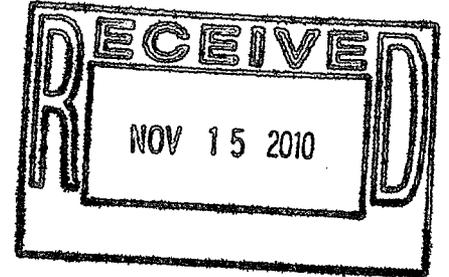


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN RE THE MATTER OF:

FRANK A. DAGLEY

Case No. 09-12-B

CONSENT ORDER

Frank A. Dagley (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 he was issued a license (# 9246) to practice engineering in the State of Alabama on February 6, 1970 and has held that license continuously since that date.

Respondent stipulates on November 19, 2008 the Board received a complaint from Ms. Regina Dinger, Executive Director of the Board, which indicated Respondent prepared design drawings for projects in the State of Alabama that may have been the practice of architecture.

Respondent stipulates he placed his signature and professional engineer seal to design drawings dated March 5, 2007 for the Los Tres Amigos Restaurant, 7960 Moffett Road, Semmes, Alabama project that contained violations of the acceptable standards of practice of engineering in the State of Alabama and included drawings that were within the practice of architecture.

Respondent stipulates he placed his signature and professional engineer seal to design drawings dated August 8, 2007 for the Centre 59 Motel, Loxley, Alabama project that contained errors or omissions of the acceptable standards of practice for engineering in the State of Alabama and included drawings that were within the practice of architecture.

Respondent stipulates he placed his signature and professional engineer seal to design drawings dated August 21, 2008 for the Calvert Commercial Building, Calvert, Alabama project that contained violations of the acceptable standards of practice of engineering in the State of Alabama and included drawings that were within the practice of architecture.

Respondent stipulates he placed his signature and professional engineer seal to design drawings dated January 9, 2009 for the Lassere's Catering, Lakeland Drive & Three Notch, Mobile, Alabama project that contained violations of the acceptable standards of practice of engineering in the State of Alabama and included drawings that are within the practice of architecture.

#### STIPULATED CONCLUSIONS OF LAW

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

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" constitutes a violation of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)(2) and the Board's *Administrative Code* § 330-X-14-.03(d), § 330-X-14-.05(g) and § 330-X-14-.06(a)1.

Respondent stipulates his conduct set forth in the "Stipulated Facts" is a violation of those rules and statues set forth above, and he is subject 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.
2. Respondent understands this Consent Order and subsequent Final Order will become a matter of public record.
3. Respondent's professional engineering license shall be subject to two (2) years **Probation** commencing immediately upon date of Final Order.

4. Respondent shall pay a fine of one thousand dollars (\$1,000.00) to the Board within thirty days of the date of Final Order.

5. Respondent agrees failure to submit payment of the specified penalty within six months of the date of the Final Order shall cause his license to practice engineering in the State of Alabama to be revoked. Respondent understands this matter would then be presented to the Board for ratification at its next regularly scheduled meeting. Respondent further understands he has the right to appear at that meeting and present any pertinent information to the Board for its consideration.

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.

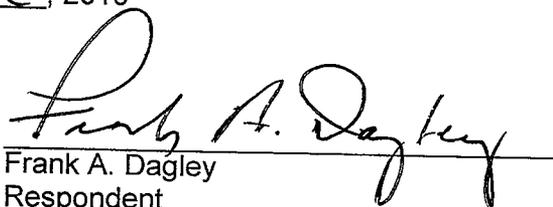
9. Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision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

10. 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.

11. 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 11<sup>th</sup> day of November, 2010

  
Frank A. Dagley  
Respondent

**WITH ATTACHMENTS**

APPROVED:



Benjamin H. Albritton  
Assistant Attorney General

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

IN RE THE MATTER OF:

FRANK A. DAGLEY

Case No. 09-12-B

FINAL ORDER

On December 2-3, 2010, 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. C. Michael Arnold, Mr. William C. Ulrich, Jr., Mr. W. Gerald Wilbanks, Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl R. Foust and Mr. Don T. Arkle. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

This Final Order is based upon a Consent Order signed by Mr. Frank A. Dagley, (hereafter referred to as Respondent) and dated November 11, 2010. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a) 2 and the Board's Administrative Code § 330-X-14-.03(d), § 330-X-14-.05(g) and § 330-X-14-.06(a) 1.

Upon Consideration of the above it is **ORDERED** that the Consent Order dated November 11, 2010 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 3rd day of December, 2010

RECUSED

C. Michael Arnold

NOT PRESENT

W. Gerald Wilbanks

Phillip E. Santora

Phillip E. Santora

Don T. Arkle

Don T. Arkle

William C. Ulrich, Jr.

William C. Ulrich, Jr

Daniel S. Turner

Daniel S. Turner

Earl R. Foust

Earl R. Foust