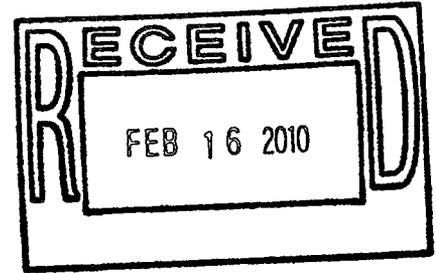


STATE OF ALABAMA
BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS



IN RE THE MATTER OF:

DON R. WIJERATNE

Case No. 09-292-B

CONSENT ORDER

Don R. Wijeratne (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 was issued a license (# 25467) to practice engineering in the State of Alabama on December 13, 2002 and has held that license continuously since that date.

Respondent stipulates on March 9, 2009 the Board received a complaint from the State of Alabama Board of Architects which indicated Respondent prepared design plans for a church located in Irvington, Alabama that may have been within the practice of architecture.

Respondent stipulates he prepared design drawings related to the Watlao Buddaraska Temple to be constructed in Irvington, Alabama that failed to contain your professional seal or signature, or information identifying them as preliminary, not for construction, recording purposes or implementation and included drawings that are within the practice of architecture.

STIPULATED CONCLUSIONS OF LAW

Respondent, in his capacity as a licensed Alabama professional engineer stipulates in such capacity he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11, and the Rules of Regulations of the *Administrative Code* of this Board.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" constitutes a violation of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11(a)(2) and the Board's *Administrative Code* § 330-X-14-.03(d) and § 330-X-11-.03 (6).

Respondent stipulates his conduct set forth in the "Stipulated Facts" is a violation of those rules and statues 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.

2. Respondent understands this Consent Order and subsequent Final Order will become a matter of public record.

3. Respondent's professional engineering license shall be subject to one (1) year **Probation** commencing immediately upon date of Final Order.

4. Respondent shall pay a fine of one thousand dollars (\$1,000.00) to the Board within thirty days of the date of Final Order.

5. Respondent understands that failure to submit payment of specified penalty within six months of date of Final Order shall cause Respondent's license to practice engineering in the State of Alabama to be **revoked**. This matter would then be presented to the Board for its action at the next regularly scheduled meeting. Respondent understands he shall be notified in advance and has the right to appear at that meeting in order to present any facts or extenuating circumstances to the Board.

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 the Board's regularly scheduled meeting on ~~December 9, 2009~~ ^{MARCH, 25, 2010} in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

9. 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.

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.

SIGNED this the 10 day of FEBRUARY, ²⁰¹⁰ ~~2009~~.



Don R. Wijeratne
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:

DON R. WIJERATNE

Case No. 09-292-B

FINAL ORDER

On March 25, 2010 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. William C. Ulrich, Jr, Mr. Don T. Arkle, Mr. C. Michael Arnold, Mr. W. Gerald Wilbanks, Mr. Al I. Reisz, Dr. Daniel S. Turner, and Mr. Phillip E. Santora. Also present at the Board Meeting was 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 upon a Consent Order signed by Mr. Don R. Wijeratne and dated February 10, 2010. In said Consent Order, Respondent stipulated that he violated the Code of Alabama 1975 § 34-11-11(a)(2) and the Board's *Administrative Code* § 330-X-14-.03 (d) and § 330-X-11-.03(6).

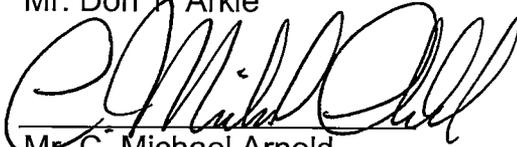
Upon Consideration of the above it is ORDERED that the Consent Order dated February 10, 2010 is adopted by the Board and hereby made a part of this Final Order. It is further ORDERED that Respondent abide by the Final Order in this manner.

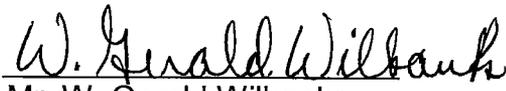
ENTERED this the 26th day of March 2010.

RECUSED

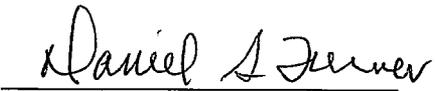

Mr. William C. Ulrich, Jr.


Mr. Don T. Arkle


Mr. C. Michael Arnold


Mr. W. Gerald Wilbanks


Mr. Al. I. Reisz


Dr. Daniel S. Turner


Mr. Phillip E. Santora