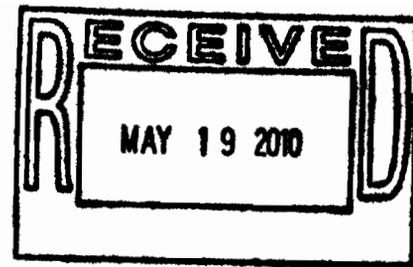


STATE OF ALABAMA
BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS



IN RE THE MATTER OF:

M. DON WILLIAMS

CASE NO. 09-287-B

CONSENT ORDER

M. Don Williams (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 on February 2, 1978 the Board issued him a license (Certificate Number 11886) to practice engineering in the State of Alabama. Respondent has held that certificate continuously since that date.

Respondent stipulates on February 2, 2009 a complaint was filed by Mr. Joe W. Ruffer, an Alabama licensed professional engineer and Director of the Mobile County Department of Public Works (hereinafter referred to as "Complainant") alleging Respondent placed his professional seal and signature on numerous design drawings submitted to the Mobile County Department of Public Works that did not meet Wind Load Structural Requirements.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated June 29, 2006 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at 1700 Drayton Court, Mobile County, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated November 23, 2006 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings

were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for the residence of Mr. and Mrs. Marks located in Mobile County, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated December 18, 2006 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at 5690 Riverview Pointe Drive, Mobile County, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated January 18, 2007 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at 11050-B Kidd Road, Mobile, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated June 1, 2007 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at 10352 Kipling Trace, Mobile, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated August 5, 2007 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at 14151 Driskell Dairy Road, Mobile, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated February 13, 2008 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at 6331 Plantation Woods Drive, Mobile, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated July 22, 2008 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at 7380 Isle of Palms Drive, Mobile, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated August 10, 2008 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at Lot 8, Oaks of Fowl River, Mobile, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated August 12, 2008 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at the Aruba Subdivision, Mobile County, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated August 12, 2008 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at Parcel B, Lot 17, Hollingers Island, in Mobile County, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated August 25, 2008 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at 9886 Torrington Drive, Mobile, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated August 26, 2008 which contained errors, omissions and violations of the

acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at Lot 37, Legacy Phase One Subdivision, in Mobile County, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated September 10, 2008 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at Lot 104, Unit Two, Burlington Place Subdivision, in Mobile County, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated September 17, 2008 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at 9760 Brooklyn's Way, Mobile, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated September 17, 2008 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at Lot 53, Summerwoods Court Subdivision, in Mobile County, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated December 9, 2008 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for a residence located at Lot 2, Unit 1, The Lakes Subdivision in Mobile County, Alabama.

Respondent stipulates he placed his signature and professional engineer seal on design drawings dated January 12, 2009 which contained errors, omissions and violations of the acceptable standards of practice for engineering in the State of Alabama. The design drawings were submitted to the Mobile County Inspection Department, Mobile Alabama in order to obtain a building permit for the Hamilton residence located at The Lakes Subdivision in Mobile County, Alabama.

STIPULATED CONCLUSIONS OF LAW

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

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" may constitute 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 set forth in the "Stipulated Facts" may constitute a violation of those rules and statutes set forth above, and he is subjecting himself 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 agrees his license to practice engineering is suspended for four years with that suspension stayed. Respondent understands this stayed suspension period will commence immediately on the date the Final Order is issued by the Board.

4. Respondent understands the submission of documents to an approving authority that contain his signature and professional engineer seal during the stayed suspension period of his

license that do not meet the acceptable standards of practice for engineering in Alabama, as determined by the Board, shall cause his license to be suspended for the time period remaining of the four year stayed suspension period.

5. Respondent agrees to submit a current list of clients to the Board prior to the seventh day of each month for twelve months commencing July 7, 2010. Respondent understands one client's name will be selected and he will be required to provide a copy of the design drawings prepared for the identified client name to the Board. Respondent further understands the design drawings will be reviewed to determine if they comply with the acceptable standards of practice for engineering in the State of Alabama.

6. Respondent agrees to attend a Board approved continuing education course within six months of the date of the Final Order. Respondent understands this educational course cannot be utilized to meet the annual requirement of fifteen professional development hours for his professional engineer license renewal.

7. Respondent shall pay the Board a fine of five thousand dollars (\$5,000.00) no later than thirty days from the date of the Final Order as provided by Title 34, Chapter 11, Code of Alabama 1975, §34-11-11.

8. Respondent agrees failure to submit payment of specified penalty within six months of date of Final Order shall cause his license to practice engineering in the State of Alabama to be revoked (pending ratification of the Board). This matter will then be presented to the Board for ratification at its next regularly scheduled meeting. Respondent understands he has the right to appear at that meeting and present any facts or extenuating circumstances to the Board.

9. Respondent agrees 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.

10. Respondent agrees any violation of the terms of this Consent Order may result in the Board filing additional charges in accordance with Title 34, Chapter 11, Code of Alabama 1975.

11. 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 **May 19-21, 2010** in Montgomery Alabama. Respondent understands he has the right to be present when this matter is discussed but hereby waives that right.

12. 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.

13. 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.

14. 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 18 day of May, 2010



M. Don Williams
Respondent

APPROVED:


Benjamin H. Albritton
Assistant Attorney General

**STATE OF ALABAMA
BOARD OF LICENSURE FOR
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LAND SURVEYORS**

IN RE THE MATTER OF:

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M. DON WILLIAMS

CASE NO. 09-287-B

FINAL ORDER

On May 19-20, 2010 the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors convened for a regularly scheduled Board meeting. The Board Members in attendance were: Mr. William C. Ulrich, Jr, Mr. C. Michael Arnold, Mr. W. Gerald Wilbanks, Dr. Daniel S. Turner, Mr. Phillip E. Santora and Mr. Earl R. Foust. Mr. Benjamin Albritton, Assistant Attorney General, appeared as counsel for the Board.

This Final Order is based upon a Consent Order signed by Mr. M. Don Williams, (hereafter referred to as Respondent) and dated May 18, 2010. In the Consent Order, Respondent stipulated he violated the Code of Alabama 1975 § 34-11-11(a)(2) and the Rules of Professional Conduct of the Board's *Administrative Code* § 330-X-14-.05(g) and § 330-X-14-.06(1) and (5).

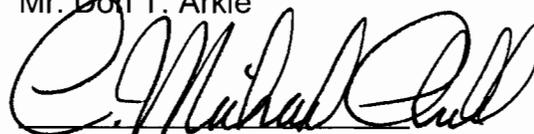
Upon Consideration of the above it is ORDERED the Consent Order dated May 18, 2010 and signed by the Respondent is adopted by the Board and hereby made a

part of this Final Order. It is further ORDERED that Respondent abide by the Final Order in this manner.

ENTERED this the 20th day of May 2010.


Mr. William C. Ulrich, Jr.

NOT PRESENT
Mr. Don T. Arkle


Mr. C. Michael Arnold


Mr. W. Gerald Wilbanks


Dr. Daniel S. Turner


Mr. Phillip E. Santora


Mr. Earl R. Foust