

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

IN RE THE MATTER OF:

RONALD D. HACKETT

Case No. 09-05-B

FINAL ORDER

This cause was called for hearing on August 27, 2009 at 9:00 a.m. Members of the Investigative Committee of the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as "Board") met in the office of the Board for an Administrative Hearing concerning the allegations filed against Mr. Ronald D. Hackett (hereinafter referred to as "Respondent"). The Board was not present but was represented by Mr. Benjamin Albritton, Board Counsel. Governmental Hearing Officer Dana A. Billingsley presided over the Hearing. Also present at the Hearing were Ms. Regina Dinger, Executive Director of the Board, and Mr. William R. Huett, Assistant Executive Director and Investigator for the Board, and Robert Herbert, Investigator for the Board. The Respondent was not present at the hearing.

STATEMENT OF ISSUES

On August 24, 2001, Respondent was issued a certificate of licensure (certificate number 24508) from the Board authorizing him to practice engineering in the State of Alabama and has held that license continuously from that date. At present, Respondent's license is in lapsed status as of December 31, 2008, due to failure to renew.

On December 20, 2007, Respondent submitted an on-line renewal of his Professional Engineer's license for the calendar year 2008. Respondent indicated on his on-line renewal

submission that he was renewing his license in active status. Respondent also certified he had met the continuing professional competency requirement of fifteen (15) hours of professional development.

Respondent was notified by correspondence on July 10, 2008 that his 2008 license renewal had been randomly selected for audit of continuing professional competency credits he had earned and reported on the 2008 license renewal. The Board requested that Respondent provide a log and copies of attendance verification records as required by the Board's Rules and Regulations no later than August 11, 2008.

In a letter dated July 29, 2008, Respondent informed the Board that as of January 1, 2008 he was retired from the practice of engineering and wished to claim exemption from the continuing education requirements for retirees as provided for in the Board's Rules and Regulations. Respondent was notified via telephone that because he had renewed his license in active status, he was still required to respond to the Board's request. Respondent provided via email a copy of his "2007 DoDIIS Worldwide Training Schedule" dated August 18, 2008.

On August 25, 2008 via email and on September 2, 2008 via certified mail, Respondent was informed by Joy Whatley, Board employee that additional documentation was required by the Board in order to verify the continuing professional competency credits he earned in 2007. In a letter dated October 14, 2008, Respondent informed the Board he was unable to locate the documentation requested and again stated that he wished his status be changed to retired.

On November 4, 2008 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") against Respondent alleging that Respondent had failed to provide documentation to the Board as requested pursuant to a random audit of his continued professional competency credits. The complaint alleged that Respondent may have violated Code of Alabama 1975 § 34-11-11(a)(2) and *Administrative Code* § 330-X-14-.06(a) 1 & 15 and § 330-X-13-.02(14). The alleged violation is as follows;

Count I

In a letter dated July 10, 2008, the Board informed Respondent that his 2008 renewal of licensure application had been selected at random for verification of his earned continuing professional competency credits. The letter requested that Respondent provide a log and copies of documentation verifying his earned professional development hours no later than August 11, 2008. Respondent responded via a letter dated July 29, 2008 and advised the Board that he was retired from professional engineering as of January 1, 2008 and requested that his license be placed in retired status. Respondent was informed via telephone that since he had renewed his 2008 license in active status, he was required to respond to the Board's request. On August 18, 2008, Respondent provided via email a one page document titled "2007 DoDIIS Worldwide Training Schedule". On August 25, 2008 and September 2, 2008 via both email and certified mail, Respondent was informed that additional documentation was required by the Board for verification of his continued professional competency credits. In a letter dated October 14, 2008, Respondent informed the Board that he had been unable to locate the documentation requested by the Board. No further documents were received by the Board until after a complaint was filed on November 4, 2008. After numerous attempts to obtain the required verification documents from Respondent, the Board, through its investigation determined the number of professional development hours Respondent had claimed on his 2008 license renewal. Failure to maintain and provide to the Board the required records that are used to support claimed continuing competency credits is a violation Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)(2). It is also a violation of the Rules and

Regulations of the Board's *Administrative Code*, § 330-X-13-.02(12) and § 330-X-14-.06(a)1.

CONCLUSIONS OF LAW

The Board hereby states that Respondent is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)(2), and *Administrative Code* § 330-X-13-.02(12) and § 330-X-14-.06(a)1.

CONCLUSION

After hearing the testimony of all the witnesses presented by the Board and after considering all the evidence presented in the above-referenced case, Governmental Hearing Officer Dana Billingsley made the following recommendation;

1. It is hereby recommended that Respondent receive a public reprimand and pay a fine in the amount of \$200.00 for said violations within thirty (30) days of the date of a Final Order issued by the Board.
2. It is further recommended that Respondent's license to practice professional engineering in the State of Alabama be classified as "retired" effective August 20, 2009; provided however that should Respondent elect to reactivate his Professional Engineer License, he shall be required to meet all the required PDH credits for the period for which he was retired, not to exceed the number of credits due for two (2) years. Respondent shall be further required to provide evidence supporting the number of PDH credits claimed at the time of reactivation of his license upon making application therefore.

After deliberation and a review of the Governmental Hearing Officer's recommendations, the Board finds Respondent **Guilty** of the allegations made against him.

In accordance with the Code of Alabama 1975 § 34-11-11(m) which states the Board has the power to impose any and all disciplinary penalties and the licensee shall be responsible for the cost of such action if found guilty the Board respectfully modifies the Governmental Hearing Officer's proposed recommendation for disciplinary action to include payment of the cost of the hearing relative to this cause.

In accordance with the Code of Alabama 1975 § 34-11-8 which states the Board has shall establish the renewal fee for each certificate of licensure issued pursuant to this chapter and requires individuals listing their status as retired to submit the annual renewal fee (which the Respondent has not done) the Board respectfully modifies the Governmental Hearing Officer's proposed recommendation for disciplinary action to state the "license shall remain in lapsed status."

The Board hereby **Orders** as follows:

1. Respondent shall pay to the Board, a fine of two hundred dollars (\$200.00) within thirty (30) days of Final Order.
2. Respondent shall pay to the Board Three hundred and twenty one dollars and twenty-five cents (\$321.25) within thirty (30) days of Final Order for cost of the Hearing.
3. Respondent's license shall remain in lapsed status; however should he elect to reactivate his license he shall be required to meet all of the requirements of ALA. ADMIN. CODE r. 330-X-13-.02(9)(d) (2007), to include earning the required PDH credits for the period for which he was retired, not to exceed the number. of credits due for two (2) years. Respondent shall be further required to provide evidence supporting the number of PDH credits claimed at the time of reactivation of his license upon making application therefor.

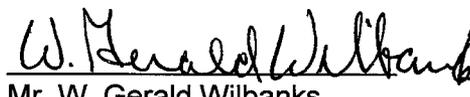
4. The Hearing and Final Order will be public record.

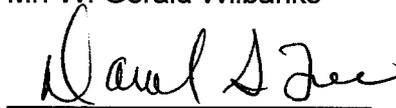
Done this the 9th day of October, 2009

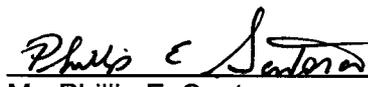

Mr. William C. Ulrich


Mr. Don T. Arkle

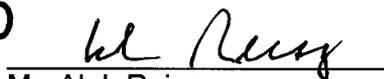

Mr. C. Michael Arnold


Mr. W. Gerald Wilbanks


Dr. Daniel S. Turner


Mr. Phillip E. Santora

RECUSED


Mr. Al. I. Reisz