

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

FEB 19 2009

**IN RE THE MATTER OF:**

**ALGERNON STANLEY**

**Case No. 09-14-B**

**CONSENT ORDER**

Algernon Stanley (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 22, 2001 he obtained a Professional Engineer license (license number 24474) from the Board and has held that license continuously since that date.

Respondent stipulates he received a letter from the Board dated July 10, 2008 stating he had been selected at random for audit of the continuing professional competency credits he obtained in order to renew his professional engineer license in the State of Alabama for 2008. Said letter requested Respondent respond no later than August 11, 2008.

Respondent stipulates on August 11, 2008 the Board received a letter and documents from him in response to the Board's July 10, 2008 request for documentation to support his continuing professional competency credits. Respondent also stipulates he was only able to provide documentation for 5.5 professional development hours earned in 2007 and requested the Board allow him the opportunity to make up the needed hours.

Respondent stipulates on October 1, 2008 Joy Whatley, a Board employee sent a letter (via both certified mail and regular mail) informing Respondent the documents provided on

August 11, 2008 did not comply with the Board's request and that his request to make up the missing hours would be presented to the Board. Respondent stipulates that as of November 24, 2008 no further documents were received by the Board.

Respondent stipulates on December 2, 2008 the Board sent a letter (via certified and regular mail) informing Respondent the Board had initiated an investigation and requested he provide a written response concerning his inability to provide documents required by the Board as proof of his continuing professional competency credits.

Respondent stipulates on December 12, 2008 the Board received a letter from Respondent in which he informed the Board he could only produce documentation of 5.5 credit hours for 2007 due to a mistake on his part. Respondent also requested that he be allowed to apply a portion of the ninety (90) professional development hours earned in 2008 to make up for the missing required credit hours needed for his 2008 license renewal.

#### **STIPULATED CONCLUSIONS OF LAW**

Respondent, in his capacity as a licensed Professional Engineer 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 statues 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 understands he shall serve a term of two (2) years **Probation** upon date of the Final Order of the Board.

4. Respondent shall pay a fine of two hundred dollars (\$200.00) to the Board within thirty (30) days of the date of the Final Order.

5. Respondent agrees his continuing professional competency credits shall be subject to audit twice within next seven (7) years.

6. Respondent shall complete a two (2) professional development hour (PDH) continuing professional competency course in engineering ethics provided by Texas Tech University, Murdough Center for Engineering Professionalism within six months of the date of the Final Order.

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 engineering 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, 2009 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 17<sup>th</sup> day of February, 2009.

  
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Algernon Stanley  
Respondent

APPROVED:

  
\_\_\_\_\_  
Benjamin H. Albritton  
Assistant Attorney General

**STATE OF ALABAMA  
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**IN RE THE MATTER OF:**

**ALGERNON STANLEY**

**Case No. 09-14-B**

**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. Algernon Stanley and dated February 17, 2009.

In said Consent Order, Respondent stipulated that he violated the Code of Alabama 1975 § 34-11-11(a) (2), and the Rules of Professional Conduct, § 330-X-14-.06(a) (15) and § 330-X-13-.02(a) (4).

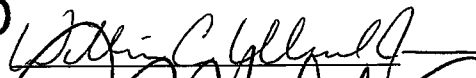
Upon Consideration of the above it is ORDERED that the Consent Order dated February 17, 2009 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Respondent abide by the Final Order in this manner.

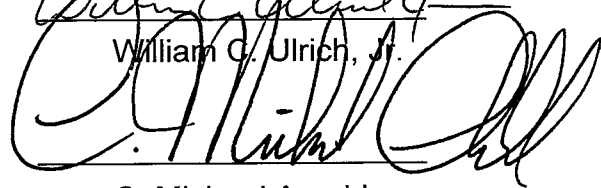
ENTERED this the 6th day of March 2009.

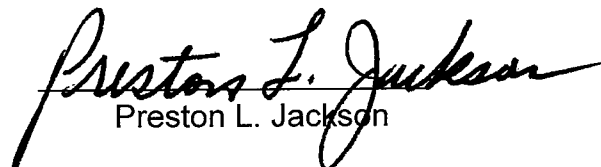
  
\_\_\_\_\_  
Don T. Arkle

  
\_\_\_\_\_  
Al I. Reisz

**RECUSED**

  
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William C. Ulrich, Jr.

  
\_\_\_\_\_  
C. Michael Arnold

  
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Preston L. Jackson