald Wilbanks


Mr. Al. I. Reisz


Dr. Daniel S. Turner


Mr. Phillip E. Santora

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



IN RE THE MATTER OF:

DUDLEY L. GREENWAY

Case No. 09-319-B

CONSENT ORDER

Dudley L. Greenway (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 June 14, 1991 he obtained a professional land surveyor license (license number 18385) from the Board and has held that license continuously since that date.

Respondent stipulates he received a letter from the Board dated March 18, 2009 stating he had been selected at random for audit of the continuing professional competency credits he obtained in order to renew his professional land surveyor license in the State of Alabama for 2009. Said letter requested Respondent respond no later than April 20, 2009.

Respondent stipulates he received a letter dated May 7, 2009 from the Board (via certified and regular mail) advising he had been selected at random for audit of the continuing professional competency credits he obtained in order to renew his professional land surveyor license in the State of Alabama for 2009. Said letter requested Respondent respond no later than May 26, 2009. Respondent stipulates the Board received a certified mail return receipt card signed by Respondent dated May 11, 2009.

Respondent stipulates on May 22, 2009 he responded to the Board via a letter indicating he was unable to locate any documentation verifying the professional development hours reported on his 2009 license renewal and requesting his license be placed in inactive status.

Respondent stipulates on August 10, 2009 a letter was sent (via certified and regular mail) informing him of a Board initiated complaint regarding failure to provide documents supporting the continuing professional competency credits he obtained in order to renew his professional land surveyor license for 2009. Respondent was instructed to respond to the letter prior to August 31, 2009.

Respondent stipulates he contacted the Board via telephone on August 28, 2009, and advised he was able to find some of the documents supporting his earned continuing professional development hours and would be mailing them to the Board.

Respondent stipulates on August 31, 2009 and September 14, 2009 the Board received documentation which indicated he obtained thirteen (13) of the fifteen (15) professional development hours required for renewal of his 2009 professional land surveyor license.

Respondent stipulates he indicated on his 2009 license renewal form dated December 31, 2008 that he had obtained the fifteen (15) professional development hours required to renew his professional land surveyor license.

STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a licensed professional land surveyor in the State of Alabama, admits in such capacity that he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11 and the jurisdiction of the Board.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" constitutes a violation of Title 34 Chapter 11 Code of Alabama 1975 Section 34-11-11(a)2 and the of the rules of professional conduct of the Rules and Regulations of the Board's Administrative Code § 330-X-13-.02(4)(a) and § 330-X-14-.06(a)(1).

Respondent stipulates his conduct set forth in the "Stipulated Facts" is a violation of those rules and statues set forth above, and he is subject 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 he shall pay to the Board a fine of three hundred dollars (\$300.00) within thirty (30) days of date of Final Order.

4. Respondent understands he must obtain two (2) professional development hours within sixty (60) days of Final Order.

5. Respondent understands his license to practice land surveying in the State of Alabama is currently in ***inactive*** status and is not eligible to return to ***active*** status until such time as he provides documentation indicating he has obtained the two (2) professional development hours needed to reach the fifteen (15) professional development hours required for renewal of his 2009 license.

6. Respondent agrees failure to obtain two (2) professional development hours within sixty days of the date of the Final Order shall cause his license to practice land surveying to be revoked.

7. Respondent agrees failure to comply with this Consent Order and Board's Final Order as specified within six months shall cause Respondent's license to practice land surveying in the State of Alabama to be ***revoked*** (pending ratification of the Board). This matter will then be presented to the Board for ratification at its next regularly scheduled meeting. Respondent understands he has the right to appear at that meeting and present any facts or extenuating circumstances to the Board.

8. Respondent agrees 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.

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

10. Respondent 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 this discussion will take place at the Board's regularly scheduled meeting on December 10-11, 2009 in Montgomery, Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

11. Respondent agrees 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.

12. 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 2ND day of December, 2009


Dudley L. Greenway
Respondent

APPROVED:

Benjamin H. Albritton
Assistant Attorney General