

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

IN RE THE MATTER OF:

TOM LEE

**Case No. 10-48-C
11-03-C**

CONSENT ORDER

Tom Lee, an unlicensed individual and Mayor of Valley Grande, Alabama (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 has never held a valid license from the Board authorizing him to practice or offer to practice engineering in the State of Alabama.

Respondent stipulates on September 29, 2010 a complaint was initiated by the Alabama Board of Licensure for Professional Engineers and Land Surveyors and signed by its Executive Director (Case No. 10-48-C) relative to information obtained from the Alabama Board of Architects which indicated Respondent may be providing or offering to provide engineering services in the State of Alabama without obtaining a license for engineering from the Board relative to the City of Valley Grande Sports Complex project in Valley Grande, Alabama.

Respondent stipulates on October 27, 2010 the Board received a second complaint (Case No. 11-03-C) from Mr. Lee Peake alleging Respondent may be providing or offering to provide engineering services in the State of Alabama without obtaining a license for engineering from the Board relative to the City of Valley Grande Sports Complex project in Valley Grande, Alabama.

Respondent stipulates he provided design drawings, grading design and website information that were used in the bid process and construction of the City of Valley Grande Sports Complex located in Valley Grande, Alabama without obtaining a license to practice engineering in the State of Alabama from the Board. Respondent also stipulates he has never obtained a license from the Board to practice or offer to practice engineering in the State of Alabama.

STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as an unlicensed individual, 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 his conduct as set forth in the foregoing "Stipulated Facts" constitutes violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-15(a), § 34-11-16(a)1.

Respondent stipulates the conduct set forth in the "Stipulated Facts" is a violation of those rules and statues set forth above, and that Firm is subject 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.
2. Respondent understands this Consent Order and subsequent Final Order will become a matter of public record.
3. Respondent shall pay to the General Fund of the State of Alabama a civil penalty of \$500.00 (five hundred dollars) within thirty (30) days of date of Final Order.

4. Respondent shall pay to the Board \$235.63 (two hundred thirty-five dollars and sixty-three cents) for expenses incurred during the investigation within thirty (30) days of date of Final Order.

5. Respondent shall **cease and desist** providing or offering to provide engineering services in the State of Alabama until such time as he obtains a license for engineering from the Board.

8. 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.

9. 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.

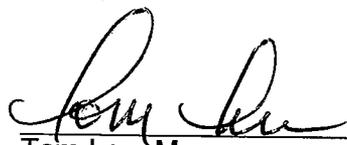
10. Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands this discussion will take place at the Board's next regularly scheduled meeting in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

11. 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.

12. 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.

13. 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 10th day of JANUARY, ~~2010~~ 2011



Tom Lee, Mayor
Respondent

APPROVED:


Benjamin H. Albritton
Assistant Attorney General

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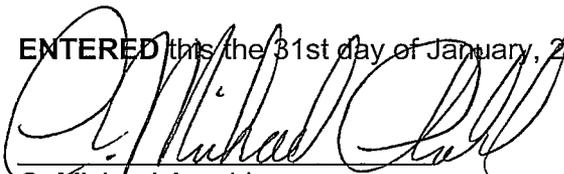
FINAL ORDER

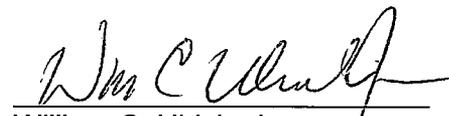
On January 31, 2011, the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance at the meeting were: Mr. C. Michael Arnold, Mr. William C. Ulrich, Jr., Mr. W. Gerald Wilbanks, Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl R. Foust and Mr. Don T. Arkle.

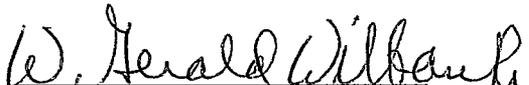
This Final Order is based upon a Consent Order signed by Tom Lee (hereafter referred to as Respondent) and dated January 10, 2011. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-15(a), § 34-11-16(a) (1).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated January 10, 2011 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 31st day of January, 2011

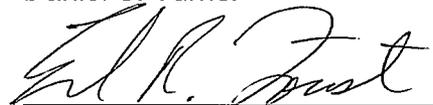

C. Michael Arnold


William C. Ulrich, Jr


W. Gerald Wilbanks

RECUSED
Daniel S. Turner


Phillip E. Santora


Earl R. Foust


Don T. Arkle