

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

IN THE MATTER OF:

Jeffrey H. Stricklin
16243 Highway 216
Brookwood, AL 35444

Respondent



Case No. 2016-01-B

CONSENT ORDER

Jeffrey H. Stricklin, a 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 on February 11, 1988 the Board issued him certificate of licensure (number 16480) authorizing him to practice as a professional engineer in the State of Alabama.

Respondent stipulates on October 13, 2015 the Board received a complaint from Randall Johnson, Executive Director, of the Alabama Surface Mining Commission alleging he certified the construction of a mine impoundment at JWR Mine No. 4 that he should have known had not been constructed according to the requirements of the approved design plans.

Respondent stipulates he placed his signature and professional engineer seal on a document submitted to the Alabama Surface Mining Commission dated July 20, 2015 in which he certified that Sediment Pond 032 located in the NW ¼ of the SE ¼ of Section 27, Township 19 South, Range 8 Tuscaloosa County, Alabama was constructed in accordance with the

approved ASMC design plans, to the minimum design specifications, as per field inspection. Respondent further stipulates he knew at the time of this certification that Sediment Pond 032 had not been constructed in accordance with the approved ASMC design plans.

Respondent stipulates he placed his signature and professional engineer seal on a document submitted to the Alabama Surface Mining Commission dated May 20, 2015 in which he certified that Sediment Pond 033 located in the SE ¼ of the SW ¼ of Section 9, Township 19 South, Range 8 Tuscaloosa County, Alabama was constructed in accordance with the approved ASMC design plans, to the minimum design specifications, as per field inspection. Respondent further stipulates he knew at the time of this certification that Sediment Pond 033 had not been constructed in accordance with the approved ASMC design plans.

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

Respondent agrees he will not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama, or the Rules and Regulations of the Administrative Code of the Board 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 further understands this information will be placed on the Board's website, in its newsletter, and posted to the National Council of Examiners for Engineers and Surveyors (NCEES) Enforcement Exchange.

Respondent agrees his license to practice engineering is suspended for five years, with the suspension stayed for the final three years of the five year period. Respondent understands he cannot practice or offer to practice engineering during the first ~~three~~^{two} ~~years~~^{JHS} of the five year period.

Respondent understands that during the time his license is under the stayed suspension (the final ~~two~~^{three} ~~years~~^{JHS} of the five year period) he may practice engineering in the State of Alabama.

Respondent agrees to pay a fine to the Board via check or money order made payable to the PE/PLS Fund in the amount of five thousand dollars (\$5,000) with this signed Consent Order.

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 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.

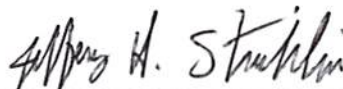
Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at a regularly scheduled meeting of the Board.

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. 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.

SIGNED this the 17 day of JUNE, 2016



Jeffrey H. Stricklin

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

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IN THE MATTER OF:)
)
)
 Jeffrey H. Stricklin)
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 Brookwood, AL 35444)
)
)
 Respondent)
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Case No. 2016-01-B

FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Jeffrey H. Stricklin, Professional Engineer, license number 16480, in which he stipulated he violated the 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), hereby adopts the Consent Order and issues this Final Order.

The Consent Order and Final Order take immediate effect upon the signing of this Final Order and the Respondent is **ORDERED** to abide by the Consent Order and Final Order as approved by the Alabama Board of Licensure for Professional Engineers and Land Surveyors.

ENTERED this the 13th day of July 2016

RECUSED

Marc S. Barter
M. Elisabeth Hyde

M. Elisabeth Hyde
Richard G. Grace

Richard G. Grace
Randall D. Whorton

Randall D. Whorton

A. Frazier Christy

A. Frazier Christy
DID NOT ATTEND

Charles P. Willis
Nathan G. Johnson

Nathan G. Johnson