

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

IN RE THE MATTER OF:

JOHN RICHARD RHUDY

CASE NO. 2013-28-B

CONSENT ORDER

John Richard Rhudy, an Alabama licensed professional engineer (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 he received an Alabama professional engineer license (number 18047) from the Board on September 14, 1990 and has held that license continuously from that date until the present.

Respondent stipulates on December 31, 2012 he reported on his 2013 professional engineer license renewal application that he had completed fourteen (14) professional development hours (PDH), and would utilize two (2) PDH carried forward from his 2012 license renewal application to meet the license renewal requirements for 2013.

Respondent stipulates on February 27, 2013 he was informed via email that his 2013 professional engineer license renewal application had been selected at random for verification of earned continuing professional competency credits. Respondent also stipulates he was requested to provide documentation verifying his earned professional competency credits no later than April 1, 2013.

Respondent stipulates on March 11, 2013 he informed Board Staff via email that he would be compiling the training documents but believed he would be short of the required fifteen PDH.

Respondent stipulates he provided documentation on July 30, 2013 that verified the two (2) claimed PDH carried over from his 2012 license renewal application, and his completion of a four (4) PDH course in "Soil Mechanics Series-Stress and Strain" on November 15, 2012.

Respondent stipulates he failed to provide documentation that verified completion of the other nine (9) PDH reported on his 2013 professional engineer license renewal application due to poor record keeping.

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 Section 34-11-11(a)1 and 2 and the Rules and Regulations of the Board's *Administrative Code* § 330-X-13-.02(4)(a), 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 he 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, or the Rules and Regulations of the Administrative Code and the Rules of Professional Conduct promulgated together.

Respondent understands this Consent Order and subsequent Final Order will become a matter of public record.

Respondent shall submit to the Board via certified check a fine in the amount of one thousand dollars (\$1000.00) with this signed Consent Order.

Respondent must complete nine (9) professional development hours and provide completion certificates to the Board within (90) ninety days of the date of the Final Order. Respondent understands these PDH cannot be used to meet the continuing professional competency requirement for renewal of his professional engineer license for 2014.

Respondent understands his Alabama professional engineer license shall be subject to future audits of the claimed continuing professional competency credits at the discretion of the Board.

Respondent understands his Alabama professional engineer license shall be subject to one (1) year **probation** to commence immediately upon the date a Final Order is issued. Respondent understands during this probationary period he is permitted to engage in the practice of engineering without limitation. This probationary period 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.

Respondent understands that failure to comply with any term of this consent order shall cause his professional engineer license to be **revoked** pending ratification by the Board. Respondent further understands this matter would be presented to the Board at a regularly scheduled meeting at which he could attend and present evidence on his behalf.

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 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.


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.

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.

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.

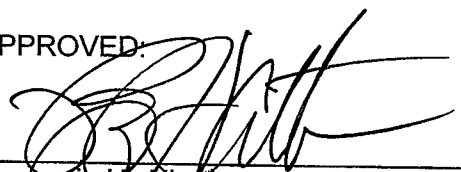
Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice 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 21 day of August, 2013



John Richard Rhudy

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

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IN RE THE MATTER OF:

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FINAL ORDER


On October 9, 2013, 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. Phillip E. Santora, Mr. Earl Foust, Mr. Marc S. Barter, Mr. Charles P. Willis, Mr. Frazier Christy, Mr. W. Gerald Wilbanks and Dr. Daniel S. Turner.

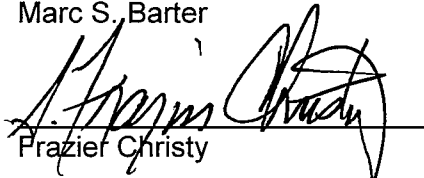
This Final Order is based upon a Consent Order signed by John Richard Rhudy (hereafter referred to as "Respondent") and dated August 21, 2013. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a) 1 and 2, and the Rules and Regulations of the Board's Administrative Code § 330-X-13-.02(4)(a) and § 330-X-14-.06(a)(1).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated August 21, 2013 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.

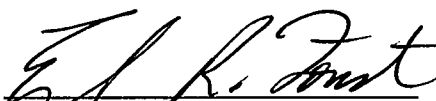
ENTERED this the 9th day of October, 2013


Phillip E. Santora

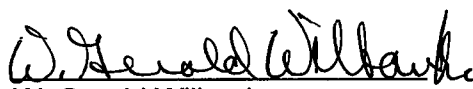

Marc S. Barter


Frazier Christy

RECUSED
Daniel S. Turner


Earl R. Foust

DID NOT ATTEND
Charles P. Willis


W. Gerald Wilbanks