

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

IN THE MATTER OF:

Bobby Glen Bailey
1205 Noble Street
Anniston, AL 36201

Respondent



Case No. 2021-16

CONSENT ORDER

Bobby Glen Bailey (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 the Board received a complaint that he submitted septic system CEP-2 project documents that did not conform to the requirements of the Alabama Department of Public Health and the standards of practice for engineering.

The Respondent stipulates that between December 2019 through October 2020, the Respondent submitted an Application for a Permit to Install a Small Flow Onsite Sewage Disposal System for the Weaver Volunteer Fire Department at 570 Crosson St., Weaver, Alabama 36277 to the Calhoun County Health Department. A Board Technical Advisor reviewed the documents and provided a report that indicated they contained errors and inaccurate information.

The Respondent stipulates that between May 2020 through October 2020, the Respondent submitted an Application for a Permit to Install a Small Flow Onsite Sewage Disposal System for Humphries Construction at 17 Carnoustie Place, Royal Pines, Lot 15, 15A, Anniston, Alabama 36201 to the Calhoun County Health Department. A Board Technical Advisor reviewed the documents and provided a report that indicated they contained errors and inaccurate information.

The Respondent stipulates that between January 2020 through December 2020, the Respondent submitted an Application for a Permit to Install a Small Flow Onsite Sewage Disposal System for the property of Chad Griner, located at 148 Spring Creek Crossing, Overbrook Crossing, Lot 39, Anniston, Alabama 36207 to the Calhoun County Health Department. A Board Technical Advisor reviewed the documents and provided a report that indicated they contained errors and inaccurate information.

STIPULATED CONCLUSIONS OF LAW

Respondent stipulates 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 a violation of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)2, and the Administrative Code of the Board § 330-X-14-.05(g).

Respondent stipulates his conduct as set forth in the “Stipulated Facts” is a violation of one or more of those statutes set forth above, and it is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975.

STIPULATED DISPOSITION

Respondent stipulates 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 understands this Consent Order and subsequent Final Order will be a public record, and this information will be placed on the Board's website, in its newsletter, and on the Enforcement Exchange portion of the website of the National Council of Examiners for Engineering and Surveying (NCEES).

Respondent understands he must submit payment of a fine to the Board via a credit card in the amount of one thousand dollars (\$1,000) within thirty days of the date a Final Order is issued by the Board.

Respondent understands he must submit a list of his engineering clients to the Board monthly for the next two years. The Respondent understands the Board may randomly select

projects from this list to review for compliance with the Standards of Practice for Engineering in the State of Alabama.

Respondent agrees to complete two Board approved educational courses for the Install of Small Flow Onsite Sewage Disposal Systems and the associated guidelines required by the Alabama Department of Public Health. One course will include the Basic Installer Licensing Course offered by the Alabama Onsite Wastewater Association. The second training course will include an approved Regional ADPH Training Course. Respondent agrees this course work must be completed within six months of the date a Final Order is issued by the Board.

Respondent understands this Consent Order is subject to the approval of the Board and has no force and effect until a Final Order 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 this discussion will occur at a 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 it, 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.

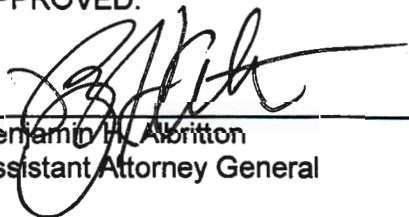
Respondent, for the purpose of avoiding further administrative action with respect to this Cause executes this Consent Order. It is agreed that presentation to and consideration of the

Consent Order by the Board requires certain factual information related to this matter be disclosed to the Board members. Should the Consent Order not be accepted by the Board, it is therefore, expressly agreed that the reviewing, and consideration of this Consent Order, and the information provided to the Board for their review, shall not unfairly prejudice the Board and shall in no way act to disqualify any Board member from any further participation in this matter through its resolution, including, but not limited to, any contested hearing on this matter should one be necessary. 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 and all stipulations hereinabove are thereby rescinded.

SIGNED this the 15th day of OCTOBER, 2021.


Bobby Glen Bailey

APPROVED:


Benjamin M. Albritton
Assistant Attorney General

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

IN THE MATTER OF:)

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1205 Noble Street)
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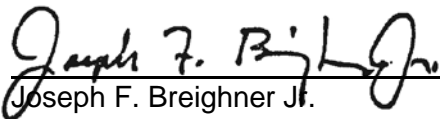
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FINAL ORDER

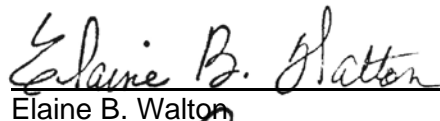
The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Bobby Glen Bailey, in which he stipulated he violated Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)2, and the Administrative Code of the Board § 330-X-14-.05(g). approves the Consent Order and issues this Final Order.

The Consent Order and Final Order take immediate effect and Bobby Glen Bailey is **ORDERED** to abide by the Consent Order and Final Order as agreed upon by the Board.


ENTERED this the 16th day of November 2021.


Joseph F. Breighner Jr.

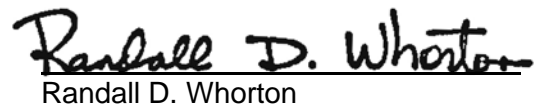

M. Helen Adams-Morales


Elaine B. Walton

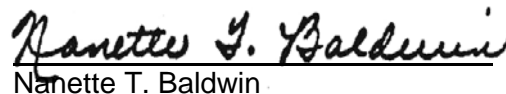

John E. Averrett


Gregory Robinson

RECUSED
Donald W. Vaughn


Randall D. Whorton


Nathan G. Johnson


Nanette T. Baldwin