

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

IN THE MATTER OF:

Mr. Jerry O'Neil
Brown Machine & Fabrication Inc
PO Box 879
Alexander City, AL 35011

Respondent



Case No. 2016-02-C

CONSENT ORDER

Jerry O'Neil, and Brown Machine & Fabrication Inc (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 November 18, 2015 the Board initiated a complaint in reference to firm possibly violating Title 34 of the Code of Alabama. The complaint indicated Respondent maintains an internet website that contains language that appears to indicate the firm is offering engineering and design services without employing an Alabama licensed professional engineer and obtaining a certificate of authorization for engineering from the Board.

Respondent stipulates firm does not employ an Alabama licensed professional engineer and has never been issued a certificate of authorization for engineering from the Board that would authorize it to offer engineering services in the state of Alabama.

Respondent stipulates the firm maintained a website that contained language that indicated it provided engineering and design services.

Respondent stipulates a Board Technical Advisor reviewed the information contained on its website and provided a report that in summary stated it was his opinion that the activities described on the website would be within the practice of engineering

STIPULATED CONCLUSIONS OF LAW

Respondent admits 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 stipulates its conduct as set forth in the foregoing "Stipulated Facts" constitutes violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-9(a)(1) and § 34-11-16(a)(1).

Respondent stipulates its conduct as set forth in the "Stipulated Facts" is a violation of those statutes set forth above, and it is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

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. Respondent further understands this information will be placed on the Board's website, and in its newsletter.

Respondent must **CEASE and DESIST** advertising engineering services on its website.

Respondent shall submit to the Board with this signed Consent Order a certified check made payable to PE/PLS Fund in the amount of two hundred dollars (\$200) for the cost of the investigation.

Respondent shall submit to the Board with this signed Consent Order a civil penalty in the amount of two hundred and fifty dollars (\$250) via a certified check made payable to the State of Alabama General Fund.

Respondent understands 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.

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 that this discussion will take place at a regularly scheduled meeting of the Board.

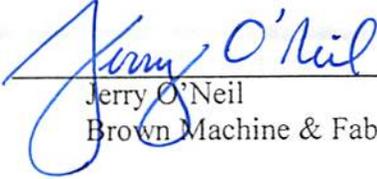
Respondent understands it has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision 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

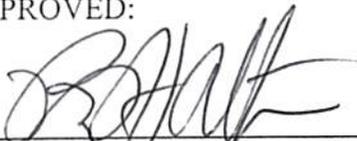
therefore expressly agreed that the reviewing, and consideration of this Consent Order, and the information provided to the Board for their review, shall not unfairly prejudice the Board and shall in no way act to disqualify any Board member from any further participation in this matter through its resolution, 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.

SIGNED this the 12 day of APRIL, 2016



Jerry O'Neil
Brown Machine & Fabrication Inc

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

STATE OF ALABAMA BOARD OF LICENSURE
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IN THE MATTER OF:)

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Brown Machine & Fabrication Inc)
PO Box 879)
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Respondent)
_____)



Case No. 2016-02-C

FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Jerry O'Neil of Brown Machine & Fabrication Inc, in which he stipulated the firm violated, § 34-11-9(a)(1), and § 34-11-16(a)(1), of the Code of Alabama hereby adopts the Consent Order and issues this Final Order.

The Consent Order and Final Order take immediate effect upon the signing of this Final Order and the Respondent is **ORDERED** to abide by the Consent Order and Final Order as approved by the Alabama Board of Licensure for Professional Engineers and Land Surveyors.

ENTERED into on June 1, 2016

RECUSED

Marc S. Barter

M. Elisabeth Hyde

M. Elisabeth Hyde

Richard G. Grace

Richard G. Grace

Randall D. Whorton

Randall D. Whorton

A. Frazier Christy

A. Frazier Christy

DID NOT ATTEND

Charles P. Willis

Nathan G. Johnson

Nathan G. Johnson