

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

**IN RE THE MATTER OF:**

**RICHARD A. RICE**

**Case No. 03-34-C**

**FINAL ORDER**

On February 28, 2008 at 9:00 a.m. the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as "Board") convened for an Administrative Hearing concerning the allegations filed against Mr. Richard A. Rice (hereinafter referred to as "Respondent"). The Board Members in attendance at the Hearing were: Mr. Veston W. Bush, Mr. William C. Ulrich, Mr. Al I. Reisz, Mr. Don T. Arkle, and Mr. Preston L. Jackson. Mr. Ulrich, as the Board Member assigned to the investigation, was excluded from the Hearing. The Honorable Walter Turner, Chief Administrative Law Judge for the Administrative Hearings Division of the Attorney General's Office, presided over the Hearing. Also present at the Board Meeting were Ms. Regina Dinger, Executive Director of the Board (hereinafter referred to as "Claimant"), and Mr. William R. Huett, Assistant Executive Director and

Investigator for the Board. Mr. Benjamin Albritton, Assistant Attorney General, represented the Board at the hearing. Mr. Rice was represented by Mr. Charles Brooks at the hearing.

### **STATEMENT OF ISSUES**

On or about October 28, 2005, the Respondent was issued a certificate of licensure by the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors authorizing him to engage in the business, occupation, or calling of professional engineering in the State of Alabama. Respondent's mailing address is Mutual Engineering, Inc., 2045 Mt. Zion Road #162, Morrow, GA 30260.

On or about March 17, 2003, the Claimant received a complaint alleging a violation of the Code of Alabama 1975. The alleged violation is as follows:

#### **Count One**

Respondent provided observations and engineering calculations relative to property located in Shelby County, Alabama and provided expert testimony in a civil suit without an Alabama Professional Engineer's License.

The conduct of Respondent in Count One is a violation of one or more of the following licensure laws proscribed by Title 34, Chapter 11, Code of Alabama 1975.

1. (a) Any person who shall practice, offer to practice, or hold himself or herself out as qualified to practice engineering or land surveying in this state or use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the term engineer, engineers, engineering, or professional engineer, professional engineers, or professional engineering, or land surveyor, land surveyors, land surveying, or professional land surveyor, professional

land surveyors, professional land surveying, without being licensed or exempted in accordance with this chapter, or any person presenting or attempting to use as his or her own the certificate of licensure or the seal or facsimile thereof of another, or permitting his or her own certificate of licensure, seal or facsimile thereof to be used by another person, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining, or attempting to obtain a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired, suspended, surrendered, or revoked certificate of licensure, or any person who shall violate this chapter, shall be guilty of a Class A misdemeanor and punished as provided by law. Each day of the violation shall be a separate offense. This violation is proscribed by Title 34, Chapter 11, Code of Alabama 1975 § 34-11-15(a).

### **CONCLUSIONS OF LAW**

The Board hereby stated that Respondent is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, §34-11-15(a).

### **CONCLUSION**

After hearing the testimony of all the witnesses presented by the Respondent and the Claimant and after considering all the evidence presented in the above-referenced case, the Board finds that the Respondent is **Guilty** of the allegations made against him. The Board hereby **Orders** as follows:

1. Respondent shall pay the State of Alabama General Fund a civil penalty of \$1,000.00 (one thousand dollars) in accordance with Title 34 Chapter 11, Code

of Alabama 1975, § 34-11-16(b), no later than thirty days after receipt of the Final Order.

2. Respondent shall pay the Board \$627.51 (six hundred twenty seven dollars and fifty-one cents) as administrative cost of this investigation in accordance with Title 34 Chapter 11, Code of Alabama 1975, § 34-11-16(b), no later than thirty days after receipt of the Final Order.

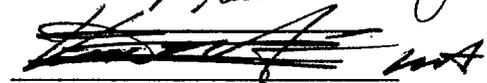
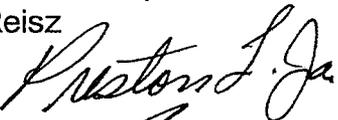
Done this the 17<sup>th</sup> day of March 2008.



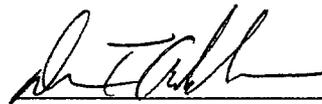
Mr. Veston W. Bush, Jr.



Mr. Al I. Reisz



Mr. Preston L. Jackson



Mr. Don T. Arkle