

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

IN THE MATTER OF:

Professional Service Industries Inc  
2804 Commerce Square East  
Birmingham, AL 35210

Respondent



Case No. 2017-09-B

CONSENT ORDER

Phillip Daniels, Corporate Counsel for Professional Service Industries Inc (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 "Board") as follows:

STIPULATED FACTS

Respondent stipulates on December 8, 2016, the Board initiated a complaint regarding Respondent possibly violating Title 34 of the Code of Alabama.

Respondent stipulates it was issued a certificate of authorization that authorized the firm to offer and provide engineering services on January 16, 1992.

Respondent stipulates the Alabama licensed professional engineer listed as the firm's principal for Alabama projects on the 2016 certificate of authorization renewal application was identified as Richard Engates, professional engineer.

Respondent stipulates Richard Engates left the employment of Professional Services Industries Inc on October 7, 2016.

Respondent stipulates on January 25, 2017, the certificate of authorization for Professional Service Industries Inc, was amended to identify a new principal Professional Engineer for Alabama projects.

Respondent stipulates Professional Service Industries Inc, offered engineering services

on Alabama projects between October 7, 2016 and January 25, 2017, when it did not employ an Alabama licensed professional engineer.

### **STIPULATED CONCLUSIONS OF LAW**

Respondent admits it 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 its conduct as set forth in the foregoing "Stipulated Facts" constitutes a violation of one or more of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-9(a)1, § 34-11-9(a)3 and § 34-11-9(a)5 and the Administrative Code of the Board, Rule § 330-X-15-.01(2) and § 330-X-15-.01(5)

Respondent stipulates its conduct as set forth in the "Stipulated Facts" is a violation of one or more 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**

Respondent shall not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama 1975.

Respondent understands this Consent Order and subsequent Final Order will be a public record, and this information will be placed on the Board's website and in its newsletter.

Respondent shall submit to the Board with this signed Consent Order a check made payable to PE/PLS Fund in the amount one thousand dollars (\$1000) for payment of a fine.

Respondent is **reprimanded** for its actions in this matter.

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.

Respondent agrees to comply with the terms of this Consent Order and understands failure to comply with the terms of the Consent Order may result in additional charges or discipline.

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 the discussion will take place at a regularly scheduled meeting of the Board.

Respondent understands it 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 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.

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.

Respondent, for the purpose of avoiding further administrative action with respect to this Cause executes this Consent Order. It is agreed that presentation to and consideration of the Consent Order by the Board requires certain factual information related to this matter be disclosed to the Board members. Should the Consent Order not be accepted by the Board, it is therefore expressly agreed that the reviewing, and consideration of this Consent Order, and the information provided to the Board for their review, shall not unfairly prejudice the Board and shall in no way act to disqualify any Board member from any further participation in this matter through its resolution, including, but not limited to, any contested hearing on this matter should one be necessary. 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 and all stipulations hereinabove are thereby rescinded.

SIGNED this the 22 day of JUNE, 2017.



Phillip Daniels, Corporate Counsel  
Professional Service Industries Inc

APPROVED

  
Benjamin M. Albritton  
Assistant Attorney General

