

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

**IN RE THE MATTER OF:
PHILIP L. FRETWELL**

Case No. 2013-02-B

CONSENT ORDER

Philip L. Fretwell, an Alabama licensed professional land surveyor (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 land surveyor license # 8113 from the Board on December 16, 1967 and has held that license continuously from that date to the present.

Respondent stipulates that on October 18, 2012 the Alabama Board received a complaint from Mr. Alonzo Austin and Mrs. Yvonne Austin. The complaint indicated Respondent was employed by Mr. and Mrs. Austin in March 2010 and paid \$500.00 to survey property located in Tuskegee, Alabama, but failed to provide Mr. and Mrs. Austin with a survey drawing.

Respondent stipulates he was employed by Mr. ~~and Mrs.~~ Austin to perform land surveying services that would divide one acre from a multiple acreage property. Respondent performed the necessary field work as requested by Mr. Austin and received payment in the amount of \$500.00.

Respondent stipulates Mr. Austin later requested that Respondent return to the property to increase the size of the lot but Respondent advised him the work would require an additional \$250.00. Respondent also stipulates the two of them could never reach an agreement on the additional fee therefore he never returned to the property to provide land surveying services and never provided Mr. Austin with a survey.

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STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a licensed land surveyor 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).

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

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.

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

Respondent will provide ~~Mrs.~~ ^{Mr.} Austin a completed survey within fourteen days of the date the Final Order is issued by the Board.

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.

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.

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.

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.

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.

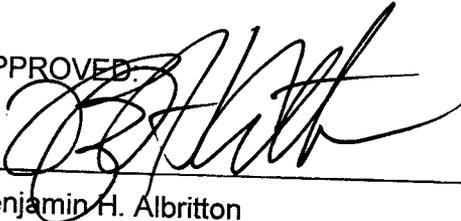
Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Alabama Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally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

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

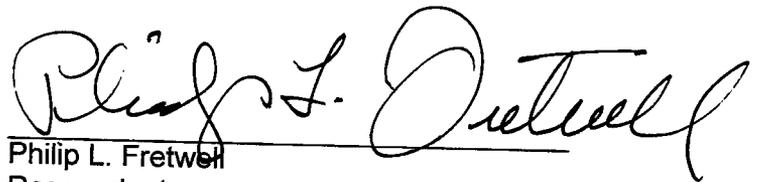
these proceedings. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission.

SIGNED this the 13TH day of MAY, 2013

APPROVED:



Benjamin H. Albritton
Assistant Attorney General



Philip L. Fretwell
Respondent

I WAS EMPLOYED
SOLELY BY ALONZO AUSTIN. I
NEVER MET YVONNE AUSTIN
DURING ANY OF THE SURVEYING
REFERENCES OUTLINED IN
"STIPULATED FACTS".

PF

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CASE NO. 2013-02-B

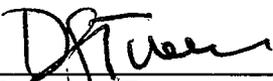
FINAL ORDER

On May 15, 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: Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl R. Foust, Mr. Marc S. Barter, Mr. Charles P. Willis, Mr. W. Gerald Wilbanks and Mr. A. Frazier Christy.

This Final Order is based upon a Consent Order signed by Phillip L. Fretwell (hereafter referred to as Respondent) and dated May 13, 2013. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a)(2) and the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated May 13, 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 15th day of May, 2013



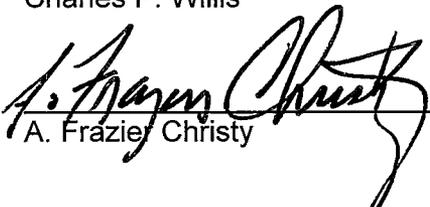
Daniel S. Turner

RECUSED

Earl R. Foust

DID NOT ATTEND

Charles P. Willis



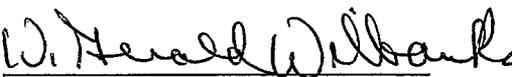
A. Frazier Christy



Phillip E. Santora



Marc S. Barter



W. Gerald Wilbanks