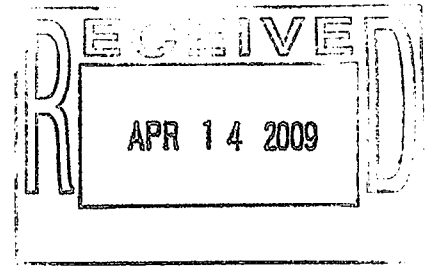


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN RE THE MATTER OF:

DARRELL L. THEOPHILUS

Case No. 09-288-C

CONSENT ORDER

Darrell L. Theophilus, a non-licensed individual (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 he has at no time been issued a valid license from the Board authorizing him to practice or offer to practice land surveying in the State of Alabama.

Respondent stipulates on February 19, 2009 the Board received a complaint from Mr. Don Woodsmall (hereinafter referred to as "Complainant") alleging Respondent may have violated Title 34, Chapter 11, Code of Alabama 1975 § 34-11-15 and § 34-11-16 in reference to providing or offering to provide land surveying services in the State of Alabama without obtaining a license to practice or offer to practice land surveying from the Board.

Respondent stipulates in January 2009, he provided land surveying services relative to property located at [REDACTED] without obtaining a license to practice or offer to practice land surveying in the State of Alabama.

Respondent stipulates in February 2009, he provided land surveying services relative to property located at [REDACTED] without obtaining a license to practice or offer to practice land surveying in the State of Alabama.

Respondent stipulates he identified himself as a “consulting surveyor” via business card, and placed an advertisement in an Alabama publication in which he offered land surveying services without obtaining a license to practice or offer to practice land surveying in the State of Alabama from the Board.

#### STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a non-licensed individual, admits in such capacity 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” may constitute violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-15(a) and § 34-11-16(a) 1 & 2.

Respondent stipulates his conduct as set forth in the “Stipulated Facts” is a violation of those rules and statutes set forth above, and that he is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, Section 34-11-15.

## 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 civil penalty of \$1,000.00 (one thousand dollars) to the General Fund of the State of Alabama within thirty (30) days of date of Final Order.
4. Respondent shall pay the Board the sum of \$262.00 (two hundred and sixty-two dollars) for the expenses incurred during the investigation.
5. Respondent agrees he shall cease and desist offering to practice or practicing land surveying services in the State of Alabama until he receives a license to practice land surveying issued by the Board.
6. 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.
7. 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.
8. 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 the Board's regularly scheduled meeting on April 30, 2009 in Montgomery Alabama.

Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

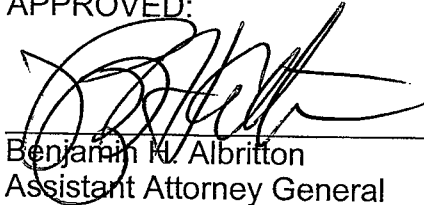
9. Respondent for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally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

10. 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 10 day of April, 2009.

  
\_\_\_\_\_  
Darrell L. Theophilus  
Respondent

APPROVED:

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

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

**IN RE THE MATTER OF:**

**DARRELL L. THEOPHILUS**

**CASE NO. 09-288-C**

**FINAL ORDER**

On May 1, 2009 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 based upon a Consent Order dated April 10, 2009 and signed by Mr. Darrell L. Theophilus (hereafter referred to as Respondent). In said Consent Order, Respondent stipulated he violated the Code of Alabama 1975 § 34-11-15(a) and § 34-11-16(a)1 & 2.

Upon Consideration of the above it is ORDERED the Consent Order dated April 10, 2009 be 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.

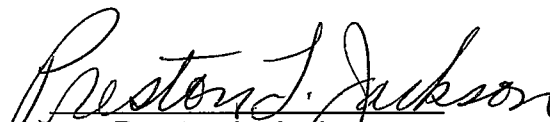
ENTERED this the 1st day of May 2009.

  
Don T. Arkle

  
Al I. Reisz

  
William C. Ulrich, Jr

**RECUSED**   
C. Michael Arnold

  
Preston L. Jackson