

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

IN RE THE MATTER OF:

**JOHNATHAN C. POWELL
PEC STRUCTURAL ENGINEERING INC.**

CASE NO. 2012-14-B

CONSENT ORDER

Johnathan C. Powell, an Alabama licensed professional engineer, and PEC Structural Engineering Inc., a certificated engineering firm (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 Alabama professional engineer license number 27084 from the Board on June 17, 2005 and has held that license continuously from that date.

Respondent stipulates PEC Structural Engineering Inc., received certificate of authorization for engineering number 3103 on October 19, 2006 and has held that certificate continuously from that date.

Respondent stipulates he provided engineering design drawings to be utilized to construct the Huntsville Christian Academy Storm Shelter, Huntsville, Alabama, which were later reviewed by a Board Technical Advisor and determined to contain structural deficiencies and code violations.

Respondent stipulates he provided engineering design drawings to be utilized to construct fourteen (14) Storm Shelters in Fayette County, Alabama, which were later reviewed by a Board Technical Advisor and determined to contain structural deficiencies and code violations.

STIPULATED CONCLUSIONS OF LAW

Respondent admits 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). It is also a violation of the Rules and Regulations of the Board's Administrative Code § 330-X-14-.05(g) and § 330-X-14-.06(1) and (5).

Respondent stipulates his conduct as set forth in the "Stipulated Facts" is a violation of those statutes 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 pay the Board a fine of two thousand five hundred dollars (\$2,500.00) within thirty (30) days from the date of the Final Order.

4. Respondent understands his Alabama professional engineer license is subject to a two (2) year probationary period to commence the date the Final Order is issued by the Board. Respondent understands during this probationary period he is permitted to engage in the practice of engineering without limitation, and compliance with the terms of the consent order will cause the probation period to automatically cease at the end of the specified time period.

5. Respondent understands that failure to comply with any term of this consent order shall cause his professional engineer license to be **revoked** pending ratification by the Board.

Respondent further understands this matter would be presented to the Board at a regularly scheduled meeting in Montgomery, Alabama at which he could attend and present evidence on his behalf.

6. 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.

7. 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.

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 that this discussion will take place at a regularly scheduled meeting of the Board in Montgomery Alabama.

9. 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.

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.

11. 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

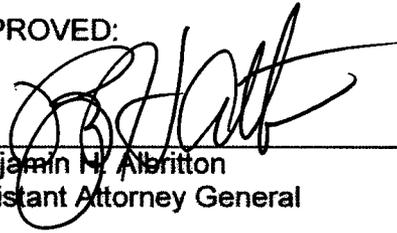
in or resolution of these proceedings. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission.

SIGNED this the 2 day of APRIL, 2013



Johnathan C. Powell
PEC Structural Engineering

APPROVED:



Benjamin N. Albritton
Assistant Attorney General

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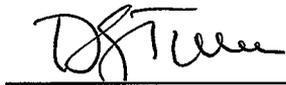
FINAL ORDER

On April 17, 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: Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Marc S. Barter, Mr. W, Gerald Wilbanks and Mr. C. Michael Arnold.

This Final Order is based upon a Consent Order signed by Johnathan C. Powell (hereafter referred to as Respondent) and dated April 2, 2013. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-11(a)2 and the Rules and Regulations of the Board's Administrative Code § 330-X-14-.05(g) and § 330-X-14-.06(1) and (5).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated April 2, 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 17th day of April, 2013



Daniel S. Turner

RECUSED

Earl R. Foust

DID NOT ATTEND

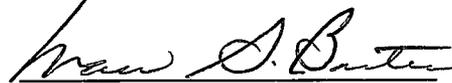
Charles P. Willis



C. Michael Arnold



Phillip E. Santora



Marc S. Barter



W. Gerald Wilbanks