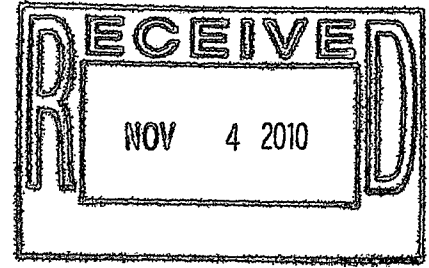


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN RE THE MATTER OF:

WALTER KULASH

Case No. 10-22-C

CONSENT ORDER

Walter Kulash, an unlicensed individual (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 held a valid license from the Board authorizing him to practice or offer to practice engineering in the State of Alabama.

Respondent stipulates on March 17, 2010, the Board received a complaint from Mr. Jim Meads, an Alabama licensed professional engineer, alleging Respondent may be practicing or offering to practice engineering services in the State of Alabama without obtaining an Alabama professional engineer license. The complaint further indicated Respondent provided a traffic engineering report on February 15, 2010 relative to the project "ReThink 280" in Birmingham, Alabama which included the title "PE" with his name.

Respondent stipulates a Board Technical Advisor reviewed the February 15, 2010 report relative to "ReThink 280" and determined it to be a "concept plan" or a "high-level preliminary planning document, rather than a detailed design that would likely be considered engineering by a practicing professional engineer."

Respondent stipulates he provided a preliminary planning document and invoices relative to the "ReThink 280" project in Birmingham, Alabama and identified himself with the title "PE" without obtaining a valid license to practice or offer to practice engineering in the State of Alabama from the Board.

### STIPULATED CONCLUSIONS OF LAW

Respondent, a non-licensed individual, 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, § 34-11-15(a) and § 34-11-16(a) 2.

Respondent stipulates his conduct set forth in the "Stipulated Facts" is a violation of those rules and statues set forth above, and that Firm 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 agrees he will become licensed as a professional engineer in the State of Alabama within six (6) months of the date of Final Order

4. Respondent agrees if he should fail to become licensed as a professional engineer in the State of Alabama within six (6) months, he shall submit to the Board a civil penalty of \$500.00 (five hundred dollars) payable to the General Fund of the State of Alabama.

5. Respondent shall pay to the Board \$169.91 (one hundred and sixty-nine dollars and ninety-one cents) for expenses incurred during the investigation within thirty (30) days of date of Final Order.

6. Respondent shall complete a three (3) hour continuing education course on engineering ethics sponsored by the Murdough Center for engineering Ethics of Texas Tech University within six (6) months of date of Final Order.

7. Respondent agrees he shall ***cease and desist*** using the title “PE” or any derivative thereof, relative to projects in the State of Alabama until such time as he obtains a valid Alabama professional engineer license from the Board.

8. 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.

9. 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.

10. 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 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.


11. 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.

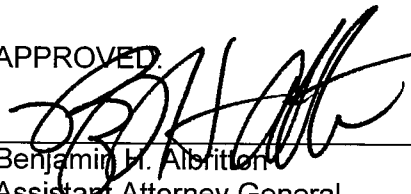
12. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final 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 1<sup>st</sup> day of November, 2010

  
\_\_\_\_\_  
Walter Kulash  
Respondent

APPROVED  
  
\_\_\_\_\_  
Benjamin H. Albritten  
Assistant Attorney General

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

IN RE THE MATTER OF:

WALTER KULASH

Case No. 10-22-C

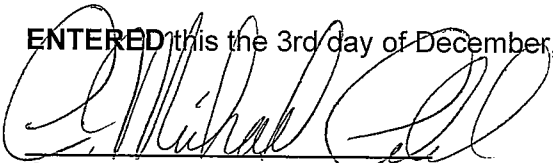
FINAL ORDER

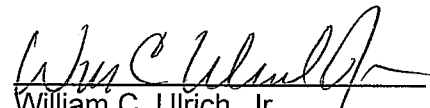
On December 2-3, 2010, the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance at the meeting were: Mr. C. Michael Arnold, Mr. William C. Ulrich, Jr., Mr. W. Gerald Wilbanks, Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl R. Foust and Mr. Don T. Arkle. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

This Final Order is based upon a Consent Order signed by Mr. Walter Kulash, (hereafter referred to as Respondent) and dated November 1, 2010. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-15(a) and § 34-11-16(a) 2.

Upon Consideration of the above it is **ORDERED** that the Consent Order dated November 1, 2010 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 3rd day of December, 2010

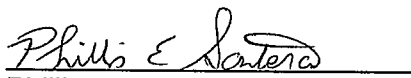
  
C. Michael Arnold

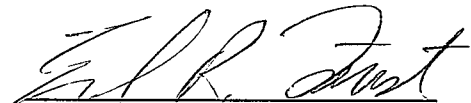
  
William C. Ulrich, Jr


**RECUSED**

W. Gerald Wilbanks

  
Daniel S. Turner

  
Phillip E. Santora

  
Earl R. Foust

  
Don T. Arkle