

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

IN THE MATTER OF:

James C. Traywick
Shook & Fletcher Mechanical Contractors Inc
2915 Richard Arrington Jr. Blvd N.
Birmingham, AL 35203

Respondent



Case No. 2014-28-B

CONSENT ORDER

James C. Traywick, an Alabama 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 he received professional engineer license # 4937 from the Board on March 9, 1962. Respondent stipulates that license “lapsed” on December 31, 2012 and was not renewed to “active” status until April 29, 2014.

Respondent stipulates that the firm Shook & Fletcher Mechanical Contractors Inc (hereafter referred to as Firm) received a certificate of authorization for engineering (# CA-175-E) on December 21, 1984. That certificate lapsed on January 31, 2012, and then expired on January 31, 2014. The certificate was reissued on April 29, 2014.

Respondent stipulates that on July 29, 2014 the Board initiated a complaint by and through its Executive Director, Regina A. Dinger, that stated on January 14, 2014 the Board received a professional engineer examination application from William Ray Rigdon, an employee of Firm,

that indicated Mr. Rigdon obtained engineering experience working on projects during the time Firm's certificate of authorization for engineering was lapsed.

Respondent stipulates Firm provided services for Proposal 1371-B HVAC Rework – October 9, 2013. The documentation was reviewed by a Board Technical Advisor that provided a report that in summary stated: “since the architectural drawings dated 5/23/2013 show considerable modifications to the original floor plan, the HVAC system likewise must be modified accordingly to provide the correct zoning, ventilation, etc. to meet present day codes and comfort requirements. If stamped drawings are not available indicating a modified HVAC system to meet the conditions of the renovation, it is my opinion that the contractor is in violation by providing work without stamped engineering drawings.”

Respondent stipulates Firm provided services for Proposal 1328: Chiller Replacement – April 18, 2013. The documentation was reviewed by a Board Technical Advisor that provided a report that in summary stated: “The response provides a very detailed engineering study of the proposed scope of work. In the study, the findings reference many installation and code issues that must be addressed during a chiller installation or replacement. (See page 6) As a result, engineering stamped drawings are required for this project. If the project went forward, please provide stamped engineering drawings for reference. If the project went forward based on the engineering study alone, it is my opinion that the contractor is in violation by providing work without stamped engineering drawings.”

Respondent stipulates Firm provided services for Proposal 1315: Suite 250 HV AC and Suite 260 HVAC – March 22, 2013. The documentation was reviewed by a Board Technical Advisor that provided a report that in summary stated: “If engineered drawings were not generated for this project, it is my opinion that the contractor is in violation by providing work without stamped engineering drawings.”

Respondent stipulates Firm provided services for Proposal 1309: PIU Replacement and Ductwork Modification - February 6, 2013. The documentation was reviewed by a Board Technical Advisor that provided a report that in summary stated: “The original proposal indicated the installation of a new PIU unit and ductwork modifications for tenant renovations. If this is the case, the services of a licensed professional engineer are required. Please provide documentation that the area and ductwork was not modified and only an exact replacement of the PIU unit was performed, or provide drawings indicating the modifications that occurred.”

STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a licensed professional engineer in the State of Alabama stipulates that in such capacity he is subject to the provisions of Title 34, Chapter 11, Code of Alabama, and the Rules and Regulations of the Administrative Code of this Board.

Respondent stipulates his conduct as set forth in the foregoing “Stipulated Facts” constitutes violations of Title 34, Chapter 11, Code of Alabama, § 34-11-8(c), § 34-11-11(a)(2) and the Rules of Professional Conduct of the Administrative Code of the Board § 330-X-14-.06(a)(1) and § 330-X-15-.04(1)

Respondent stipulates his conduct set forth in the “Stipulated Facts” constitutes a violation of those rules and statutes set forth above, and he is subjecting himself to disciplinary action under Title 34, Chapter 11, Code of Alabama, § 34-11-11.

STIPULATED DISPOSITION

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 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 his Alabama professional engineer license is suspended for six months, (**with that suspension stayed**) effective immediately upon issue of a Final Order by the Board. Respondent understands that during this stayed suspension period he may continue to practice engineering, and compliance with the terms of the consent order will cause the stayed suspension period to automatically cease at the end of the specified time period.

Respondent shall pay to the Board (via a certified check) a fine of two thousand dollars (\$2,000.00) with this signed consent order.

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 any violation of the terms of this Consent Order could result in the Board removing the stay from the suspension, and filing additional charges in accordance with Title 34, Chapter 11, Code of Alabama, § 34-11-11.

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 be present when this matter is discussed but hereby waives that right.

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.

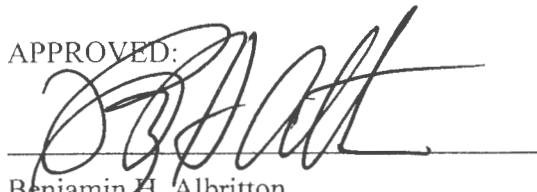
Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order of the Board incorporating said Consent Order.

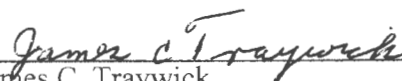
Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice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

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 20 day of OCTOBER, 2015.

APPROVED:


Benjamin H. Albritton
Assistant Attorney General


James C. Traywick
Shook & Fletcher Mechanical Contractors Inc

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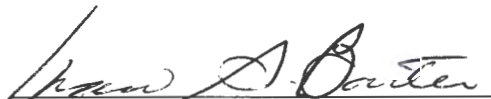
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FINAL ORDER

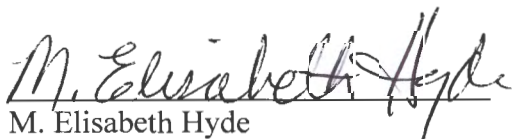
The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the Consent Order signed by James C. Traywick, Professional Engineer, license number 4937, in which he stipulated he violated the Code of Alabama § 34-11-8(c), § 34-11-11(a)(2) and the Rules of Professional Conduct of the Administrative Code of the Board § 330-X-14-.06(a)(1) and § 330-X-15-.04(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 approved by the Alabama Board of Licensure for Professional Engineers and Land Surveyors.

ENTERED this the 4th day of November, 2015




Marc S. Barter



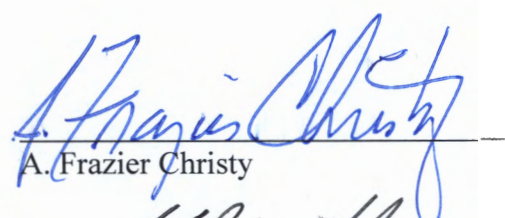
M. Elisabeth Hyde

RECUSED

Richard G. Grace



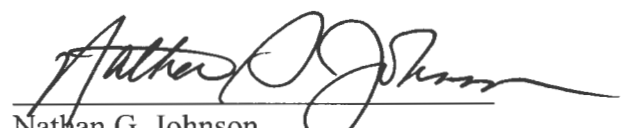
Randall D. Whorton



A. Frazier Christy



Charles P. Willis



Nathan G. Johnson