

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

IN THE MATTER OF:)

Ronald W. Henderson, P.E.)
Tuscaloosa Engineering Associates, Inc.)
6300 Clements Foley Road)
Northport, Alabama 35473)

Respondent)
_____)



Case No. 2013-17-B

FINAL ORDER


The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Ronald W. Henderson, Professional Engineer License Number 24552, in which he stipulated he violated the Code of Alabama 1975, §34-11-11(a) 2, and the Rules and Regulations of the Board's Administrative Code § 330-X-14-.05(g), and § 330-X-14-.06(a)(1) hereby adopts the Consent Order and issues this Final Order.

The Consent Order and Final Order take immediate effect upon the signing of this Final Order and the Respondent is **ORDERED** to abide by the Consent Order and Final Order as approved by the Alabama Board of Licensure for Professional Engineers and Land Surveyors.

ENTERED this the 9th day of April, 2014



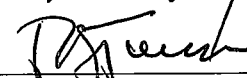
Phillip E. Santora




Marc S. Barter



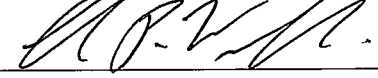
Frazier Christy



Daniel S. Turner



Earl R. Foust



Charles P. Willis

RECUSED

W. Gerald Wilbanks

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

IN RE THE MATTER OF:

RONALD W HENDERSON

Case No. 2013-17-B

CONSENT ORDER

Ronald W. Henderson, a licensed Alabama professional engineer (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 August 24, 2001 the Board issued him a Certificate of Licensure (Number 24552) authorizing him to practice as a professional engineer in the State of Alabama.

Respondent stipulates on March 27, 2013 the Board received a complaint alleging he provided the design of a stormwater drainage system for Stormy Acres Subdivision, Phase IV, Tuscaloosa County, Alabama which may have been "underdesigned" and resulted in flooding issues for the residents.

Respondent stipulates a Board investigation determined that in 2004 he provided the design of a stormwater drainage system for Stormy Acres subdivision, Phase IV located in Tuscaloosa County, Alabama which included an undersized drainage pipe at Lock 9 Road. The error was discovered in October 2012 after a flooding problem was reported to Tuscaloosa County by residents of Stormy Acres Subdivision.

Respondent stipulates a Board Technical Advisor provided a review of the engineering design drawings bearing his signature and professional engineer seal. The Advisor noted (1) there are disparities between the design flow quantity and the flow quantity determined by the

County approving authority, (2) there is a disparity in the design structure (culvert) elevations and the existing structure elevations determined by the County surveyors, (3) there are storm water conveyance structures (culverts, junction boxes) downstream of the affected flooding area that have not been evaluated for ability to accommodate any increased flow from the proposed topographic changes (additional residential development), and there are disparities between the pipe design calculation, and the Design reference material.

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, § 34-11-11(a)(2) and the Rules and Regulations of the Board's *Administrative Code* § 330-X-14-.05(g) and § 330-X-14-.06(a)(1).

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

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.

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

Respondent understands he shall pay the Board a fine of two thousand five hundred dollars (\$2,500.00) within thirty (30) days of date of Final Order.

Respondent understands his Alabama professional engineer license shall be subject to a two (2) year probationary period commencing immediately upon the date of the Final Order. Respondent understands during this probationary period he is permitted to engage in the practice of engineering without limitation. This probationary period is un-supervised and compliance with the terms of the consent order will cause the probation period to automatically cease at the end of the specified time period.

Respondent understands that failure to comply with any term of this consent order shall cause his professional engineer license to be **revoked** pending ratification by the Board. Respondent further understands this matter would be presented to the Board at a regularly scheduled meeting at which he could attend and present evidence on his behalf.

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.

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.

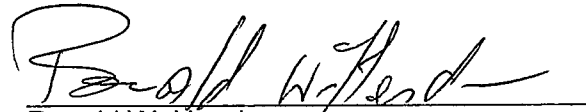
Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at a regularly scheduled meeting of the Board in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

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.

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.

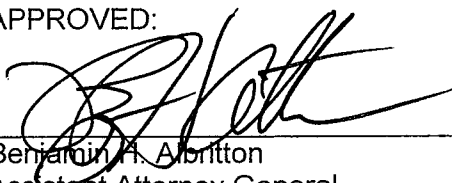
Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice 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 13 day of March, 2014



Ronald W. Henderson

APPROVED:



Benjamin H. Abritton
Assistant Attorney General