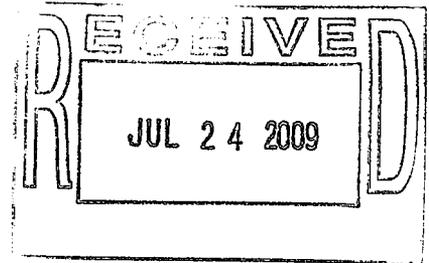


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN RE THE MATTER OF:

ROY LEE BROWN, JR.

CASE NO. 09-299-B

CONSENT ORDER

Roy Lee Brown, Jr. (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to approval of the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as the "Board") as follows:

STIPULATED FACTS

Respondent stipulates on July 22, 1975 the Board issued him a license (Certificate Number 10854) to practice engineering in the State of Alabama. Respondent has held that certificate continuously since that date.

Respondent stipulates on April 15, 2009 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 obtained during the investigation of an earlier case (Case No. 08-31-C). The complaint indicated that Respondent placed his professional seal and signature to design drawings he did not supervise or prepare.

Respondent stipulates in 2008 he placed his professional seal and signature to HVAC design drawings prepared by YESAC Alabama Corporation for Hyundai Motor Corporation. Respondent further stipulates the design drawings that contained his professional seal and signature contained errors and omission of the acceptable standards of practice for engineering in the State of Alabama.

#### STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a licensed professional engineer in the State of Alabama stipulates that in such capacity he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, and the Rules of Regulations of the *Administrative Code* of this Board.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" may constitute violations of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)(2) and the rules and regulations of the Board's *Administrative Code* § 330-X-14-.05(g) and § 330-X-14-.06(a)(1 & 5).

Respondent stipulates his conduct set forth in the "Stipulated Facts" may constitute a violation of those rules and statutes set forth above, and he is subjecting himself to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

#### STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama 1975, or the Rules and Regulations of the *Administrative Code* and the Rules of Professional Conduct promulgated together.

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

3. Respondent's understands his license to practice engineering shall be subject to two (2) years **Probation** commencing immediately upon Final Order of the Board.

4. Respondent shall pay the Board a fine of two thousand five hundred dollars (\$2,500.00) no later than thirty days from the date of Final Order as provided by Title 34, Chapter 11, Code of Alabama 1975, §34-11-11.

5. Respondent understands that failure to submit payment of specified penalty within six months of date of Final Order shall cause Respondent's license to practice engineering in the State of Alabama to be **revoked**. This matter would then be presented to the Board for its action at the next regularly scheduled meeting. Respondent understands he shall be notified in advance and has the right to appear at that meeting in order to present any facts or extenuating circumstances to the Board.

6. 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.

7. Respondent agrees any violation of the terms of this Consent Order, may result in the Board filing additional charges in accordance with the Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

8. 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 the Board's next regularly scheduled meeting in Montgomery Alabama. Respondent

understands he has the right to be present when this matter is discussed but hereby waives that right.

9. Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. 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 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.

SIGNED this the 22 day of July, 2009.

  
\_\_\_\_\_  
Roy Lee Brown, Jr.  
Respondent

APPROVED.

  
\_\_\_\_\_  
Benjamin H. Albritton  
Assistant Attorney General

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

**IN RE THE MATTER OF:**

**ROY LEE BROWN, JR.**

**Case No. 09-299-B**

**FINAL ORDER**

On October 8, 2009 at 1:00 p.m. the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance at the meeting were: Mr. Don T. Arkle, Mr. Al I. Reisz, Mr. William C. Ulrich, Jr, Mr. C. Michael Arnold, Mr. W. Gerald Wilbanks, Dr. Daniel S. Turner and Mr. Phillip E. Santora. Also present at the Board Meeting were Ms. Regina Dinger, Executive Director of the Board, and Mr. William R. Huett, Assistant Executive Director and Investigator for the Board. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

This Final Order is presented to the Board upon a Consent Order signed by Mr. Roy Lee Brown, Jr. and dated July 22, 2009.

In said Consent Order, Respondent stipulated that he violated the Code of Alabama 1975 § 34-11-11(a) (2), and the Rules of Professional Conduct of the Board's *Administrative Code* § 330-X-14-.05(g) and § 330-X-14-.06(a) (1 & 5).

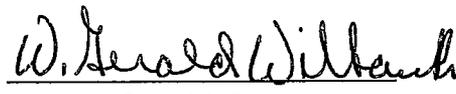
Upon Consideration of the above it is ORDERED that the Consent Order dated July 22, 2009 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Respondent abide by the Final Order in this manner.

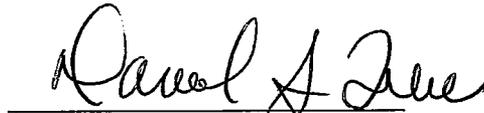
ENTERED this the 9th day of October 2009.

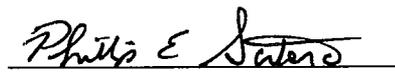
  
Mr. William C. Ulrich

  
Mr. Don T. Arkle

  
Mr. C. Michael Arnold

  
Mr. W. Gerald Wilbanks

  
Dr. Daniel S. Turner

  
Mr. Phillip E. Santora

  
Mr. Al. I. Reisz