

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

IN RE THE MATTER OF:

**LARRY A. MCKINNEY
ELDECO, INC.**

CASE NO. 09-306-B

FINAL ORDER

On December 10, 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. William C. Ulrich, Jr, Mr. Don T. Arkle, Mr. C. Michael Arnold, Mr. W. Gerald Wilbanks, Mr. Al I. Reisz, Dr. Daniel S. Turner, and Mr. Phillip E. Santora. Also present at the Board Meeting was Mr. William R. Huett, Assistant Executive Director and Investigator for the Board. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

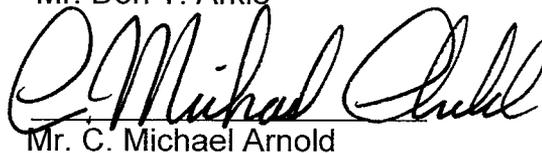
This Final Order is presented to the Board upon a Consent Order signed by Mr. Larry A. McKinney and dated October 27, 2009. In said Consent Order, Respondent stipulated that he violated the Code of Alabama 1975 § 34-11-9(a) (5), and the Rules and Regulations of the Board's *Administrative Code* § 330-X-15-.01(2).

Upon Consideration of the above it is ORDERED that the Consent Order dated October 27, 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 11th day of December 2009.


Mr. William C. Ulrich, Jr.


Mr. Don T. Arkle


Mr. C. Michael Arnold

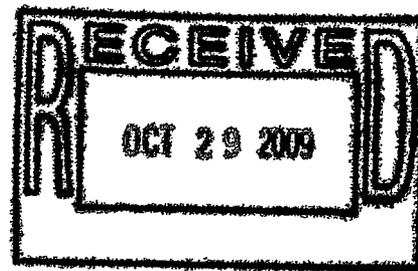

Mr. W. Gerald Wilbanks


Mr. Al. I. Reisz


Mr. Phillip E. Santora


Dr. Daniel S. Turner

STATE OF ALABAMA
BOARD OF LICENSURE FOR
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IN RE THE MATTER OF:

LARRY A. MCKINNEY
ELDECO, INC

Case No. 09-306-B

CONSENT ORDER

Larry A. McKinney, a licensed professional engineer (hereinafter referred to as "Respondent") and ELDECO, Inc., a certificated company located at 5751 Augusta Road, Greenville, South Carolina (hereinafter referred to as "Firm") 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 November 17, 2000 he received a professional engineer license (# 12845) from the Board authorizing him to practice or offer to practice engineering in the State of Alabama and that he has held that certificate continuously since that date.

Respondent stipulates on April 18, 2003, Firm obtained from the Board a Certificate of Authorization to practice or offer to practice engineering in the State of Alabama and has held that certificate continuously since that date. Respondent further stipulates he is listed on Firm's Certificate of Authorization as the principal licensed professional engineer in responsible charge.

Respondent stipulates the Board received an application for the Principles and Practice of Engineering Examination submitted by Shane A. Crittenden, in which Mr. Crittenden indicated

the Firm as his place of employment with an address of 451 Hackel Drive, Montgomery, Alabama, 36117. Respondent further stipulates at no time has Firm identified on its Certificate of Authorization application that it maintained a Branch office located at 451 Hackel Drive, Montgomery, Alabama, 36117 that was offering to provide or providing engineering services in the state of Alabama.

Respondent stipulates on June 11, 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 received by the Board indicating Respondent and Firm may have violated the Board's Administrative Code in reference to providing engineering services at a Branch Office located in Montgomery, Alabama without hiring a resident licensed professional engineer to provide direct control and supervision of the engineering services performed.

Respondent stipulates he and Firm offered engineering services to SAKS Incorporated in 2005 through its branch office located in Montgomery, Alabama without identifying the office on the Firm's Certificate of Authorization for engineering as a Branch Office and employing a full time resident licensed Alabama professional engineer for the Montgomery, Alabama office.

STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as the owner of the Firm, admits in such capacity he 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" may constitute violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-9(a)(5) and the Board's *Administrative Code* § 330-X-15-.01(2)

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.

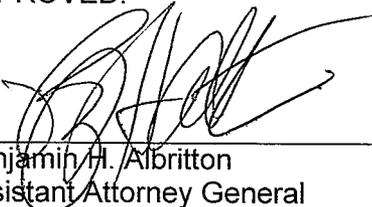
10. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final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

SIGNED this the 27th day of October, 2009



Larry A. McKinney
Respondent

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

the Firm as his place of employment with an address of 451 Hackel Drive, Montgomery, Alabama, 36117. Respondent further stipulates at no time has Firm identified on its Certificate of Authorization application that it maintained a Branch office located at 451 Hackel Drive, Montgomery, Alabama, 36117 that was offering to provide or providing engineering services in the state of Alabama.

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

STIPULATED DISPOSITION

1. Respondent's Firm 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 shall pay to the Board a fine of \$500.00 (five hundred dollars) within thirty days of date of Final Order.

4. Respondent agrees Firm shall cease and desist offering to practice or practicing engineering services in the State of Alabama from any office or branch office that does not employ a full time resident licensed Alabama professional engineer who provides direct control and supervision of the engineering services performed in that office.

6. 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.

7. 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.

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 regularly scheduled meeting on **December 10-11, 2009** 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.

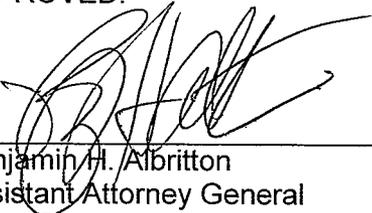
10. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final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

SIGNED this the 27th day of October, 2009



Larry A. McKinney
Respondent

APPROVED:



Benjamin H. Albritton
Assistant Attorney General