

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

IN RE THE MATTER OF:

Case No. 09-16-B

ROY L. AACH

FINAL ORDER

This cause was called for hearing on July 23, 2009 at 9:00 a.m. Members of the Investigative Committee of the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as "Board") met in the office of the Board for an Administrative Hearing concerning the allegations filed against Mr. Roy L. Aach (hereinafter referred to as "Respondent"). The Board was not present but was represented by Mr. Benjamin Albritton, Board Counsel. Governmental Hearing Officer Dana A. Billingsley presided over the Hearing. Also present at the Hearing were Ms. Regina Dinger, Executive Director of the Board, and Mr. William R. Huett, Assistant Executive Director and Investigator for the Board. The Respondent was not present at the hearing.

STATEMENT OF ISSUES

On November 16, 2001, Respondent was issued a certificate of licensure (certificate number 15855) from the Board authorizing him to practice engineering in the State of Alabama and has held that license continuously from that date. At present, Respondent's license is currently in lapsed status as of December 31, 2008, due to failure to renew.

On December 1, 2008 a complaint was filed by Ms. Regina A. Dinger, Executive Director of the Board of Professional Engineers and Land Surveyors (hereinafter referred to as "Complainant") based on information and documents received which indicated Respondent's license had been revoked by the States of Ohio and Florida. The complaint alleged that Respondent may have violated Code of Alabama 1975 § 34-11-11(a)(5) and *Administrative Code* § 330-X-14-.08. The alleged violations are as follows;

Count I

The Board alleges Respondent's license to practice engineering was suspended by the Florida State Board of Licensure for Professional Engineers and Land Surveyors on March 13, 2007 until such time as Respondent successfully completed a course in Engineering Professionalism and Ethics, the Florida Building Code Core Curriculum Course and a Study Guide related to the Engineering Practice Act prepared by the Florida Board. On November 13, 2007, the Florida Board of Professional Engineers revoked Respondent's professional engineer license for violating the Final Order entered March 13, 2007. On August 4, 2008, Respondent's professional engineer's license was revoked by the Ohio State Board of Registration for Professional Engineers due to Respondent's failure to notify the Ohio Board of disciplinary actions against him in other jurisdictions. An offense in another jurisdiction resulting in revocation, suspension, or voluntary surrender, to avoid disciplinary proceedings, of a license or certificate of licensure, including any agreement or stipulation executed by a licensee to avoid formal

disciplinary proceedings is a violation of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)2 and § 34-11-11(a) (5). It is also a violation of the Rules and Regulations of the Board's *Administrative Code*, § 330-X-14-.06(a) 1 and § 330-X-.06(a)(5) and § 330-X-14-.08.

CONCLUSIONS OF LAW

The Board hereby states that Respondent is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)(2), and *Administrative Code* § 330-X-14-.06(a)(1 & 5).

CONCLUSION

After hearing the testimony of all the witnesses presented by the Board and after considering all the evidence presented in the above-referenced case, Governmental Hearing Officer Dana Billingsley made the following recommendation;

1. It is hereby recommended that Respondent's license to practice the profession of engineering in the State of Alabama be revoked.

After deliberation and a review of the Governmental Hearing Officer's recommendations, the Board finds Respondent ***Guilty*** of the allegations made against him.

In accordance with the Code of Alabama 1975 § 34-11-11(m) which states the Board has the power to impose any and all disciplinary penalties and the licensee shall be responsible for the cost of such action if found guilty the Board respectfully modifies the Governmental Hearing Officer's proposed recommendation for disciplinary action to include payment of the cost of the hearing relative to this cause.

The Board hereby **Orders** as follows:

1. Respondent shall pay to the Board, one hundred and eighty dollars (\$180.00) for cost of the Hearing.
2. Respondent's license shall be **Revoked** effective the date of this Order.
3. The Hearing and Final Order will be public record.

Done this the 9th day of October, 2009


Mr. William C. Ulrich


Mr. Don T. Arkle

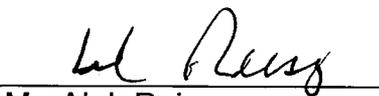

Mr. C. Michael Arnold

RECUSED


Mr. W. Gerald Wilbanks


Dr. Daniel S. Turner


Mr. Phillip E. Santora


Mr. Al. I. Reisz