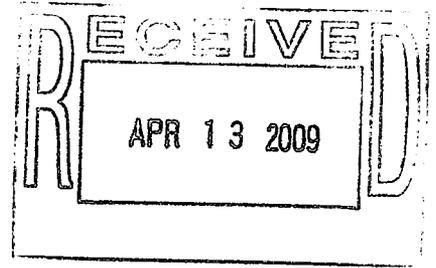


STATE OF ALABAMA
BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS



IN RE THE MATTER OF:

DAVID E. MCFARREN dba
PYRAMID 1

Case No. 07-33-B

CONSENT ORDER

David E. McFarren (hereinafter referred to as "Respondent") dba Pyramid 1 (hereinafter referred to as "Firm") 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 that on February 12, 2000 he obtained a professional engineering license (license number 23491) from the Board.

Respondent stipulates that on April 14, 2008 the Firm obtained a Certificate of Authorization for engineering (certificate number 3514).

Respondent stipulates on July 5, 2007 the Board received a complaint from the State of Alabama Board of Architects relative to a project known as Lone Oak Properties located in Fairhope, Alabama, which indicated Respondent placed his Professional Engineer seal and signature to design documents within the practice of architecture.

Respondent stipulates the July 5, 2007 complaint from the State of Alabama Board of Architects relative to a project known as Lone Oak Properties located in Fairhope, Alabama indicated Firm offered engineering services in the State of Alabama without a Certificated of Authorization.

Respondent stipulates on February 23, 2007 he provided engineering services for a project known as Lone Oak Properties in Fairhope, Alabama and submitted documents and designs bearing his signature, Alabama professional engineer seal and business name of Pyramid 1 at a time when Firm did not hold a valid Certificate of Authorization to practice engineering in the State of Alabama.

Respondent stipulates on February 23, 2007 he provided his Alabama professional engineer seal and signature to documents relative to a project known as Lone Oak Properties in Fairhope, Alabama which was within the practice of architecture.

STIPULATED CONCLUSIONS OF LAW

Respondent, in his official capacity as the principal Engineer of the Firm, admits in such capacity that he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)(2), § 34-11-9(a)(5) and the jurisdiction of the Board.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" constitutes a violation of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)(2) and Board's *Administrative Code* § 330-X-9-.02(2), § 330-X-14-.03(a), § 330-X-14-.06(a)(1) and § 330-X-15-.01(1).

Respondent stipulates his conduct set forth in the "Stipulated Facts" is a violation of those rules and statues set forth above, and he 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's professional engineering license shall be subject to one (1) year **Probation** commencing immediately upon date of Final Order.

5. Respondent shall pay a fine of two thousand dollars (\$2,000.00) to the Board within thirty days of the date of Final Order.

6. Respondent agrees 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.

7. Respondent agrees any violation of the terms of this Consent Order may result in the Board filing additional charges in accordance with Title 34, Chapter 11, Code of Alabama 1975.

8. 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 regularly scheduled meeting on April 30, 2009 in Montgomery, Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

9. The Respondent for the purpose of avoiding further administrative or criminal 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 an admission and the Respondent shall be allowed a new hearing date other than that set forth in Paragraph 8 herein.

10. 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.

SIGNED this the 10TH day of APRIL, 2009.



David E. McFarren
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 E. McFARREN

CASE NO. 07-33-C

FINAL ORDER

On May 1, 2009 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. Don T. Arkle, Mr. Al I. Reisz, Mr. William C. Ulrich, Jr, Mr. C. Michael Arnold, and Mr. Preston L. Jackson. Also present at the Board Meeting were Ms. Regina Dinger, Executive Director of the Board, and Mr. William R. Huett, Assistant Executive Director and Investigator for the Board. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

This Final Order is presented to the Board based upon a Consent Order signed by Mr. David E. McFarren that was received on April 13, 2009. In said Consent Order, Mr. McFarren stipulated he violated the Code of Alabama 1975 § 34-11-11(a) (2), § 34-11-9(a)5 and the Rules of Professional Conduct of the *Administrative Code*, § 330-X-9-.02(2), § 330-X-14-.03(a), § 330-X-14-.06(a) 1, 5 and 6 and § 330-X-15-.01.

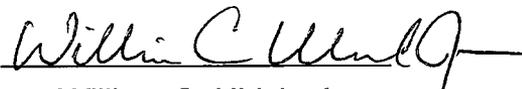
Upon Consideration of the above it is ORDERED the Consent Order dated April 10, 2009 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Mr. McFarren abide by the Final Order in this manner.

ENTERED this the 1st day of May 2009.


Don T. Arkle


Al I. Reisz

RECUSED


William C. Ulrich, Jr


C. Michael Arnold


Preston L. Jackson