

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

IN THE MATTER OF:

Terry Stephen Tacon
Tacon Land Surveying
9786 Hwy 36 East
Laceys Spring, AL 35754

Respondent



Case No. 2014-27-B

CONSENT ORDER

Terry Stephen Tacon, a licensed professional land surveyor (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 land surveyor license (number 13653) from the Board on January 7, 1982.

Respondent stipulates he performed land surveying services of property owned by Jennifer A. Whaley located at [REDACTED] and placed markers at the property boundary corners. Respondent later returned to Ms. Whaley's property and discovered he had placed the property boundary markers in the wrong location, moved the markers to a different location, and informed his client of the mistake. Respondent stipulates he failed to produce a drawing of the surveying work he performed on either of these occasions.

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 34-11-2(d)3 and the Rules of the Administrative Code § 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, of the Code of Alabama 1975, and the Rules and Regulations of the Administrative Code of the Board.

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

Respondent agrees to pay a two thousand five hundred dollars (\$2,500) fine to the Board via a certified check made payable to PE/PLS Fund with this signed Consent Order.

Respondent agrees his license to practice land surveying is suspended for two years, with the suspension stayed. Respondent understands that during the time his license is under this stayed suspension period he may continue to practice land surveying in the State of Alabama.

Respondent agrees that at any time during this stayed suspension period the Board may require him to submit a list of surveys he prepared within a one month period. Respondent understands the Board may select any of these surveys to be reviewed for compliance with the Standards of Practice for Land Surveying in the State of Alabama.

Respondent agrees to attend a Board approved Boundary Retracement Seminar within one year of the date of the issuance of the Final Order by the Board.

Respondent agrees to submit to the Board a detailed description of the procedures he utilizes when conducting surveying activities within **30 days** of the issuance of the Final Order by the Board.

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.

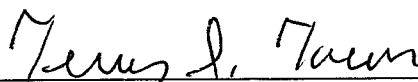
Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at a regularly scheduled meeting of the Board.

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.

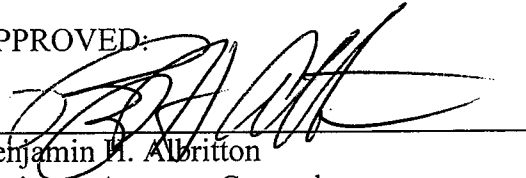
Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice 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 December, 2014



Terry Stephen Tacon
Tacon Land Surveying

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

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



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Terry Stephen Tacon)
Tacon Land Surveying)
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Laceys Spring, AL 35754)

Respondent)
_____)

FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Terry Stephen Tacon, Professional Land Surveyor, license number 13653, in which he stipulated he violated the Code of Alabama 1975, §34-11-2(d)3, and the Rules and Regulations of the Board's Administrative Code § 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 5th day of February 5, 2015



Earl R. Foust

RECUSED

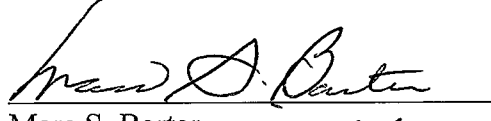
Frazier Christy

DID NOT ATTEND

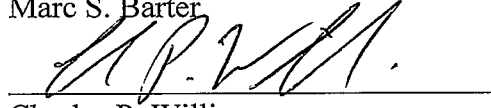
Elisabeth Hyde



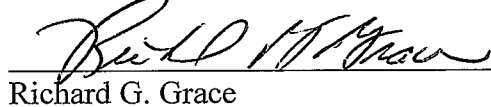
Nathan G. Johnson



Marc S. Barter



Charles P. Willis



Richard G. Grace