

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

IN RE THE MATTER OF:

CURTIS T. PIERCE

Case No. 05-13-B

FINAL ORDER

This cause was called for hearing on December 12, 2008 at 9:00 a.m. Members of the Investigative Committee of the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as "Board") met in the Administrative Law Division Office of the Alabama Attorney General's Office for an Administrative Hearing concerning the allegations filed against Mr. Curtis Pierce (hereinafter referred to as "Respondent"). The Board was not present but was represented by Mr. Benjamin Albritton, Board Counsel. The Honorable Tori L. Adams, Administrative Law Judge for the Administrative Hearings Division of the Attorney General's Office, presided over the Hearing. Also present at the Hearing were Ms. Regina Dinger, Executive Director of the Board, and Mr. William R. Huett, Assistant Executive Director and Investigator for the Board. Mr. Pierce was present and preceded pro se.

STATEMENT OF ISSUES

On January 8, 1991, Respondent was issued a certificate of licensure (certificate number 16175) from the Board authorizing him to practice land surveying in the State of

Alabama. On January 9, 2004 the Respondent's license was placed in suspended status for a period of one year.

On November 2, 2004 the Board received a complaint from Mr. Walter Dorsey, Jr., City Engineer for the City of Opelika, Alabama, (hereinafter referred to as "Claimant") alleging Respondent had violated the Rules and Regulations of the Board and the Code of Alabama 1975 in reference to Respondent preparing and submitting a subdivision plan to the Opelika Planning Commission during the time his license to practice land surveying in the State of Alabama was in suspended status. The complaint further alleged Respondent submitted a subdivision plan to the Opelika Planning Commission which was identified to have been prepared by Mr. David Butts, a licensed professional land surveyor.

In September 2004, Respondent submitted a subdivision plan titled "Lucy Jackson Subd. 2nd Rev. 1st Rev. of Lat 2-A" to the Opelika Planning Commission which was during the period of time his license to practice surveying in the State of Alabama was in suspended status.

In October of 2004, Respondent submitted the same subdivision plan titled "Lucy Jackson Subd. 2nd Rev., 1st Rev. of Lot 2-A" to the Opelika Planning Commission which was then identified on the plan to have been prepared by Mr. David Butts, professional land surveyor license # 24652. Mr. Butts maintains he never provided land surveying services for the project in question, never assisted or supervised Respondent in performing said subdivision plan and never authorized Respondent to use his name.

The alleged violations are as follows:

Count I

On January 9, 2004 the Respondent's license to practice Land Surveying in the State of Alabama was placed in suspended status for a period of one year with suspended status ending on January 9, 2005. In September 2004, Respondent submitted a subdivision plan titled "Lucy Jackson Subd. 2nd Rev. 1st Rev. of Lat 2-A" to the Opelika Planning Commission which was during the period of time his license to practice surveying in the State of Alabama was in suspended status. This is a violation of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(2) and the Board's *Administrative Code* §330-X-14-.06(a) (1and 5).

Count II

On January 9, 2004 the Respondent's license to practice Land Surveying in the State of Alabama was placed in suspended status for a period of one year with suspended status ending on January 9, 2005. In October of 2004, Respondent submitted the same subdivision plan titled "Lucy Jackson Subd. 2nd Rev., 1st Rev. of Lot 2-A" to the Opelika Planning Commission which was then identified to have been prepared by Mr. David Butts, professional land surveyor license # 24652, without Mr. Butts knowledge or consent. This is a violation of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(2) and the Board's *Administrative Code* §330-X-14-.06(a)(1), (a)(5) and (a)(7).

CONCLUSIONS OF LAW

The Board hereby states that Respondent is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)2 and *Administrative Code* §330-X-14-.06(a)(1), (a)(5) and (a)(7).

CONCLUSION

After hearing the testimony of all the witnesses presented by the Board and after considering all the evidence presented in the above-referenced case, Administrative Law Judge Tori Adams made the following recommendations;

1. Respondent is in violation of Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(a)2 and *Administrative Code* §330-X-14-.06(a) 1, 5 and 7 which constitutes cause for the Board to revoke his land surveying license for one year.
2. Respondent should be assessed a fine of \$1,000.00 each for the two (2) survey submissions to the Opelika Planning Commission in Count I and II as well as an additional \$500.00 for violation of § 330-X-14-.06(a)7 in Count II.

After deliberation and a review of the Administrative Law Judge's recommendations, the Board finds Respondent **Guilty** of the allegations made against him. The Board agrees with the disciplinary penalty proposed by the Administrative Law Judge, but finds the disciplinary penalty should also reflect payment to the Board of nine hundred and ninety-seven dollars and seventy-five cents (\$997.75) for Hearing cost. According to Title 34, Chapter 11, Code of Alabama 1975 § 34-11-11(m), the Board has the power to impose any and all

disciplinary penalties and the licensee shall be responsible for the cost of such action if found guilty.

Therefore, the Board hereby **Orders** as follows:

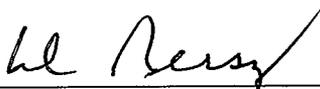
1. Respondent shall pay to the Board a total fine of two thousand five hundred dollars (\$2,500).
2. Respondent shall pay to the Board, nine hundred and ninety-seven dollars and seventy-five cents (\$997.75) for cost of the Hearing.
3. Respondent's license shall be immediately **Revoked** upon date of Final Order and shall not eligible for reissuance for a period of one (1) year.
4. The Hearing and Final Order will be public record

Done this the 5th day of MARCH 2009

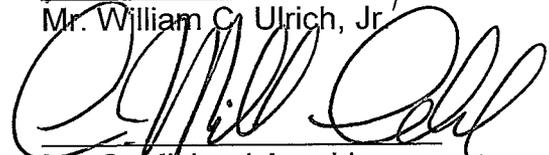
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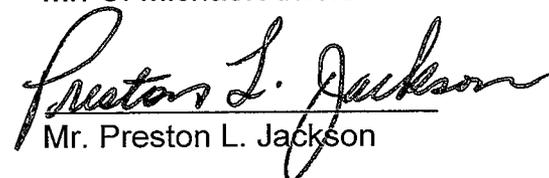

Mr. Don T. Arkle

RECUSED


Mr. Al I. Reisz


Mr. William C. Ulrich, Jr.


Mr. C. Michael Arnold


Mr. Preston L. Jackson