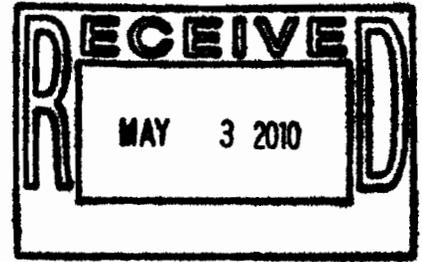


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN RE THE MATTER OF:

DAVID L. HESTERLEE  
CONTOUR INC  
CONTOUR DESIGN COMPANY LLC

Case No. 10-09-B

**CONSENT ORDER**

David L. Hesterlee, a licensed professional engineer, (hereinafter referred to as "Respondent") and the firms Contour Inc., and Contour Design Company LLC, hereby stipulate and agree, 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 the Board issued him professional engineer license number 26116 on January 9, 2004 authorizing him to practice or offer to practice engineering in the State of Alabama. Respondent stipulates at no time has Contour Inc., or Contour Design Company LLC., held a valid certificate of authorization for engineering allowing either firm to practice or offer to practice engineering in the State of Alabama. Respondent stipulates Contour Design Company LLC., changed its name to Contour Design LLC., and the Board issued a certificate of authorization for engineering to Contour Design LLC., on January 15, 2010 authorizing it to practice or offer to practice engineering in the State of Alabama.

Respondent stipulates on December 31, 2009, the Board received a complaint from Mr. John A. Barnes alleging Contour Inc., possibly practiced or offered to practice engineering services in the State of Alabama without obtaining a certificate of authorization for engineering from the Board.

Respondent stipulates Contour Inc., submitted proposals to provide engineering services for the Activity Center at Faucett Bothers Park, DeArmanville Elementary Schools, and Scott Bridge Office Company projects without obtaining a certificate of authorization for engineering from the Board.

Respondent stipulates he placed his signature and professional engineer seal to engineering design drawings dated December 21, 2009 which contained the firm name "Contour Design Company LLC.," for the DeArmanville Elementary Schools project without obtaining a certificate of authorization for engineering for Contour Design Company LLC., from the Board.

Respondent stipulates he placed his signature and professional engineer seal to engineering design drawings dated January 13, 2010 which contained the firm name "Contour Design Company LLC.," for the Scott Bridge Office Company project without obtaining a certificate of authorization for engineering for Contour Design Company LLC., from the Board.

#### STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as an owner of Contour Inc., and Contour Design Company LLC., admits in such capacity he, Contour Inc., and Contour Design Company LLC., are subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11 and the jurisdiction of the 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 § 34-11-9(a)1 and the Board's *Administrative Code* § 330-X-14-.06(a)1 and § 330-X-15-.01(1).

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

### STIPULATED DISPOSITION

1. Respondent, Contour Inc., and Contour Design Company LLC., 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 \$1,500.00 (one thousand, five hundred dollars) within thirty (30) days of the date of the Final Order.

4. 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.

5. Respondent agrees he shall ***cease and desist*** offering to provide or providing engineering services through firms that have not been issued a certificate of authorization for engineering from the Board.

6. Respondent understands his professional engineering license shall be subject to one (1) year ***Probation*** commencing immediately upon the date of the Final Order.

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 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.

9. 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 **May 19-21, 2010** in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

10. 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.

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.

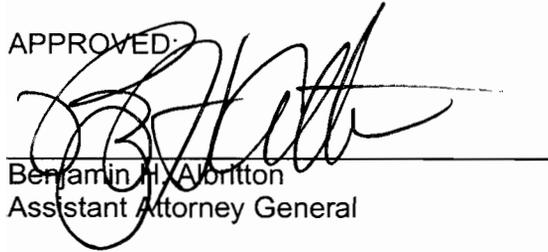
12. Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally 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 30 day of APRIL, 2010.



David L. Hesterlee  
Respondent

APPROVED:



Benjamin H. Albritton  
Assistant Attorney General

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

**IN RE THE MATTER OF:**

**DAVID L. HESTERLEE  
CONTOUR INC  
CONTOUR DESIGN COMPANY LLC**

**Case No. 10-09-B**

**FINAL ORDER**

On May 19-20, 2010 the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance were: Mr. William C. Ulrich, Jr, Mr. C. Michael Arnold, Mr. W. Gerald Wilbanks, Dr. Daniel S. Turner, Mr. Phillip E. Santora and Mr. Earl R. Foust. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

This Final Order is based upon a Consent Order signed by Mr. David L. Hesterlee, (hereafter referred to as Respondent) and dated April 30, 2010 In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975 § 34-11-11(k) (2) and § 34-11-9(a)(1), and the Rules of Professional Conduct of the Board's *Administrative Code* § 330-X-14-.06(a)(1) and § 330-X-15-.01(1)

Upon Consideration of the above it is ORDERED the Consent Order dated April

30, 2010 and signed by the Respondent 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 20<sup>th</sup> day of May 2010.

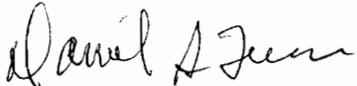
  
Mr. William C. Ulrich, Jr.

**RECUSED**

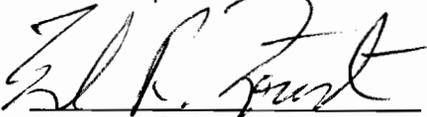
NOT PRESENT  
Mr. Don T. Arkle

  
Mr. C. Michael Arnold

  
Mr. W. Gerald Wilbanks

  
Dr. Daniel S. Turner

  
Mr. Phillip E. Santora

  
Mr. Earl R. Foust