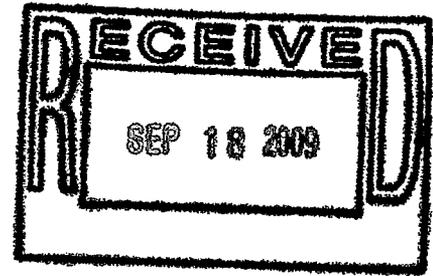


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN RE THE MATTER OF:

MICHAEL A. PANETHIERE

Case No. 09-313-B

CONSENT ORDER

Michael A. Panethiere (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 on December 9, 2005 he obtained a professional engineer license (license number 27364) from the Board and has held that license continuously since that date.

Respondent stipulates he received a letter from the Board dated March 18, 2009 stating he had been selected at random for audit of the continuing professional competency credits he obtained in order to renew his professional engineer license in the State of Alabama for 2009. Said letter requested Respondent respond no later than April 20, 2009.

Respondent stipulates he received a letter dated May 7, 2009 from the Board (via certified and regular mail) advising he had been selected at random for audit of the continuing professional competency credits he obtained in order to renew his professional engineer license in the State of Alabama for 2009. Said letter requested Respondent respond no later than May 26, 2009. Respondent stipulates he did not respond to that letter.

Respondent stipulates on July 29, 2009 a letter was sent (via certified and regular mail) informing Respondent the Board had initiated a complaint regarding his failure to provide the documents supporting his earned continuing professional competency credits for 2008. Said letter informed Respondent that as of July 23, 2009 his Professional Engineer license for the State of Alabama had been suspended by the Board until the audit requirements were met, and Respondent was instructed to respond to the letter prior to August 17, 2009.

Respondent stipulates he contacted the Board via telephone on August 8, 2009 and explained he had mistakenly failed to respond to the Board's March 18, 2009 letter due to confusion between the Alabama Board's request and a request from another State. On August 14, 2009, Respondent provided documentation to the Board in the form of a letter, a continuing education log and documents that indicate he obtained sufficient professional development hours to renew his license for 2009.

#### STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a licensed Professional Engineer in the State of Alabama, admits in such capacity that 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, §34-11-11(a)(2), and the Board's *Administrative Code* § 330-X-14-.06(a)(15) and § 330-X-13-.02(14)(b).

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

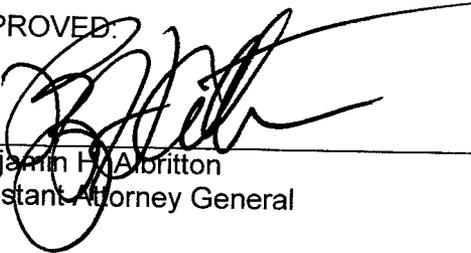
1. Respondent shall not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama 1975, or the Rules and Regulations of the *Administrative Code* and the Rules of Professional Conduct promulgated together.
2. Respondent understands this Consent Order and subsequent Final Order will become a matter of public record.
3. Respondent understands he shall be subject to a **public reprimand** upon date of Final Order.
4. Respondent agrees his continuing professional competency credits shall be subject to audit twice within next seven (7) years.
5. 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.
6. 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.
7. 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 October 8-9, 2009 in Montgomery, Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.
8. 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.

9. 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 17<sup>th</sup> day of SEPTEMBER, 2009.

  
\_\_\_\_\_  
Michael A. Panethiere  
Respondent

APPROVED:

  
\_\_\_\_\_  
Benjamin H. Abritton  
Assistant Attorney General

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

**IN RE THE MATTER OF:**

**MICHAEL A. PANETHIERE**

**CASE NO. 09-313-B**

**FINAL ORDER**

On October 8, 2009 at 1:00 p.m. 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, Mr. W. Gerald Wilbanks, Dr. Daniel S. Turner and Mr. Phillip E. Santora. 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 upon a Consent Order signed by Mr. Michael A. Panethiere (hereinafter referred to as "Respondent") dated September 17, 2009. In said Consent Order, Respondent stipulated that he violated Title 34, Chapter 11, Code of Alabama, 1975, § 34-11-11(a)(2), and the Rules of Professional Conduct of the Board's *Administrative Code* § 330-X-14-.06(a)(15) and § 330-X-13-.02(14) (b).

Upon Consideration of the above it is ORDERED the Consent Order dated September 17, 2009 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.

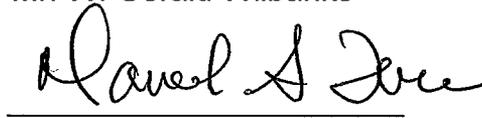
ENTERED this the 9th day of October 2009.

  
Mr. William C. Ulrich

  
Mr. Don T. Arkle

  
Mr. C. Michael Arnold

  
Mr. W. Gerald Wilbanks

  
Dr. Daniel S. Turner

  
Mr. Phillip E. Santora

  
Mr. Al. I. Reisz