

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

IN THE MATTER OF:

David Alan Milstead
800 S. Montgomery Ave
Sheffield, AL 35660

Respondent



Case No. 2020-22

CONSENT ORDER

David Alan Milstead, (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 July 6, 2020, the Board received a complaint regarding Respondent possibly violating Title 34 of the Code of Alabama.

Respondent stipulates he performed electrical engineering services related to the 304 N. Montgomery Avenue, Sheffield, Alabama project that exceeded the incidental practice of engineering without being licensed as a professional engineer.

Respondent stipulates he performed electrical and mechanical engineering services for the 311 N. Raleigh Avenue, Sheffield, Alabama project that exceeded the incidental practice of engineering without being licensed as a professional engineer.

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)1.

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 shall not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama 1975.

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 enforcement Exchange of the NCESS website.

Respondent understands he must submit payment of a civil penalty to the Board via a credit card in the amount of one thousand and five hundred dollars (\$1,500) within thirty days of the date a Final Order is issued by the Board. Respondent understands the civil penalty will be transferred to the State of Alabama General Fund. Respondent also understands failure to submit payment within thirty days of the date of the Final Order will be a violation of this Consent Order.

Respondent understands he must submit payment of the cost of this investigation to the Board via credit card in the amount of three hundred dollars (\$300) within thirty days of the date a Final Order is issued by the Board. Respondent also understands failure to submit payment within thirty days of the date of the Final Order will be a violation of this Consent Order.

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.

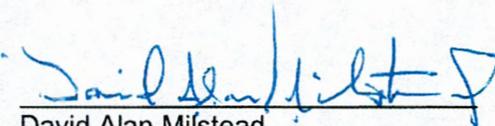
Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff, and Board Counsel. Respondent understands this discussion will occur at a scheduled meeting of the Board.

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 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.

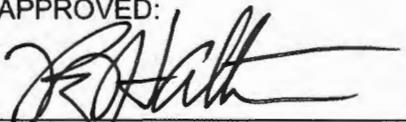
Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order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

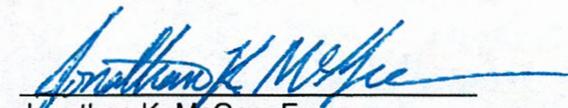
Respondent, for the purpose of avoiding further administrative action with respect to this Cause executes this Consent Order. It is agreed that presentation to and consideration of the Consent Order by the Board requires certain factual information related to this matter be disclosed to the Board members. 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 November, 2021.


David Alan Milstead

APPROVED:


Benjamin H. Albritton
Assistant Attorney General


Jonathan K. McGee, Esq.
McGee Law Firm, LLC

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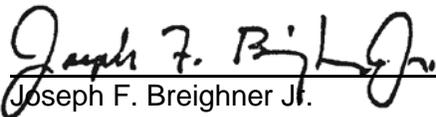
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FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by David Alan Milstead, in which he stipulated he violated Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)(1), approves the Consent Order and issues this Final Order.

The Consent Order and Final Order take immediate effect and David Alan Milstead 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.


Donald W. Vaughn


M. Helen Adams-Morales


Randall D. Whorton


Elaine B. Walton

RECUSED
Nathan G. Johnson


John E. Averett


Nanette T. Baldwin


Gregory Robinson