

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

IN RE THE MATTER OF:

**O. GUTHRIE JEFFCOAT, JR.
JEFFCOAT ENGINEERS & LAND SURVEYORS LLC**

CASE NO. 09-305-B

CONSENT ORDER

O. Guthrie Jeffcoat, Jr., (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 11, 1971 the Board issued him professional engineer license number 9587 authorizing him to offer and perform engineering services in the State of Alabama. Respondent further stipulates he has held that license continuously since that date.

Respondent stipulates on June 5, 2009 a complaint was filed with the Board by Mr. Carville C. Webb (hereinafter referred to as "Complainant") alleging Respondent performed engineering services relative to an onsite sewage disposal system for property located at 349 River Forest Court, Millbrook, Alabama; but failed to provide the "Appendix C: CEP 6- Engineers Onsite Sewage Disposal System Certification" to the Elmore County Health Department in a timely manner.

Respondent stipulates he failed to submit in a timely manner the "Appendix C: CEP 6 Engineers Onsite Sewage Disposal System Certification" to the Elmore County Health Department relative to property located at 349 River Forest Court, Millbrook, Alabama. Respondent further stipulates he sought to require his client (the complainant) to sign a "Storm Spillage Agreement" that identified him as a "Managing Member" for S & C Properties, LLC and released him in part from any liability for damage resulting from water runoff from lots 9A and 11A onto the lot owned by the complainant.

STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a licensed professional engineer in the State of Alabama, stipulates in such capacity he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, and the Rules of 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)(2) and the Rules and Regulations of the Board's *Administrative Code* § 330-X-14-.02(a), § 330-X-14-.06(a) (1) and (5).

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 agrees his professional engineer license is subject to two (2) years probation commencing immediately on the date the Final Order is issued by the Board.

4. Respondent agrees to provide documentation to the Board supporting his completion of the ten (10) professional development hours continuing professional competency course sponsored by the Murdough Center for Engineering Professionalism, College of Engineering, Texas Tech University within six months of the date of the Final Order. Respondent understands this educational course cannot be utilized to meet the annual requirement of fifteen professional development hours for his professional engineer license renewal.

5. Respondent shall pay the Board a fine of one thousand dollars (\$1000.00) in five (5) consecutive monthly payments of two hundred dollars (\$200.00) beginning June 20, 2012. Respondent understands each payment is due on the 20th day of the month.

6. Respondent understands his failure to submit payment of the specified penalty within six months of the due date of the fifth payment shall cause his State of Alabama professional engineer license 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.

7. 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.

8. 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.

9. 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 in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

10. 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.

11. 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.

12. 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 9th day of May, 2012


O. Guthrie Jeffcoat, Jr.
Respondent

APPROVED:


Benjamin H. Albritton
Assistant Attorney General

STATE OF ALABAMA
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IN RE THE MATTER OF:

O. GUTHRIE JEFFCOAT
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Case No. 2009-305-B

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 O. Guthrie Jeffcoat of Jeffcoat Engineers and Land Surveyors, LLC (hereafter referred to as Respondent), dated May 9, 2012. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(2)a and the Rules and Regulations of the Board's Administrative Code § 330-X-14-.02 (a), & 330-X-14-.06(a) 1 and 5.


Upon Consideration of the above it is **ORDERED** that the Consent Order dated May 9, 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 17th day of May, 2012



W. Gerald Wilbanks



Daniel S. Turner

RECUSED
Earl R. Foust


Charles P. Willis


C. Michael Arnold


Phillip E. Santora


Marc S. Barter