

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

IN THE MATTER OF

RICHARD C. BORDEN

PE/LS 13402

P.O. Box 3482

Gulf Shores, AL 36547-3482

CONSENT ORDER

Richard C. Borden, hereafter referred to as Respondent, hereby stipulates and agrees, subject to the approval of the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors, hereafter referred to as the Board as follows:

STIPULATED FACTS

1. Respondent was issued a Certificate of Licensure (License Number 13402) to practice as a Professional Land Surveyor in the State of Alabama on May 30, 1983, and as a Professional Engineer on June 5, 1981, and has held this certificate to practice continuously from that date to the present.

2. Respondent stipulates that the two surveys he completed of the property owned by Ms. Ann Russell, dated July 16, 1997, and October 3, 1996, contained violations of acceptable standards of practice for surveying, including violations of Minimum Technical Standards.

EX 11

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed Land Surveyor, admits that in such capacity he is subject to the provisions of the Code of Alabama 1975, Section 34-11-11, and the jurisdiction of the Board.

2. Respondent stipulates that his conduct as set forth in the foregoing "Stipulated Facts" constitutes violations of the Code of Alabama 1975, Section 34-11-11(a)(2), and violations of the Rules of Professional Conduct, Sections 330-X-14-.05(g), 330-X-14-.06(a)1, and 330-X-14-.06(a)5. Such conduct provides grounds for disciplinary action against him pursuant to the Code of Alabama 1975, Section 34-11-11.

3. Respondent stipulates that his conduct set forth in the "Stipulated Facts" is a violation of those rules and statutes set forth above and that he is subject to disciplinary action under the Code of Alabama 1975, Section 34-11-11.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the Code of Alabama 1975, Title 34, Chapter 11, or the Rules promulgated thereunder.

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

3. Respondent agrees to pay a fine as provided by Section 34-11-11(g), Code of Alabama 1975, of \$750.00 no later than October 11, 1998.

4. Respondent agrees to pay Ms. Kim Kuntz, Bank of America, Pensacola, FL, \$175.00 no later than October 11, 1998.

5. Respondent agrees that in accordance with the provisions of Section 34-11-11(a), Code of Alabama 1975, his license shall be suspended for a period of two years from the date of the Final Order with such suspension being stayed, and Respondent shall be placed on probation for two years.

6. Respondent agrees to complete a six hour course in Minimum Technical Standards for Land Surveying in the State of Alabama no later than March 11, 1999, and provide proof of completion to the Board.

7. Respondent understands that any violation of his probation, or the terms of this Consent Order, during the period of probation may result in the immediate revocation of his probation and suspension of his land surveying license for two years after notice and an opportunity to be heard, but without the Board filing additional charges and without a formal hearing.

8. It is expressly understood that 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.

9. This Consent Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. 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.

10. Respondent understands that this matter will be presented to the Board at its meeting on September 11, 1998 (or next regularly scheduled meeting, if that meeting cannot be held), and that no hearing will be held on September 11, 1998. If, however, the Board fails to approve the Consent Order and issue a Final Order, Respondent hereby expressly waives any right he may have to a hearing on September 11, 1998, and expressly consents to the setting of a hearing in conjunction with a regularly scheduled meeting of the Board or at any reasonable time and place. Stated differently, Respondent agrees that any time limits imposed by statute for the hearing or charges against a registrant are waived.

11. Respondent further understands that 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 those discussions will be scheduled for the Board's meeting at 10:00 A.M. in Montgomery (or other specified location) on September 11, 1998. Respondent has the right to be present and to present his case, but waives that right. Respondent specifically waives any objection to any decisions which might take place at that meeting, and waives objection for resultant bias or prejudice or any other cause in the event this offer is rejected and the hearing in this matter goes forth.

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

Signed this the 3 day of AUG., 1998.



Richard C. Borden

Respondent

APPROVED:



CAROL JEAN SMITH

Assistant Attorney General

Board Attorney

11 South Union Street

Montgomery, AL 36106

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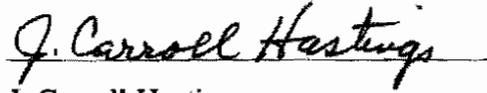
FINAL ORDER

This matter is presented to the Board upon a Consent Order signed by Respondent on August 3, 1998.

In that Consent Order, Respondent stipulated that he violated the Rules of Professional Conduct, Sections 330-X-14-.05(g), 330-X-14-.06(a)1, and 330-X-14-.06(a)5); and the Code of Alabama 1975, Section 34-11-11(a)(2).

Upon consideration of the above, it is ORDERED that the Consent Order dated August 3, 1998, is adopted by the Board and hereby made part of the Final Order. It is further ORDERED that the Respondent abide by the Final Order in this matter.

ENTERED this 11th day of September, 1998.



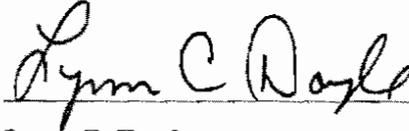
J. Carroll Hastings



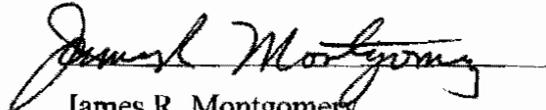
Veston W. Bush, Jr.



Thomas F. Talbot



Lynn C. Doyle



James R. Montgomery