

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

**IN RE THE MATTER OF:
MARSHALL W. CORLEW**

Case No. 2012-24-B

CONSENT ORDER

Marshall W. Corlew, an Alabama licensed professional engineer (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 he received professional engineer license # 11308 from the Board on July 14, 1976 and has held that license continuously from that date to the present.

Respondent stipulates that on December 2, 2011 the Alabama Board received a complaint from Mr. Thomas G. Jensen. The complaint indicated Respondent submitted a design plan for a controlled fill mound system as outlined in the Alabama Department of Public Health for Onsite Sewage Treatment and Disposal and documentation that indicated soil testing was performed on February 20, 2012 "showing a restriction due to water table indicators at 21 inches in the original ground" to the Limestone County Health Department, Alabama relative to an onsite sewage disposal system for property located at 27665 Mystic Dawn Drive, Toney, Alabama which may have contained errors and discrepancies.

Respondent stipulates he submitted an Application for a Permit to Install a Small Flow Onsite Sewage Disposal System that included a Site Evaluation indicating soil testing was done in original soil showing restriction at 21 and 23 inches to the Limestone County Health Department relative to an onsite sewage disposal system for property located at 27665 Mystic Dawn Drive, Toney, Alabama that contained errors and inaccurate information. Respondent further stipulates the

Limestone County Health Department determined the application documents he submitted were unacceptable and required him to prepare an alternative design that would meet the requirements of the Alabama Department of Public Health for Onsite Sewage Treatment and Disposal.

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 and Regulations of the *Administrative Code* of this Board.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" constitutes violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)(2) and violations of the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1), and § 330-X-14-.05(g).

Respondent stipulates his conduct set forth in the "Stipulated Facts" constitutes 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 understands his Alabama professional engineer license is subject to a two (2) year **probation period** effective immediately upon issue of a Final Order by the Board. Respondent understands this probation is un-supervised and compliance with

the terms of the consent order will cause the probation period to automatically cease at the end of the specified time period.

4. Respondent shall submit to the Board a fine of two thousand dollars (\$2,000.00) within thirty (30) days of the date of the Final Order.

5. Respondent agrees to provide documentation to the Board supporting his completion of the ten (10) professional development hours continuing professional competency course sponsored by the Murdough Center for Engineering Professionalism, College of Engineering, Texas Tech University within six months of the date of the Final Order. Respondent understands this educational course cannot be utilized to meet the annual requirement of fifteen professional development hours for his professional engineer license renewal.

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 Alabama 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.

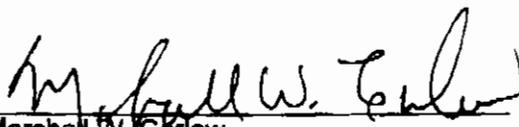
9. Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Alabama Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision in said formal hearing but expressly waives these rights with execution of this Consent Order and Final Order of the Board.

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.

11. 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 Alabama Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice the Respondent and/or 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.

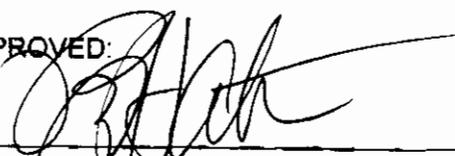
12. Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally 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.

SIGNED this the 8th day of October, 2013



Marshall W. Corlew
Respondent

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

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FINAL ORDER

On October 9, 2013, the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled meeting. The Board Members in attendance at the meeting were: Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Marc S. Barter, Mr. Charles P. Willis, Mr. Frazier Christy, Mr. W. Gerald Wilbanks and Dr. Daniel S. Turner.

This Final Order is based upon a Consent Order signed by Marshall W. Corlew (hereafter referred to as "Respondent") and dated October 8, 2013. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a) 2, and the Rules and Regulations of the Board's Administrative Code § 330-X-14-.06(a)(1), and § 330-X-14-.05(g).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated October 8, 2013 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, 2013



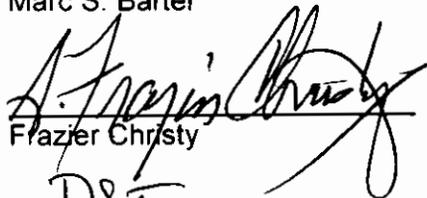
Phillip E. Santora



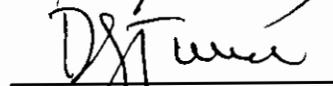
Earl R. Foust



Marc S. Barter



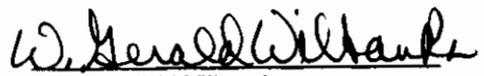
Frazier Christy



Daniel S. Turner

RECUSED

Charles P. Willis



W. Gerald Wilbanks