

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

IN RE THE MATTER OF:

GLEN A. MCCORD

**Case No. 2011-24-B
Case No. 2011-49-B**

CONSENT ORDER

Mr. Glen A. McCord, a licensed Alabama professional engineer and professional land surveyor (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 18, 1999 the Board issued him a Certificate of Licensure (Licensure Number 20694) authorizing him to practice as a professional land surveyor in the State of Alabama and has held that certificate continuously from that date.

Respondent stipulates on March 28, 2011 the Board received a complaint (Case No. 2011-24-B) alleging Respondent may have provided boundary surveys between 2004 and 2010 of property located in Choctaw County, Alabama which contained errors and violations of the standards of practice for land surveying in the State of Alabama.

Respondent stipulates he was notified of the complaint in a letter dated April 1, 2011 and was requested to provide documents associated with boundary surveys prepared by him in Choctaw County, Alabama relative to a survey dated 7/22/04 prepared for Dora Whitted, a survey dated 5/16/06 prepared for Laura J. Underwood, a survey dated 6/21/2010 prepared for Lenora Ray, a survey dated 7/22/08 prepared for Susan Nowak, a survey dated 10/05/08

prepared for Arthur & Margie Crowell and a survey dated 06/18/07 prepared for The Horace Howard Estate.

Respondent stipulates that on July 27, 2011 the Board issued a subpoena requiring he provide documents associated with the boundary surveys performed by him for Dora Whitted dated July 22, 2004 and Lenora Ray dated June 21, 2010. Respondent further stipulates the requested documents were received in the Board office on August 9, 2011.

Respondent stipulates a Board investigation determined that on June 18, 2007 he provided a boundary survey for the Horace Howard Estate located in Gilberttown, Alabama that contained violations of the standards of practice for land surveying in the State of Alabama.

Respondent stipulates a Board investigation determined that on October 5, 2008 he provided a boundary survey for Arthur and Margie Crowell located in Butler, Alabama that contained violations of the standards of practice for land surveying in the State of Alabama.

Respondent stipulates a Board investigation determined that on June 21, 2010 he provided a boundary survey for Lenora Ray located in Butler, Alabama that contained violations of the standards of practice for land surveying in the State of Alabama.

Respondent stipulates on August 23, 2011 the Board received a complaint (Case No. 2011-49-B) from Mr. Walter Grimes alleging Respondent was employed and paid \$850.00 on June 22, 2011 to perform a survey of property located in Beatrice, Alabama. The complaint further indicated Respondent may have placed flags upon the property along the roadside but failed to complete the job and provide a completed survey to the client.

Respondent stipulates he was employed and paid by Mr. Grimes on June 22, 2011 to perform a survey of property located in Beatrice, Alabama. Respondent further stipulates he placed flags upon the property located in Beatrice, Alabama but failed to complete the job and provide client a completed survey.

Respondent stipulates that late in August 2011, after Board received the complaint dated August 23, 2011, he provided the client with a completed survey and returned the \$850.00 charged for the project.

STIPULATED CONCLUSIONS OF LAW

Respondent admits 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 the Rules and Regulations of the Board's *Administrative Code* § 330-X-14-.05 (g) and § 330-X-14-.06 (a) (1).

Respondent stipulates his conduct as set forth in the "Stipulated Facts" is a violation of those statutes set forth above, and it 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, 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 he shall pay to the Board a fine of two thousand dollars (\$2,000.00) within thirty (30) days of date of Final Order.

4. Respondent understands his Alabama professional land surveyors license shall be subject to two (2) years **probation** commencing immediately upon the date of the Final Order.

5. Respondent understands he must complete an Ethics for Surveyors Course provided by New Mexico State University within six (6) months of date of Final Order.

6. 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.

7. 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.

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 that this discussion will take place at a regularly scheduled meeting of the Board 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 it has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against it, 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.

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.

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 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

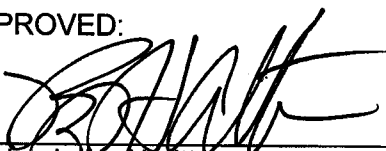
in or resolution of these proceedings. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission.

SIGNED this the 11 day of January, 2011



Glen A. McCord

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

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FINAL ORDER

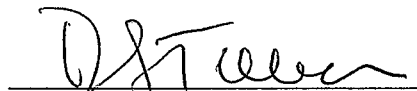
On January 31, 2012, the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled meeting. The Board Members in attendance at the meeting were: Mr. W. Gerald Wilbanks, Mr. C. Michael Arnold, Dr. Daniel S. Turner, Mr. Phillip E. Santora, and Mr. Don T. Arkle.

This Final Order is based upon a Consent Order signed by Glen A. McCord (hereafter referred to as Respondent) and dated January 11, 2012. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a) (2) and the Rules of Professional Conduct of the Administrative Code § 330-X-14-.05(g) and § 330-X-14-.06(a) (1).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated January 11, 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 31st day of January, 2012



W. Gerald Wilbanks


Daniel S. Turner


DID NOT ATTEND

Earl R. Foust


William C. Ulrich, Jr


C. Michael Arnold

RECUSED
Phillip E. Santora


Don T. Arkle