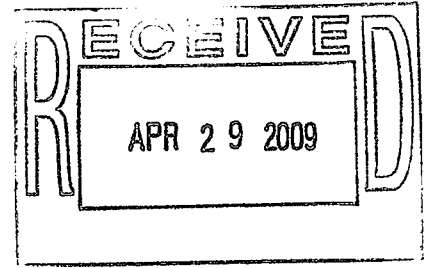


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN THE MATTER OF:

KENNETH E. HOLT

Case No. 08-39-B

**CONSENT ORDER**

Kenneth E. Holt (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, 2002 he obtained a Professional Land Surveyor license (number 24969) from the Board and has held that license continuously since that date.

Respondent stipulates the Board received a complaint from Mr. Spencer T. Hardy Sr., in reference to land surveying services he performed, which included a soil percolation test for an application for a permit to install an onsite sewage disposal system in Coosa County, Alabama. Respondent stipulates the complaint also indicated the land surveying services he provided were not completed in a timely manner and may have contained errors and omissions.

Respondent stipulates he received a letter from the Board dated July 17, 2008 advising him of the complaint filed against him by Mr. Spencer T. Hardy Sr., and requesting he provide any documents associated with the land surveying services he performed for Mr. Hardy relative to property located in Coosa County, Alabama prior to August 7, 2008. Respondent stipulates he did not provide the requested documents to the Board.

Respondent stipulates he received a subpoena dated September 12, 2008 from the Board via certified mail requiring him to provide documents associated with the land surveying

services he provided for Mr. Spencer T. Hardy Sr., relative to property located in Coosa County, Alabama. Respondent stipulates he acknowledged receipt of the subpoena via telephone conversation but failed to provide the subpoenaed documents to the Board.

Respondent stipulates on March 25, 2008 he accepted payment of \$425.00 to provide land surveying services for Mr. Spencer T. Hardy Sr., relative to an application for a permit to install an onsite sewage disposal system for property located in Coosa County, Alabama. Respondent stipulates on June 14, 2008 he provided Mr. Hardy a copy of the application dated March 27, 2008 that he prepared. Respondent stipulates an incorrect deed was attached to the application and the percolation test was performed on the west side of the eighty acre property (inside tract 8.001) instead of the west side of tract 8, next to the east line of tract 8.001.

#### **STIPULATED CONCLUSIONS OF LAW**

Respondent, in his capacity as a licensed Professional Land Surveyor in the State of Alabama, admits in such capacity 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 § 330-X-14-.06 (1 and 15) of the Rules and Regulations of the Administrative Code of the Board.

Respondent stipulates his conduct set forth in the "Stipulated Facts" is a violation of those rules and statutes 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 and the Rules and Regulations of the Administrative Code of the Board.

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

3. Respondent agrees he shall serve a term of one (1) year **Probation** beginning the date the Final Order is issued by the Board.

4. Respondent shall pay a fine a \$3,000.00 (three thousand dollars) to the Board in twelve monthly payments of \$250.00 beginning thirty days from the date of the Final Order.

5. Respondent agrees failure to submit the agreed upon fine payments within eighteen months of the date of the Final Order shall cause his license to practice land surveying in the State of Alabama to be revoked (pending ratification of the Board). This matter would 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.

6. 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.

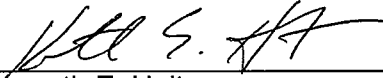
7. Respondent agrees any violation of the terms of this Consent Order may result in the Board filing additional charges in accordance with Title 34, Chapter 11, Code of Alabama 1975.

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 this discussion will take place at the Board's regularly scheduled meeting on April 30, 2009 in Montgomery, Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

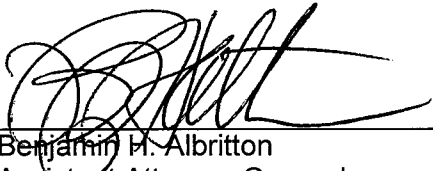
9. Respondent for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally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

10. 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 29<sup>th</sup> day of April, 2009.

  
\_\_\_\_\_  
Kenneth E. Holt  
Respondent

APPROVED:

  
\_\_\_\_\_  
Benjamin M. Albritton  
Assistant Attorney General

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

**IN THE MATTER OF:**

**KENNETH E. HOLT**

**CASE NO. 08-39-B**

**FINAL ORDER**

On May 1, 2009 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. Don T. Arkle, Mr. Al I. Reisz, Mr. William C. Ulrich, Jr, Mr. C. Michael Arnold, and Mr. Preston L. Jackson. Also present at the Board Meeting were Ms. Regina Dinger, Executive Director of the Board, and 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 based upon a Consent Order signed by Mr. Kenneth E. Holt and dated April 29, 2009. In said Consent Order, Mr. Holt stipulated he violated the Code of Alabama 1975, § 34-11-11(a)2 and § 330-X-14-.06 (1 and 15) of the Rules and Regulations of the Administrative Code of the Board.

Upon Consideration of the above it is ORDERED the Consent Order dated April 29, 2009 be adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Mr. Holt abide by the Final Order in this manner.

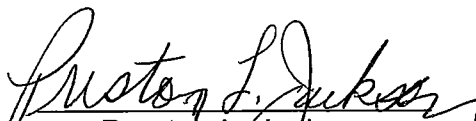
ENTERED this the 1st day of May 2009.

  
Don T. Arkle

  
Al I. Reisz

  
William C. Ulrich, Jr

**RECUSED**   
C. Michael Arnold

  
Preston L. Jackson