

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

IN RE THE MATTER OF:

BENJAMIN A. YOUNG

CASE NO. 2012-36-B


FINAL ORDER

On January 31, 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. C. Michael Arnold.

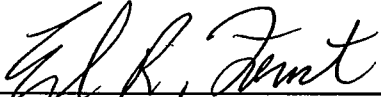
This Final Order is based upon a Consent Order signed by Benjamin A. Young (hereafter referred to as Respondent) and dated January 9, 2013. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a)(2) and the Rules and Regulations of the Board's Administrative Code § 330-X-13-.02 and § 330-X-14-.06(a) (1).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated January 9, 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 31st day of January, 2013



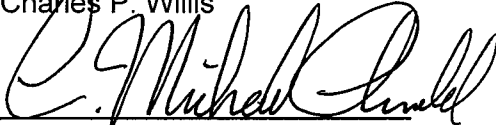
Daniel S. Turner



Earl R. Foust



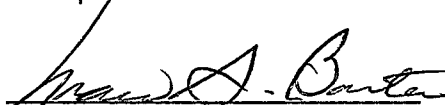
Charles P. Willis



C. Michael Arnold

RECUSED

Phillip E. Santora

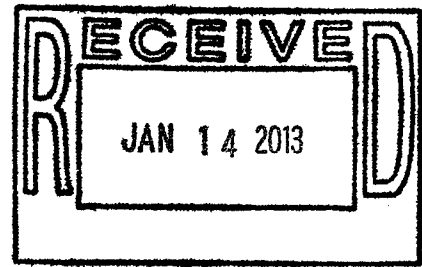


Marc S. Barter



W. Gerald Wilbanks

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



IN RE THE MATTER OF:

BENJAMIN A. YOUNG

CASE NO. 2012-36-B

CONSENT ORDER

Benjamin A. Young, an Alabama licensed professional engineer (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 received an Alabama professional engineer license (# 19737) from the Board on November 19, 1993 and has held that license continuously from that date until July 26, 2012 when it was placed in suspended status for failure to provide documentation verifying claimed continuing professional competency credits.

Respondent stipulates he reported he had obtained ten (10) professional development hours and utilized eight (6) professional development hours carried forward from his 2011 professional engineer license renewal application to meet the requirements to renew his Alabama professional engineer license for 2012.

Respondent stipulates on March 22, 2012 he was informed via email that his 2012 professional engineer license renewal application had been selected at random for verification of earned continuing professional competency credits. Respondent also stipulates he was requested to provide documentation verifying his earned professional competency credits no later than April 21, 2012.

Respondent stipulates on April 30, 2012 Mr. William R. Huett, Board Assistant Executive Director, sent via certified and regular mail a second notification that his 2012 professional engineer license renewal application had been selected at random for verification of his earned continuing professional competency credits. Respondent also stipulates the letter requested he provide the documentation no later than May 21, 2012 and informed him that if the requested documentation was not received prior to its July 26-27, 2012 meeting, the Board may determine to suspend his license to practice engineering in the State of Alabama until the documents are received. As of June 26, 2012, the Board had not received any documentation verifying the professional competency credits reported by Respondent on his 2012 professional engineer license renewal application.

Respondent stipulates on June 27, 2012 he was contacted by Board Staff via telephone regarding the Board's second audit notification letter dated April 30, 2012. Respondent stipulates he informed Board Staff that everything was in storage at the moment since he lost his job in Alabama and Georgia and moved to New York to find work. Respondent was instructed by Board Staff to make an attempt to locate the documentation, but in the meantime respond to the audit notification with a letter of explanation for the Board.

Respondent stipulates in an email dated June 28, 2012 he informed Board Staff "I am unable to locate my CEC documentation. All of our household items are in storage, including my personal and professional files. I had an extended period of unemployment through much of the 2011 calendar year, before finding employment in New York."

Respondent stipulates that on August 10, 2012 the Board, by and through its Executive Director Ms. Regina A. Dinger, filed a complaint alleging Respondent failed to provide documentation verifying the continuing professional competency credits earned by him and reported on his 2012 professional engineer license renewal application.

Respondent stipulates the status of his professional engineer license was changed to suspended on July 26, 2012 in accordance with the Board's Administrative Code § 300-X-13-

.02(14)(b) for failure to provide documentation in response to the Board's audit of his claimed continuing professional competency credits.

Respondent stipulates that as of October 15, 2012 the Board has not received any documentation verifying the professional competency credits reported by Respondent on his 2012 professional engineer license renewal application.

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(4)(a), § 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

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 understands he shall pay to the Board a fine of five hundred dollars (\$500.00) within thirty (30) days from the date of the Final Order.

4. Respondent understands his Alabama professional engineer license shall be subject to audit of the claimed continuing professional competency credits twice within seven (7) years of the date of the Final Order.

5. Respondent understands his Alabama professional engineer license shall be subject to one (1) year **probation** to commence immediately upon the date his license is returned to active status. Respondent understands during this probationary period he is permitted to engage in the practice of engineering without limitation. This probationary period is unsupervised and compliance with the terms of the consent order will cause the probation period to automatically cease at the end of the specified time period.

6. Respondent understands he must complete the fifteen (15) professional continuing competency hours needed to meet the 2012 requirement, and the (15) professional continuing competency hours needed to meet the 2013 requirement within (90) ninety days of the date of the Final Order. Respondent understands he cannot renew his professional engineer license for 2013 until he provides documentation to the Board that indicates he has obtained these professional development hours.

7. 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 in Montgomery, Alabama at which he could attend and present evidence on his behalf.

8. 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.

9. 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.

10. 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 in Montgomery Alabama.

11. 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.

12. 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.

13. 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 9 day of January, 2013


Benjamin A. Young

APPROVED:


Benjamin H. Albritton
Assistant Attorney General