

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

IN RE THE MATTER OF:

RANDY WAYNE RICHARDSON

Case No. 09-04-B

CONSENT ORDER

Randy Wayne Richardson (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 21, 1985 he obtained a Professional Land Surveyor license (license number 15153) from the Board and has held that license continuously since that date.

Respondent stipulates he received a letter from the Board dated July 7, 2008 stating he had been selected at random for audit of the continuing professional competency credits he obtained in order to renew his professional land surveyor license in the State of Alabama for 2008. Said letter requested Respondent respond no later than August 11, 2008. Respondent stipulates he did not respond to that letter.

Respondent stipulates he received a letter dated September 3, 2008 from the Board (via certified and regular mail) advising he had been selected at random for audit

of the continuing professional competency credits he obtained in order to renew his professional land surveyor license in the State of Alabama for 2008. Said letter requested Respondent respond no later than September 23, 2008. Respondent stipulates he did not respond to that letter.

Respondent stipulates he received a letter from the Board (via certified and regular mail) dated November 4, 2008 informing him the Board initiated a complaint concerning his failure to provide documents to support his earned continuing professional education credits and that he should respond prior to November 18, 2008. The letter also informed Respondent his license as a professional land surveyor in the State of Alabama had been suspended as of November 4, 2008 until the Board's audit requirements were met.

Respondent stipulates on November 7, 2008 he contacted the Board and stated that he was unable to locate his continuing professional competency records for 2007 or 2008.

STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a licensed Professional Land Surveyor in the State of Alabama, admits in such capacity that 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 a violation of the Board's *Administrative Code* § 330-X-14-.06(a)(15) and § 330-X-13-.02(a)4.

Respondent stipulates his conduct set forth in the "Stipulated Facts" is a violation of those rules and 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

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

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

3. Respondent shall pay a fine of \$1000.00 (one thousand dollars) to the Board and agrees to make payments of \$100.00 beginning April 5, 2009. The remaining payments will be due the 5th day of each consecutive month until the \$1,000.00 fine is paid in full.

4. Respondent understands his license to practice land surveying in the State of Alabama shall be ***Suspended*** until he provides documents to the Board indicating he has obtained thirty (30) professional development hours. Respondent further understands six (6) of the professional development hours must be the Standards of Practice for Land Surveying in the State of Alabama and that all professional development hours must be completed within six (6) months of the date of the Final Order of the Board.

5. Respondent agrees he shall serve a term of two (2) years ***Probation*** upon date of the Final Order of the Board.

6. Respondent agrees his continuing professional competency credits shall be subject to audit twice within next seven years.

7. Respondent agrees failure to submit payment of specified penalty within six months of date of Final Order shall cause Respondent's license to practice land

surveying in the State of Alabama to be revoked (pending ratification of the Board). This matter will then be presented to the Board for ratification at its next regularly scheduled meeting. Respondent understands he has the right to appear at that meeting and present any facts or extenuating circumstances to the Board.

8. 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.

9. Respondent agrees any violation of the terms of this Consent Order may result in the Board filing additional charges in accordance with Title 34, Chapter 11, Code of Alabama 1975.

10. 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 at 9:00 a.m. on March 5, 2008 in Montgomery, Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

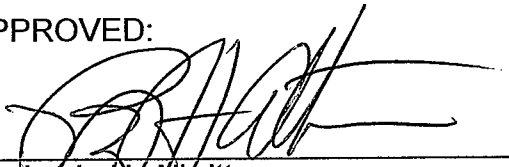
11. Respondent for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally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

12. 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.

SIGNED this the 5th day of MARCH, 2009.


Randy Wayne Richardson
Respondent

APPROVED:


Benjamin H. Albritton
Assistant Attorney General

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FINAL ORDER

On March 5, 2009 at 9:00 a.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. Don T. Arkle, Mr. Al I. Reisz, Mr. William C. Ulrich, Jr, Mr. C. Michael Arnold, and Mr. Preston L. Jackson. Also present at the Board Meeting were Ms. Regina Dinger, Executive Director of the Board, and Mr. William R. Huett, 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 Mr. Randy W. Richardson (hereinafter referred to as "Respondent") dated March 5, 2009. In said Consent Order, Respondent stipulated that he violated the Rules of Professional Conduct of the Board's *Administrative Code* § 330-X-14-.06(a)(15) and § 330-X-13-.02(a) 4.

Upon Consideration of the above it is ORDERED the Consent Order dated March 5, 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 5th day of March 2009.

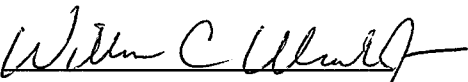


Don T. Arkle

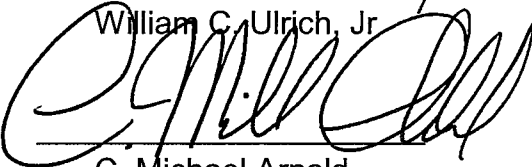


Al I. Reisz

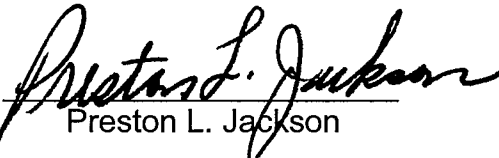
RECUSED



William C. Ulrich, Jr



C. Michael Arnold



Preston L. Jackson