

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

IN RE THE MATTER OF:

**MICHAEL DAVID TOMME
TOMME ENGINEERING**

Case No. 2012-02-C

CONSENT ORDER

Michael David Tomme, an unlicensed engineer (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 he has never received a license to practice engineering in the State of Alabama. Respondent also stipulates the company "Tomme Engineering" has never received a certificate of authorization from the Board authorizing it to practice or offer to practice engineering in the State of Alabama.

Respondent stipulates on November 2, 2011 the Board, by and through its Executive Director Ms. Regina A. Dinger, filed a complaint alleging Respondent had submitted a professional resume which indicates he may be providing or offering to provide engineering services in the State of Alabama without obtaining a professional engineer license from the Board. The complaint also indicated his company, Tomme Engineering may be using the term "Engineering" in its title without employing a resident Alabama licensed professional engineer and obtaining a Certificate of Authorization for engineering from the Board.

Respondent stipulates he submitted a resume to multiple sources for consideration of future engineering employment that contained a section titled "Experience" which detailed

experience gained while working for the firm Tomme Engineering. The language contained in the resume states the following:

“Tomme Engineering 2005 to present day - Future Combat Systems (FCS) - Lead Architect responsible for the integration and qualification of subsystems from FCS contracting agencies into the FCS system variants - Designed communications systems, laser range finder, and target recognition and acquisition systems for variants of the FCS system of systems - Interconnect design and verification, including signal connectivity, signal integrity and - transmission line analysis and simulation for critical paths between subsystems and systems EMI design, planning, and debug - LED, LCD Displays with improved color rendering and high pixel resolution - Optical and Electro-Optical design components, and the design of electronic control sub-elements for control of these sub-systems”

Respondent stipulates an investigation by the Board determined Tomme Engineering does not employ an Alabama licensed professional engineer and has not been issued a Certificate of Authorization for engineering in the State of Alabama. Respondent further stipulates the name of the company identified in his resume (Tomme Engineering) includes the title “Engineering” which appears to indicate the firm is a professional engineering firm and performs engineering services.

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, § 34-11-15(b), § 34-11-16(a) (2).

Respondent stipulates his conduct as set forth in the “Stipulated Facts” is a violation of those statutes set forth above, and it 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.
2. Respondent understands this Consent Order and subsequent Final Order will become a matter of public record.
3. Respondent shall **cease and desist** use of the title "Engineer" (or any modification thereof) in the State of Alabama until such time as he obtains an Alabama professional engineer license.
4. Respondent shall **cease and desist** use of the title "Engineering" (or any modification thereof) in his firm name in the State of Alabama until such time as he obtains an Alabama professional engineer license and obtains a Certificate of Authorization for engineering from the Board.
5. Respondent shall remove the title "Engineering" or any modification or derivative thereof from the firm name listed in his resume within 30 days of the date of the Final Order.
6. Respondent shall submit to the Board a payment of \$1,000.00 (one thousand dollars) made payable to the General Fund of the State of Alabama within thirty (30) days of the date of the Final Order.
7. Respondent shall submit to the Board a payment of \$161.35 (one hundred sixty one dollars and thirty-five cents) made payable to the Board within thirty (30) days of the date of the Final Order for the costs associated with the complaint investigation.
8. 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.
9. 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.

10. 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. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

11. Respondent understands it has the right to seek the advice of legal counsel. Respondent also understands it has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against it, 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.

12. 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.

13. 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 2ND day of February, 2012

APPROVED:



Benjamin H. Albritton
Assistant Attorney General



Michael David Tomme

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IN RE THE MATTER OF:

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FINAL ORDER

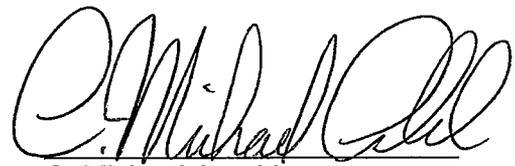
On March 15-16, 2012, the Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled meeting. The Board Members in attendance at the meeting were: Mr. W. Gerald Wilbanks, Mr. C. Michael Arnold, Dr. Daniel S. Turner, Mr. Phillip E. Santora, Mr. Earl Foust, Mr. Don T. Arkle and Mr. William C. Ulrich Jr.

This Final Order is based upon a Consent Order signed by Michael David Tomme (hereafter referred to as Respondent) and dated February 2, 2012. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975, § 34-11-15(b) and § 34-11-16(a) (2).

Upon Consideration of the above it is **ORDERED** that the Consent Order dated February 2, 2012 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 16th day of March, 2012


W. Gerald Wilbanks


C. Michael Arnold


Daniel S. Turner


Phillip E. Santora


Earl R. Foust


Don T. Arkle

RECUSED

William C. Ulrich, Jr