

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

IN RE THE MATTER OF:

**PAUL DAVID LYON, JR.
LYON ENGINEERING**

Case No. 09-321-C

FINAL ORDER

On December 10, 2009 at 1:00 p.m. 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. William C. Ulrich, Jr, Mr. Don T. Arkle, Mr. C. Michael Arnold, Mr. W. Gerald Wilbanks, Mr. Al I. Reisz, Dr. Daniel S. Turner, and Mr. Phillip E. Santora. Also present at the Board Meeting was Mr. William R. Hueft, 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 upon a Consent Order signed by Respondent by and through its representative Mr. Paul David Lyon, Jr. and dated December 3, 2009.

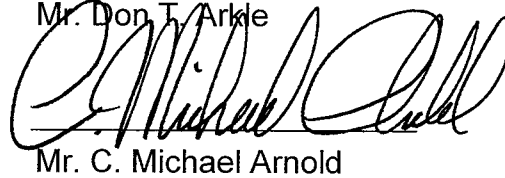
In said Consent Order, Respondent stipulated that it violated the Code of Alabama 1975 § 34-11-11(a) (2), § 34-11-9(1) and the Rules and Regulations of the Board's *Administrative Code* § 330-X-15-.01(1 & 2).

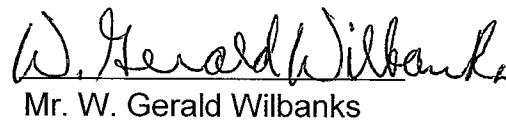
Upon Consideration of the above it is ORDERED that the Consent Order dated December 3, 2009 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Respondent abide by the Final Order in this manner.

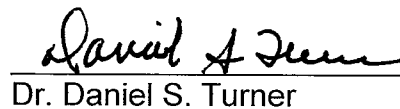
ENTERED this the 11th day of December 2009.

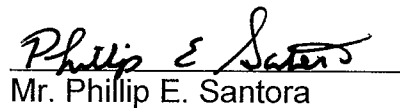

Mr. William C. Ulrich, Jr.


Mr. Don T. Arkie


Mr. C. Michael Arnold

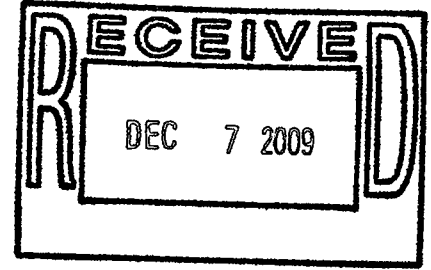

Mr. W. Gerald Wilbanks


Dr. Daniel S. Turner


Mr. Phillip E. Santora


Mr. Al. I. Reisz

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



IN RE THE MATTER OF:

PAUL DAVID LYON, JR
LYON ENGINEERING

Case No. 09-321-C

CONSENT ORDER

Paul D. Lyon, Jr., an engineer intern (hereinafter referred to as "Respondent") and Lyon Engineering a non-certificated company (hereinafter referred to as "Firm") 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 Board records indicate he holds an engineer intern certificate (EI # 13602). Respondent stipulates at no time has Firm held a valid Certificate of Authorization from the Board allowing it to practice or offer to practice engineering in the State of Alabama.

Respondent stipulates the Board received an Application for the Engineering Principles and Practice Examination which indicated he obtained engineering experience while working for the Firm.

Respondent stipulates on August 12, 2009 the Board initiated a complaint alleging Firm may be practicing or offering to practice engineering services in the State of Alabama without hiring a licensed Alabama professional engineer or obtaining a valid Certificate of Authorization from the Board.

Respondent stipulates he and Firm maintained a checking account and filed invoices to Tendon Systems, a Georgia company, for contracted work utilizing "engineering" in the name which made it appear Firm was offering engineering services in the State of Alabama without being issued a valid Certificate of Authorization from the Board.

STIPULATED CONCLUSIONS OF LAW

Respondent, as owner of the Firm and an Alabama certificated engineer intern, 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, § 34-11-9(1), § 34-11-11(a)2, and the Board's *Administrative Code* § 330-X-15-.01(1 & 2)

Respondent stipulates the conduct of Firm 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.

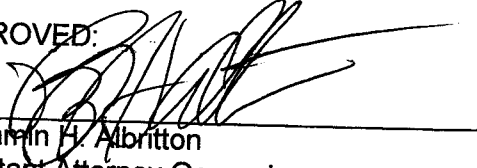
STIPULATED DISPOSITION

1. Respondent and Firm 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 pay to the General Fund of Alabama a civil penalty of \$500.00 (five hundred dollars) within thirty (30) days of date of Final Order.
4. Respondent shall pay to the Board \$84.00 (eighty-four dollars) for the expenses incurred during the investigation.

SIGNED this the 3rd day of DECEMBER, 2009.

Paul David Lyon, Jr.
Paul David Lyon, Jr.
Respondent

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

5. Respondent agrees to remove the term "engineering" from Firm name and Firm shall **cease and desist** using the term "engineering" in the State of Alabama until such time as Firm employs a licensed Alabama professional engineer and obtains a Certificate of Authorization from 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 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 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 December 10-11, 2009 in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

10. Respondent for the purpose of avoiding further administrative or criminal 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.

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.