

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

IN RE THE MATTER OF:

Case No. 2012-08-B

GERALD ROSS MARTIN

CONSENT ORDER

Gerald Ross Martin, an Alabama licensed professional land surveyor (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to approval of the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as the Alabama Board) as follows:

STIPULATED FACTS

Respondent stipulates he received professional land surveyor license # 13191 from the Alabama Board on January 23, 1981 and has held that license continuously from that date to the present. Respondent stipulates that on December 15, 2011 the Alabama Board, by and through its Executive Director Ms. Regina A. Dinger, filed a complaint based on information received from the Mississippi State Board of Licensure for Professional Engineers and Surveyors (hereafter referred to as Mississippi Board). The complaint indicated the Mississippi Board issued an Order regarding the Respondent dated October 6, 2011 that assessed cost of \$455.00, and revoked his Mississippi professional land surveyor license for failure to correspond with the Mississippi Board.

Respondent stipulates on December 16, 2011 the Alabama Board sent a complaint notification letter via regular mail informing him of an Alabama Board initiated complaint. Respondent stipulates the complaint notification letter was sent to 8075 Madison Boulevard, Suite 110, Madison, Alabama 35758 and asked him to provide to the Alabama Board copies of documents relating to any disciplinary action taken against him by the Mississippi Board as well



as any other jurisdiction prior to December 30, 2011. Respondent failed to respond to the complaint notification letter.

Respondent stipulates on January 24, 2012 the Alabama Board sent a second complaint notification letter via regular and certified mail informing him of an Alabama Board initiated complaint. Respondent stipulates the complaint notification letter asked him to provide to the Alabama Board copies of documents relating to any disciplinary action taken against him by the Mississippi Board as well as any other jurisdiction prior to February 6, 2012.

Respondent stipulates on February 15, 2012 the Alabama Board received an email from Respondent with an attachment containing a copy of the Mississippi Board of Licensure for Professional Engineers and Surveyors Final Order dated October 6, 2011. Respondent failed to provide a response letter.

Respondent stipulates the investigation determined he failed to comply with a first and second request by the Mississippi Board to provide documentation related to its investigation. Respondent further stipulates on October 6, 2011 the Mississippi Board issued an Order that revoked his Mississippi professional land surveyor license and required him to pay \$455.00 cost.

STIPULATED CONCLUSIONS OF LAW

Respondent in his capacity as a licensed Professional Land Surveyor 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" constitutes 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 understands his Alabama professional land surveyor license shall be subject to two (2) years **probation** effective immediately upon issue of a Final Order by the Alabama Board. Respondent understands this probation 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.

4. Respondent shall complete the University of New Mexico Ethics for Surveyors course within six (6) months of date of Final Order.

5. Respondent shall submit to the Alabama Board a fine of one hundred fifty-six dollars and ninety-two cents (\$156.92) to cover the cost associated with the investigation within thirty (30) days of date of Final Order.

6. Respondent understands this Consent Order is subject to the approval of the Alabama 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 Alabama Board filing additional charges in accordance with the Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.



8. Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Alabama 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.

9. 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 Alabama Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Alabama Board's decision in said formal hearing but expressly waives these rights with execution of this Consent Order and Final Order of the Board.

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 Alabama Board incorporating said Consent Order.


11. 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 Alabama Board, it is agreed that presentation to and consideration of the Consent Order by the Alabama Board shall not unfairly or illegally prejudice the Respondent and/or the Alabama Board or any of its members from further participation in or resolution of these proceedings. Likewise, if this Consent Order is not accepted, the Alabama Board shall not take into consideration the contents of this Order as evidence of an admission.

12. Respondent understands should the Alabama Board not accept the Consent Order, then (a) (i) then each and every of the agreements, covenants, penalties, provisions, representations, stipulations, understandings and waivers of the same shall automatically be and become null and void *ab initio* as though never made by Respondent, and (ii) shall not be



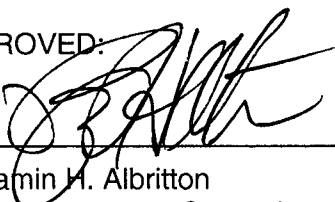
admissible against, binding upon and/or enforceable against Respondent, and (b) this matter shall proceed to a hearing before the Alabama Board to be reset to a day and time, upon sufficient notice, which will provide Respondent ample opportunity and time to properly prepare his defense and response to the Alabama Board's Complaint.

SIGNED this the 8th day of June, 2012



Gerald Ross Martin
Respondent

APPROVED:



Benjamin H. Albritton
Assistant Attorney General



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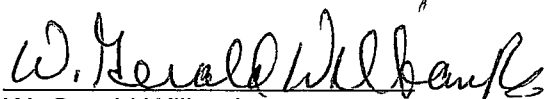
FINAL ORDER


On June 19, 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 Gerald Ross Martin (hereafter referred to as Respondent) dated June 8, 2012. In the Consent Order, Respondent stipulated his conduct may constitute violations of the Code of Alabama 1975, § 34-11-11(a) 5 and the Rules and Regulations of the Board's 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 June 8, 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 19th day of June, 2012


W. Gerald Wilbanks


Daniel S. Turner

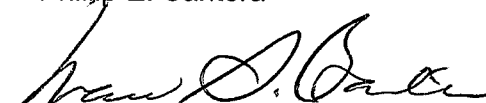

Earl R. Foust


Charles P. Willis

RECUSED

C. Michael Arnold


Phillip E. Santora


Marc S. Barter