

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

IN THE MATTER OF:

Laurence Harvey Zander, PLS
Survey Services
PO Box 970
Magnolia Springs, AL 36555

Respondent

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Case No. 2014-22-B

CONSENT ORDER

Laurence Harvey Zander, a licensed professional land surveyor (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 land surveyor license (number 25647) from the Board on April 25, 2003.

Respondent stipulates he produced a survey titled “Plat of Parker Acres” for James Michael Nall dated August 21, 2007. Respondent stipulates the survey he prepared was reviewed by a Board Technical Advisor that stated the following in his review of the survey:

The surveyor does not show any U.S. Public Land Survey corners on the Plat. The North line of the property shows a "Best Fit Painted Tree Line", which is not a straight line and the Plat shows a 30 inch pine tree with an "X" carved into it as being the Northeast Corner of the property. The Surveyor runs south and sets a capped rebar at the purported Southeast Corner of the Southeast 1/4 of the Southwest 1/4 of Section 23, Township 1 North, Range 3 West, without showing

what U.S. Public Land Survey corner that he located. A tree with an "X" carved into it, is usually a witness tree, with the "X" pointed in the direction of the monument.

The surveyor does not show the distance between the 30 inch pine tree and the capped rebar he set at the Northeast Corner of Lot 4, or the distance along the County Road Right-Of-Way from the Northwest Corner of Lot 4 to where the Right Of-Way intersects with the "Best Fit Painted Tree Line".

The Survey showed a painted line as the north line, but this line is not straight. This painted line could be claimed as an encroachment onto the Nall property. The Survey shows a 100 foot right-of-way for the County Road, but the Right-Of-Way Deed, as recorded in Deed Book 391, page 319, only shows an 80 foot Right-Of-Way. The Deed call for the Point of Beginning of the centerline for this 80 foot Right-Of-Way states "Start at the Southeast Corner of the Southwest 1/4 of the Northeast 1/4 of Section 23, Township 1 North, Range 3 East, thence run 655.00 feet West along the 1/2 section line of said section to the centerline of survey at Station 59+50.0, the POINT OF BEGINNING. The centerline of the County Road as shown on the "Plat of Parker Acres" shows the distance from the Southeast Corner of the Southwest 1/4 of the Northeast 1/4 of Section 23 to the centerline of the existing road to be 285.81 feet West of the Southeast Corner."

The Respondent stipulates that the items detailed in the report prepared by the Board Technical Advisor are violations of the standards of practice for land surveying in the State of Alabama.

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 of the Administrative Code § 330-X-14-.05(g) 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, of the Code of Alabama 1975, and the Rules and Regulations of the Administrative Code of the Board.

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

Respondent agrees to pay a one thousand five hundred dollars (\$1,500) fine to the Board via a certified check made payable to PE/PLS Fund with this signed Consent Order.

Respondent agrees his license to practice land surveying is suspended for two years, with the suspension stayed. Respondent understands that during the time his license is under this stayed suspension period he may continue to practice land surveying in the State of Alabama.

Respondent agrees that at any time during this stayed suspension period the Board may require him to submit a list of surveys he prepared within a one month period. Respondent understands the Board may select any of these surveys to be reviewed for compliance with the Standards of Practice for Land Surveying in the State of Alabama.

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 to comply with the terms of this Consent Order and understands failure to comply with the terms of the Consent Order may result in additional charges or discipline.

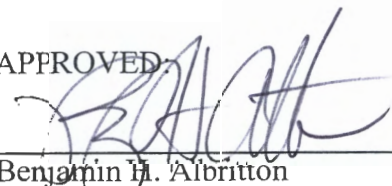
Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at a regularly scheduled meeting of the Board.

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.

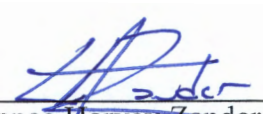
Respondent expressly waives all rights to seek judicial review, or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order of the Board incorporating the Consent Order.

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 20 day of MARCH, 2015

APPROVED: 

Benjamin H. Albritton
Assistant Attorney General



Laurence Harvey Zander

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

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PO Box 970)
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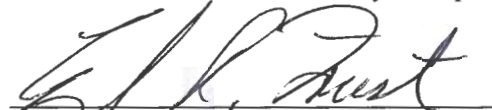
Case No. 2014-22-B

FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the Consent Order signed by Laurence Harvey Zander, Professional Land Surveyor, license number 25647, 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-.05(g), and § 330-X-14-.06(a)(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.

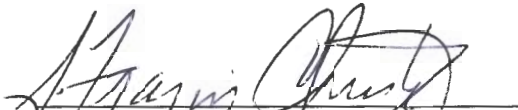
ENTERED this the 30th day of April 2015



Earl R. Foust



Marc S. Barter



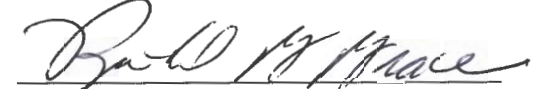
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RECUSED

Charles P. Willis



Elisabeth Hyde



Richard G. Grace



Nathan G. Johnson