

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

IN RE THE MATTER OF:

M. DON WILLIAMS

CASE NO. 2012-17-B

CONSENT ORDER

M. Don Williams (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 2, 1978 the Board issued him a professional engineer license (Number 11886) authorizing him to practice engineering in the State of Alabama.

Respondent stipulates on March 26, 2012 the Board, by and through its Executive Director Ms. Regina A. Dinger, (hereinafter referred to as "Complainant") initiated a complaint relative to information received from the Alabama Board for Registration of Architects. The complaint indicated that on January 30, 2012 Respondent entered into a Settlement Agreement with the Alabama Board for Registration of Architects which required him to pay a \$1,000.00 administrative assessment.

Respondent stipulates that on February 15, 2012 the Alabama Board for Registration of Architects accepted a Settlement Agreement in which Respondent admitted "(a) the subject project is more than 2,500 gross square feet in size, (b) the subject project is classified as Education Occupancy by the International Building Code; and (c) he engaged the services of Alabama registered architect Terry Beilharz to "remedy" the project when Respondent was notified by State officials that the project did not comply with Alabama Law."

Respondent stipulates on May 20, 2010, the Board issued a Final Order in regards to complaint investigation No. 2009-287-B that was based upon an agreed upon Consent Order.

In that Consent Order, Respondent agreed to (1) pay to the Board a fine of five thousand dollars (\$5,000.00), (2) attend a Board approved continuing education course within six months of the date of the Final Order, (3) submit a current list of clients to the Board prior to the seventh day of each month for twelve months commencing July 7, 2010, and to provide a copy of the design drawings prepared for the identified client name to the Board for review, (4) his license to practice engineering would be suspended for four years with that suspension stayed, Respondent understood the stayed suspension period would commence immediately on the date the Final Order is issued by the Board, and (5) submission of documents to an approving authority that contained his signature and professional engineer seal during the stayed suspension period of his license that do not meet the acceptable standards of practice for engineering in Alabama, as determined by the Board, would cause his license to be suspended for the time period remaining of the four year stayed suspension period.

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 1975, and the Rules of Regulations of the *Administrative Code* of this 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 § 34-11-11(a)(2). It is also a violation of the Rules and Regulations of the Board's *Administrative Code* § 330-X-14-.03(d) and § 330-X-14-.06(1).

Respondent stipulates his conduct set forth in the "Stipulated Facts" may constitute 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 1975, § 34-11-11.

STIPULATED DISPOSITION

1. 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.

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

3. Respondent agrees to **cease and desist** the offering or providing of engineering services as of ~~June 24, 2013~~ ^{JULY 22, 2013} _{UPW 7/19/13}

4. Respondent agrees his professional engineer license shall be **revoked** immediately upon the date the Final Order is issued by the Board.

5. 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.

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 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 next regularly scheduled meeting in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

8. 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.

9. 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.

10. 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 19th day of July, 2013



M. Don Williams
Respondent

APPROVED:



Benjamin W. Albritton
Assistant Attorney General

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FINAL ORDER

On July 24, 2013, the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled meeting. The Board Members in attendance at the meeting were: Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Marc S. Barter, Mr. Charles P. Willis, Mr. W. Gerald Wilbanks and Mr. Frazier Christy.

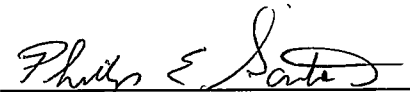
This Final Order is based upon a Consent Order signed by M. Don Williams (hereafter referred to as "Respondent") and dated July 19, 2013. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a)(2) and the Rules and Regulations of the Board's Administrative Code § 330-X-14-.03(d) and § 330-X-14-.06(1).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated July 19, 2013 is 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.

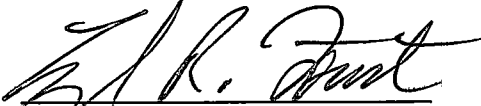
ENTERED this the 24th day of July, 2013



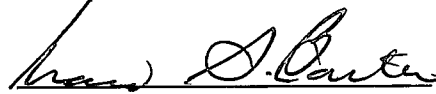
Daniel S. Turner



Phillip E. Santora



Earl R. Foust



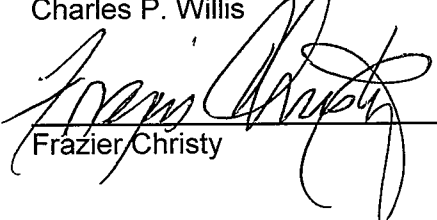
Marc S. Barter

RECUSED



Charles P. Willis

W. Gerald Wilbanks



Frazier Christy