

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

**IN THE MATTER OF:**

Taylor & Viola Structural Engineers  
PO Box 2616  
Hickory, NC 28603-2616

**Respondent**

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**Case No. 2021-33**

**CONSENT ORDER**

Taylor & Viola Structural Engineers (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 September 9, 2021, the Board received a complaint that alleged Respondent possibly violated Title 34 of the Code of Alabama. The complaint indicated Respondent may have offered engineering services in the State of Alabama without obtaining a Certificate of Authorization from the Board authorizing it to offer engineering services in the State of Alabama.

Respondent stipulates that in September 2021 the Respondent offered structural engineering services for the Meridianville Cottages project, located in Meridianville, Alabama without obtaining a Certificate of Authorization from the Board.

Respondent stipulates since September 2019 it has provided engineering design services for a total of five projects in Alabama without possessing a Certificate of Authorization to offer those engineering services. The projects include: (1) Cottages of Huntsville, Huntsville, Alabama, (2) Birmingham 119 Apartments, Birmingham, Alabama, (3) Clairmont Ave. Apartments, Birmingham, Alabama, (4) Meridianville Cottages, Meridianville, Alabama, and (5) Yielding Building, Birmingham, Alabama.

## **STIPULATED CONCLUSIONS OF LAW**

Respondent stipulates its conduct as set forth in the foregoing "Stipulated Facts" constitutes a violation of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-9(a)1.

Respondent stipulates it is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11 and the jurisdiction of the Board, and it is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.1(a)1.

## **STIPULATED DISPOSITION**

Respondent stipulates it is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11 and the jurisdiction of the Board.

Respondent agrees to submit payment of a civil penalty to the Board via credit card in the amount of three thousand dollars (\$3,000) within 30 days of the date a Final order is issued by the Board. Respondent understands the Board will transfer the payment to the State of Alabama General Fund.

Respondent agrees to submit to the Board via credit card a payment in the amount of forty-two dollars (\$42) for the cost of the investigation within 30 days of the date a Final Order is issued by 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 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.

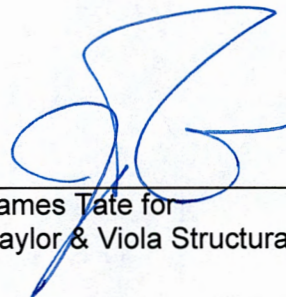
Respondent understands this discussion will occur at a scheduled meeting of the Board.

Respondent understands it has the right to seek the advice of legal counsel. Respondent also understands it 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 27<sup>th</sup> day of october, 2021.



James Tate for  
Taylor & Viola Structural Engineers

APPROVED:



Benjamin H. Albritton  
Assistant Attorney General

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FINAL ORDER


The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by James Tate, in which he stipulated Taylor & Viola Structural Engineers violated Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.1(a)1, approves the Consent Order and issues this Final Order.

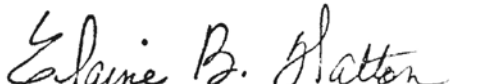
The Consent Order and Final Order take immediate effect and Taylor & Viola Structural Engineers is **ORDERED** to abide by the Consent Order and Final Order as agreed upon by the Board.

**ENTERED** this the 16th day of November 2021.


RECUSED

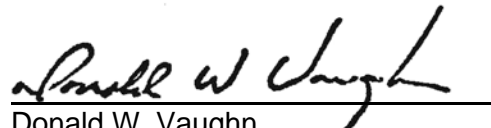
Joseph F. Breighner Jr.


  
M. Helen Adams-Morales

  
Elaine B. Walton

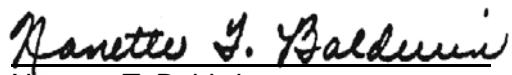
  
John E. Averett

  
Gregory Robinson

  
Donald W. Vaughn

  
Randall D. Whorton

  
Nathan G. Johnson

  
Nanette T. Baldwin