

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

IN RE THE MATTER OF:

**TERRY HARPER
HARPER ENGINEERING**

Case No. 2012-13-C

CONSENT ORDER

Terry Harper, (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 he has never received a license to practice engineering in the State of Alabama. Respondent also stipulates the company "Harper Engineering" has never received a certificate of authorization from the Board authorizing it to practice or offer to practice engineering in the State of Alabama.

Respondent stipulates on February 15, 2012 the Board received a complaint from Mr. Mark W. Aderholdt alleging Respondent and his company provided a proposal using letterhead containing the name "Harper Engineering" for consultation of construction for a sixty foot antenna tower at Auburn University Airport in Auburn, Alabama without employing an Alabama licensed professional engineer or obtaining a certificate of authorization for engineering from the Board.

Respondent stipulates he utilized the term "engineering" in the name of his company "Harper Engineering" and included that name on business cards and company letterhead that was used in communications to prospective and current clients without employing an Alabama licensed professional engineer and obtaining a certificate of authorization for engineering from the Board.

Respondent stipulates he submitted job proposals, invoicing to clients, and “Engineering Declarations” to the Federal Communications Commission (FCC) for projects located in Alabama from 2007 until 2012 using company letterhead containing the name “Harper Engineering” without employing an Alabama licensed professional engineer and obtaining from the Board a Certificate of Authorization for engineering in the State of Alabama.

STIPULATED CONCLUSIONS OF LAW

Respondent admits 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 violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-15(b), § 34-11-16(a) (2).

Respondent stipulates his conduct as set forth in the “Stipulated Facts” is a violation of those statutes set forth above, and it 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.

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

3. Respondent shall ***cease and desist*** use of the title “Engineering” (or any modification thereof) in his firm name in the State of Alabama until such time as he obtains an Alabama professional engineer license and obtains a Certificate of Authorization for engineering from the Board.

4. Respondent shall submit to the Board a payment of \$500.00 (five hundred dollars) made payable to the **General Fund of the State of Alabama** within thirty (30) days of the date of the Final Order.

5. Respondent shall submit to the Board a payment of \$175.81 (one hundred seventy-five dollars and eighty-one cents) made payable to the Board within thirty (30) days of the date of the Final Order for the costs associated with the complaint investigation.

6. 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.

7. 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.


8. 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 a regularly scheduled meeting of the Board in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

9. Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, 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.

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.

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.

SIGNED this the 14 day of APRIL, 2012



Terry Harper

APPROVED:


Benjamin H. Albritton
Assistant Attorney General

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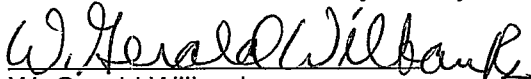
FINAL ORDER

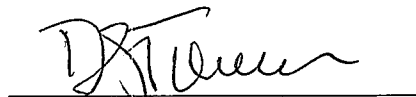
On May 17-18, 2012 the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled meeting. The Board Members in attendance at the meeting were: Mr. W. Gerald Wilbanks, Mr. C. Michael Arnold, Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Marc S. Barter and Mr. Charles P. Willis.

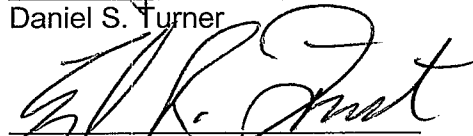
This Final Order is based upon a Consent Order signed by Terry Harper of Harper Engineering (hereafter referred to as Respondent) and dated April 14, 2012. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-15(b) and § 34-11-16(a) (2).

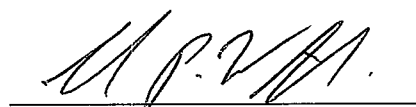
Upon Consideration of the above it is **ORDERED** that the Consent Order dated April 14, 2012 is adopted by the Board and hereby made a part of this Final Order. It is further **ORDERED** that Respondent abide by the Final Order in this manner.

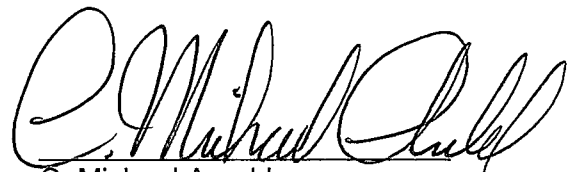
ENTERED this the 18th day of May, 2012


W. Gerald Wilbanks


Daniel S. Turner

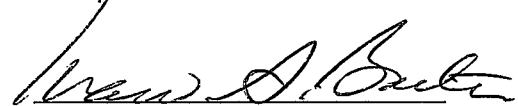

Earl R. Foust


Charles P. Willis


C. Michael Arnold

RECUSED

Phillip E. Santora


Marc S. Barter