

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

IN RE THE MATTER OF:

DAVID ROBERTS WHITMIRE

CASE NO. 2013-35-B

CONSENT ORDER

David Roberts Whitmire, 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 an Alabama professional engineer license (number 17479) from the Board on November 17, 1989 and has held that license continuously from that date until the present.

Respondent stipulates on February 27, 2013 he was informed via email that his 2013 professional engineer license renewal application had been selected at random for verification of the reported continuing professional competency credits. Respondent also stipulates the email requested he provide documentation verifying his reported professional competency credits no later than April 1, 2013. Respondent failed to respond.

Respondent stipulates on April 29, 2013 he was informed via regular and certified mail that his 2013 professional engineer license renewal application had been selected at random for verification of the reported continuing professional competency credits. Respondent also stipulates the letter requested he provide documentation verifying his reported professional competency credits no later than June 1, 2013. Respondent failed to respond.

Respondent stipulates he was notified on July 11, 2013 via regular and certified mail of a Board initiated complaint, and that his professional engineer license had been temporarily **suspended** (until the requested documents were submitted to the Board office), for his failure to provide documents that support the professional competency credits he reported on his 2013 professional engineer license renewal application.

Respondent stipulates that on July 24, 2013 his professional engineer license was returned to active status after he provided documentation verifying the professional development hours he reported on his 2013 professional engineer license renewal application.

Respondent stipulates he failed to provide the continuing professional competency documents when they were requested by the Board on February 27, 2013 and April 29, 2013.

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 34-11-11(a) 2 and the Rules and Regulations of the Board's *Administrative Code* § 330-X-13-.02(12), 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 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, Code of Alabama 1975, or the Rules and Regulations of the Administrative Code 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 shall submit to the Board via certified check a fine in the amount of seven hundred forty-five dollars (\$745.00) with this signed Consent Order.

Respondent understands his Alabama professional engineer license shall be subject to future audits of the reported continuing professional competency credits at the discretion of the Board.

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 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.

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.

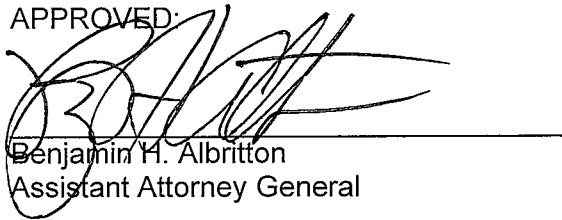
Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice 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 4th day of June 2014



David Roberts Whitmire

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

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



Case No. 2013-35-B

IN THE MATTER OF:)

David Roberts Whitmire, P.E.)
Whitmire Law & Consulting)
125 S Milledge Ave)
Athens, GA 30605)

Respondent)

FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by David Roberts Whitmire, Professional Engineer License Number 17479, 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-.02(12), and § 330-X-14-.06(a)(1), and 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 18th day of June, 2014

Phillip E. Santora

Phillip E. Santora

Marc S. Barter

Marc S. Barter

Frazier Christy

Frazier Christy

RECUSED

Daniel S. Turner

DID NOT ATTEND

Earl R. Foust

Charles P. Willis

Charles P. Willis

Liz Hyde

Liz Hyde