

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

IN RE THE MATTER OF:

Case No. 2012-07-B

TIMOTHY GRAY FRAZIER, II

CONSENT ORDER

Timothy Gray Frazier, II, an Alabama licensed professional engineer (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 received professional engineer license # 28807 from the Board on August 3, 2007 and has held that license continuously from that date to the present.

Respondent stipulates that on December 15, 2011 the Board, by and through its Executive Director Ms. Regina A. Dinger, filed a complaint based on information received by the Board regarding disciplinary action taken against Respondent in the State of Florida.

Respondent stipulates on December 15, 2011 the Board sent a complaint notification letter via regular mail informing Respondent of a Board initiated complaint. Respondent stipulates the complaint notification letter asked him to provide to the Board copies of documents relating to any disciplinary action taken against him in Florida as well as any other jurisdiction prior to December 30, 2011.

Respondent stipulates on January 9, 2012 he submitted a response to the Board via email that stated, "I have received the administrative complaint letter you forwarded to me Dated December 15, 2011 regarding the Final Settlement Order I recently entered with the State of

Florida. I currently work for the Department of the U.S. Navy and am deployed overseas in Naples, Italy for the next three years. Therefore, unfortunately I will not be able to provide you the documentation requested in the letter or be present for a hearing. I understand that this may result in cancellation of my Alabama license, but at this time due to work obligations I regrettably have no other options.”

Respondent stipulates on October 19, 2011 he entered into a Consent Order with the Florida State Board of Professional Engineers that required him to pay a \$5,000.00 civil penalty, to pay \$6,437.00 administrative cost, and suspension of his Florida professional engineer license for three years.

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” may constitute violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)(5) and violations of the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1), § 330-X-14-.06(a)(5) and § 330-X-14-.08.

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 understands his Alabama professional engineer license shall be **suspended** immediately upon the issue of a Final Order by the Board until **October 19, 2014**. Respondent also understands that during the time his Alabama professional engineer license is suspended, he shall cease and desist offering or providing engineering services in the State of Alabama.

4. 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.

5. 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.

6. 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.

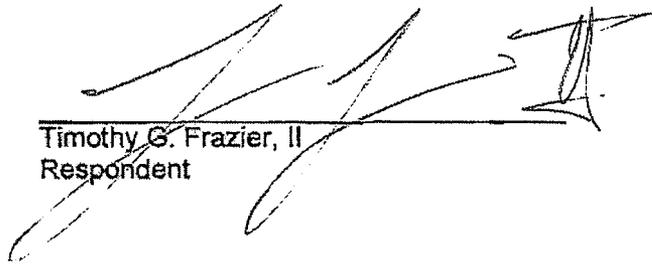
7. Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision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

8. 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.

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.

SIGNED this the 8th day of MARCH, 2012



Timothy G. Frazier, II
Respondent

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

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FINAL ORDER

On March 15-16, 2012, 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. W. Gerald Wilbanks, Mr. C. Michael Arnold, Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Don T. Arkle and Mr. William C. Ulrich Jr.

This Final Order is based upon a Consent Order signed by Timothy Gray Frazier, II (hereafter referred to as Respondent) and dated March 8, 2012. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a) (5) and the Rules of Professional Conduct of the Administrative Code § 330-X-13-.06(a)(1), § 330-X-14-.06(a)(5) and § 330-X-14-.08.

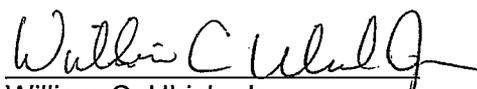
Upon Consideration of the above it is **ORDERED** that the Consent Order dated March 8, 2012 is adopted by the Board and hereby made a part of this Final Order. It is further **ORDERED** that Respondent abide by the Final Order in this manner.

ENTERED this the 16th day of March, 2012


W. Gerald Wilbanks


Daniel S. Turner


Earl R. Foust


William C. Ulrich, Jr


C. Michael Arnold

RECUSED

Phillip E. Santora


Don T. Arkle