

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

IN RE THE MATTER OF:

Case No. 2012-15-B

STEPHEN C. HOFFMAN

CONSENT ORDER

Stephen C. Hoffman, an Alabama licensed professional engineer (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 received professional engineer license # 16884 from the Board on September 17, 1988 and has held that license continuously from that date to the present. Respondent stipulates that on March 26, 2012 the Board, by and through its Executive Director Ms. Regina A. Dinger, filed a complaint based on information received by the Board regarding disciplinary action taken against Respondent in the State of New Hampshire. The complaint indicated Respondent entered into a Settlement Agreement with the New Hampshire Board of Professional Engineers which required him to pay an administrative penalty of \$10,000.00 and receive a public reprimand for his failure to notify the New Hampshire Board of a disciplinary action taken against him by the Massachusetts State Board of Professional Engineers and Professional Land Surveyors.

Respondent stipulates on April 5, 2012 the Board sent a complaint notification letter via regular mail informing Respondent of a Board initiated complaint. Respondent stipulates the complaint notification letter asked him to provide to the Board copies of documents relating to any disciplinary action taken against him by the New Hampshire Board of Licensure for Professional Engineers as well as any other jurisdiction prior to April 18, 2012.

Respondent stipulates that on August 30, 2000 his Massachusetts professional engineer license was revoked relative to placing his professional seal on design plans that were not prepared under his supervision and his failure to adequately validate the structural integrity of a building to insure compliance with the Massachusetts Building Code. Respondent stipulates that in 2006, while an appeal of the Massachusetts Board decision was pending, he resolved the matter through a Settlement Agreement that resulted in his Massachusetts professional engineer license being reinstated and placed on probation for two years.

Respondent stipulates on September 25, 2001, he entered into a Settlement Agreement with the South Carolina Department of Labor, Licensing & Regulation Board of Registration for Professional Engineers and Land Surveyors that required a public reprimand relative to the disciplinary action taken against him by the Massachusetts State Board of Professional Engineers and Land Surveyors on August 30, 2000.

Respondent stipulates on January 19, 2012 he entered into a Settlement Agreement with the New Hampshire Board of Professional Engineers that required him to pay an administrative penalty of \$10,000.00 and receive a public reprimand for his failure to notify the New Hampshire Board of Professional Engineers of a disciplinary action taken against him by the Massachusetts State Board of Professional Engineers and Professional Land Surveyors.

Respondent stipulates he indicated "No" to the question: "Have you had a license suspended or been subject to disciplinary action by this or any other licensing board since you were licensed?" on his 2004 Alabama professional engineer license renewal.

STIPULATED CONCLUSIONS OF LAW

Respondent in his capacity as a licensed Professional Engineer in the State of Alabama stipulates that in such capacity he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, and the Rules and Regulations of the *Administrative Code* of this Board.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" may constitute violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)(5) and

violations of the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1), § 330-X-14-.06(a)(5) and § 330-X-14-.08.

Respondent stipulates his conduct set forth in the "Stipulated Facts" may constitute a violation of those rules and statutes set forth above, and he is subjecting himself 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 shall submit to the Board a fine of two hundred and fifty dollars (\$250.00) within thirty (30) days of the date of the Final Order.

4. Respondent understands his Alabama professional engineer license shall be subject to six (6) months **probation** effective immediately upon the issue of a Final Order by the Board. Respondent is permitted to engage in the practice of engineering without limitation during the probationary period. 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 further understands any additional violation of the Code of Alabama or the Rules of the Administrative Code of the Board during this probationary period will cause his professional engineer license to be **suspended** for the remainder of the probationary period.

5. 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.

6. 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.

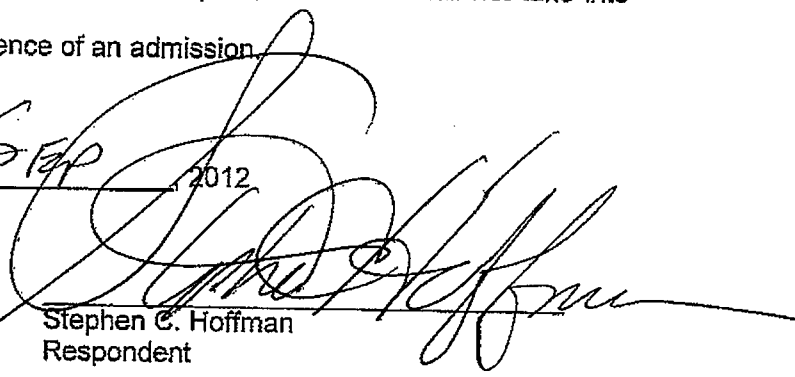
7. Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at the Board's next regularly scheduled meeting in Montgomery Alabama.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

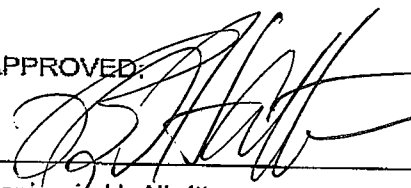
8. Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision in said formal hearing but expressly waives these rights with execution of this Consent Order and Final Order of the Board.

9. 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.

10. 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 20th day of SEP 2012


Stephen C. Hoffman
Respondent

APPROVED: 
Benjamin H. Albritton
Assistant Attorney General

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FINAL ORDER

On October 10-11, 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: Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Marc S. Barter, Mr. Charles P. Willis, Mr. W. Gerald Wilbanks and Mr. C. Michael Arnold.

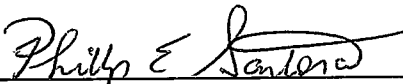
This Final Order is based upon a Consent Order signed by Stephen C. Hoffman (hereafter referred to as Respondent) and dated September 20, 2012. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a)(5) and the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1), § 330-X-14-.06(a)(5) and § 330-X-14-.08.

Upon Consideration of the above it is **ORDERED** that the Consent Order dated September 20, 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 10th day of October, 2012



Daniel S. Turner



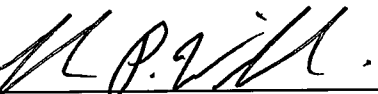
Phillip E. Santora

DID NOT ATTEND

Earl R. Foust

RECUSED

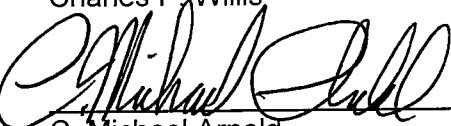
Marc S. Barter



Charles P. Willis



W. Gerald Wilbanks



C. Michael Arnold