

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

IN RE THE MATTER OF:

CASE NO. 2013-40-B

GERALD R. MARTIN

CONSENT ORDER

Gerald R. Martin, 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 # 13191 from the Board on January 23, 1981 and has held that license continuously from that date to the present.

Respondent stipulates that on September 3, 2013 the Board, by and through its Executive Director Ms. Regina A. Dinger, filed a complaint based on information the Board received that indicated he had received a felony criminal conviction in the Circuit Court of Madison County, Alabama on August 22, 2012.

Respondent stipulates that on August 22, 2013 he plead guilty to the offense of Sexual Abuse in the first degree in Madison County Circuit Court. Respondent further stipulates this guilty plea resulted in him being sentenced to "10 years split to serve 2 years, day for day, balance suspended for 3 years on State Probation. Said sentence to run concurrently with CC12-3561 (count 4, 1 year sentence)."

STIPULATED CONCLUSIONS OF LAW

Respondent in his capacity as a licensed Professional 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), § 34-11-11(k)(2) and violations of the Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1) and § 330-X-14-.06(a)(4).

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 understands his Alabama professional land surveyor license (#13191) shall be **Revoked** immediately upon date a Final Order is issued by the Board.

Respondent understands that if his felony criminal conviction is overturned as a result of appeal, and his civil rights restored, he may apply to the Board for re-issuance of his professional land surveyor license at that time.

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 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.

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.

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 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 27th day of SEPT, 2013



Gerald R. Martin
Respondent

APPROVED


Benjamin H. Albritton
Assistant Attorney General

STATE OF ALABAMA
BOARD OF LICENSURE FOR
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IN RE THE MATTER OF:

GERALD R. MARTIN

CASE NO. 2013-40-B

FINAL ORDER

On October 9, 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: Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Marc S. Barter, Mr. Charles P. Willis, Mr. Frazier Christy, Mr. W. Gerald Wilbanks and Dr. Daniel S. Turner.

This Final Order is based upon a Consent Order signed by Gerald R. Martin (hereafter referred to as "Respondent") and dated September 27, 2013. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a) 2, § 34-11-11(k) 2, and the Rules and Regulations of the Board's Administrative Code § 330-X-13-.06(a)(1) and § 330-X-14-.06(a)(4).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated September 27, 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.

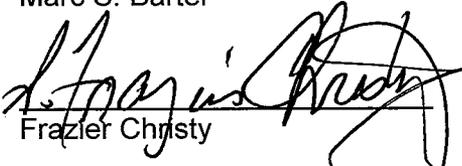
ENTERED this the 9th day of October, 2013


Phillip E. Santora

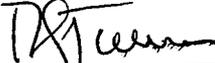

Earl R. Foust


Marc S. Barter

DID NOT ATTEND
Charles P. Willis


Frazier Christy

RECUSED
W. Gerald Wilbanks


Daniel S. Turner