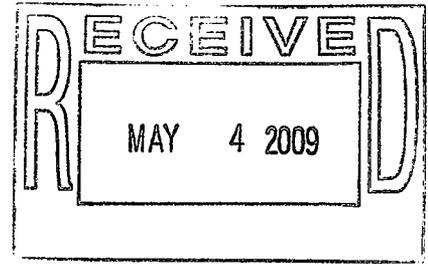


STATE OF ALABAMA  
BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS



IN RE THE MATTER OF:

JAMES W. PARKES

Case No. 09-20-B

CONSENT ORDER

James W. Parkes, (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 June 23, 2000 the Board issued him a Certificate of Licensure (Licensure Number 23782) authorizing him to practice as a professional engineer in the State of Alabama. Respondent has held that certificate continuously from that date to the present.

Respondent stipulates on December 22, 2008 the Board received a complaint from H. Scott Armstrong of KEMKO, Inc., (hereinafter referred to as "Complainant") alleging Respondent placed his professional seal and signature on design drawings of buildings and foundations which do not meet building code requirements.

Respondent stipulates further investigation revealed he placed his professional seal and signature to design drawings prepared by a steel designer/draftsman

employed by Ace Metal Buildings, Inc which he did not directly supervise. Respondent also stipulates the review of the Board's Technical Advisor indicated those drawings do not meet the standards for acceptable practice of engineering and fail to meet building code requirements in the State of Alabama.

#### STIPULATED CONCLUSIONS OF LAW

Respondent in his capacity as a licensed Professional Engineer, 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" may constitute violations of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)(2) & (a)(3), and violations of the Rules of Professional Conduct of the *Administrative Code* § 330-X-101, § 330-X-14-.06(a)(1) and § 330-X-14-.06(a)(12).

Respondent stipulates his conduct set forth in the "Stipulated Facts" may constitute 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

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 his license shall be subject to two (2) years **Probation** beginning the date a Final Order is issued by the Board.

4. Respondent shall pay to the Board a fine of two thousand dollars (\$2,000.00) within thirty (30) days of the date a Final Order is issued by the Board.

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 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.

10. 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

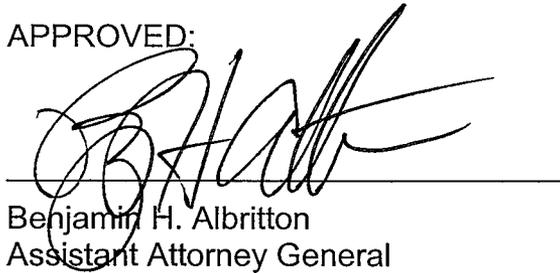
this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission.

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.

SIGNED this the 29<sup>th</sup> day of APRIL, 2009.

  
James W. Parkes  
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:**

**JAMES W. PARKES**

**CASE NO. 09-20-B**

**FINAL ORDER**

On July 23, 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. W. Gerald Wilbanks. 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 dated April 29, 2009 and signed by Mr. James W. Parkes, licensed professional engineer (hereafter referred to as Respondent). In said Consent Order, Respondent stipulated he violated the Code of Alabama 1975 § 34-11-11(a)(2) and (a)(3) and The Rules of Professional Conduct of the *Administrative Code* § 330-X-14-.06(a)(1) and § 330-X-14-.06(a)(12).

Upon Consideration of the above it is ORDERED the Consent Order dated April 29, 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 23<sup>rd</sup> day of July 2009.



Don T. Arkle

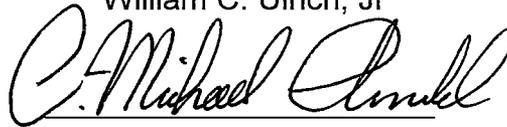
**RECUSED**



Al I. Reisz



William C. Ulrich, Jr



C. Michael Arnold



W. Gerald Wilbanks