

**MINUTES OF SIXTH MEETING  
2015-2016 BOARD OF LICENSURE  
FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
Montgomery, Alabama  
August 11, 2016**

Chair Barter called the seventh meeting of the 2015-2016 Board to order at 8:00 A.M., Wednesday, August 11, 2016 at the Board Office, Montgomery, Alabama. The following were in attendance:

**Officers and Members Present:**

Marc. S. Barter	Chair
A. Frazier Christy	Vice Chair
Richard G. Grace	Member
Nathan G. Johnson	Member
Randall D. Whorton	Member

**Officers and Members Absent:**

M. Elisabeth Hyde	Secretary
-------------------	-----------

**Staff Present:**

Regina A. Dinger	Executive Director
William R. Huett	Assistant Executive Director
Bonnie Kelly	Executive Assistant
Benjamin Albritton	Board Attorney

It was determined that a quorum was present. The meeting was opened with the Pledge of Allegiance and a prayer.

The proposed meeting agenda was reviewed. Additional agenda items were identified and were added to the agenda. It was noted that with the departure of Mr. Willis there needs to be some assignments of board members as advisors to the standing committees. It was agreed that as the officers change that the incoming Board Chair assigns the advisors. Board members should identify where they wish to serve.

16-133. IT WAS MOVED by Mr. Christy and seconded by Mr. Grace to adopt the proposed agenda as amended. MOTION CARRIED 5-0.

Minutes of the sixth meeting of the 2015-2016 Board were received for approval.

16-134. IT WAS MOVED by Mr. Christy and seconded by Mr. Johnson that the minutes of the sixth meeting of the 2015-2016 Board held July 13-14, 2016 be approved as amended. MOTION CARRIED 5-0.

## HEARINGS

The hearing originally scheduled was cancelled since a signed consent order had been received. Board members were briefed in a limited manner on the particulars of the case and the provisions of the proposed consent order.

16-135. IT WAS MOVED by Mr. Johnson and seconded by Mr. Christy to accept the proposed Consent Order and issue the Final Order for Case 2015-16-C. It was determined that there was probable cause that Quin-Co, an uncertificated firm had provided a metal building that had not been engineered correctly. The provisions of the proposed Consent Order are that Quin-Co pays a \$5,000 civil penalty, pay \$700 to the Board for the cost of the investigation and that they cease and desist the offer and/or practice of engineering. The Board accepted the Consent Order and issued a Final Order contingent upon receiving the monies identified in the Consent Order prior to the next scheduled board meeting. MOTION CARRIED 4-0 with Mr. Barter recused. Case 2015-16-C)

## APPLICATIONS – Mr. Nathan Johnson, Advisor

Correspondence from a previously deferred applicant was discussed. The reason why the application was originally deferred was again confirmed. The applicant will be told that the Board looks forward to seeing her and her PE supervisor at a later board meeting.

## LAW ENFORCEMENT – Ms. M. Elisabeth Hyde, Advisor

The Board reviewed a pending case that the investigative committees had completed to accept, modify, or reject the suggested courses of action. The case was discussed in a sanitized format so that in the event the Board suggests another course of action that the due process of the investigation has not been compromised. Respondent's information is not divulged until after the proposed consent order is accepted and a final order was approved.

16-136. IT WAS MOVED by Mr. Johnson and seconded by Mr. Barter to accept the proposed Consent Order and issue the Final Order for Case 2016-09-B. It was determined that there was probable cause that Mr. Robert Leon Luebbbers, PE #35293, had placed his signature and seal on design documents for a metal carport that did not meet stated design standards. The provisions of the Consent Order are that Mr. Luebbbers pays a \$225 fine to the Board and his license to practice engineering is reprimanded. The Consent Order and Final Order will become a public record. The Board accepted the Consent Order and issued the Final Order. MOTION CARRIED 4-0 with Mr. Grace recused.

## LAND SURVEYING

The Board approved the results of the August State Specific Examination.

16-137. IT WAS MOVED by Mr. Christy and seconded by Mr. Johnson to accept the Board's recommended cutoff score for the ALSS Examination, to approve the results of the

ALSS Exam given August 10, 2016, to license the individuals who passed the ALSS Exam having previously passed the FLS and PLS Exams and further that the list of those issued licensure as a result of passing these examinations be included in the minutes on **Attachment #1. MOTION CARRIED 5-0.**

## **CHAIR'S REPORT**

The ramifications of the recent changes to the NCEES IT system upgrades was discussed. Older NCEES records did not make the transition to the new system. Records created prior to 2008 were not converted and record holder have been told that they will have to reaccomplish the information contained in their files. This non-conversion is causing significant issues with individuals who have paid for the maintenance of their records for 10+ years, with delays in the processing of comity records, and with the increase in the workload of the jurisdictions in verifying old licenses and exam records. Many individuals will not know of the problems with their records until they seek licensure in another jurisdiction. An article will be put in the upcoming edition of the news bulletin and concerns over how these decisions were made and implemented will be brought up at the upcoming NCEES Annual Meeting.

The Board reviewed the agenda and proposed motions for the NCEES Annual meeting. It was the consensus of the Board that Finance Motion #3 should be pulled from the Consent Agenda so that the increase in examination fees could be discussed.

## **EXECUTIVE DIRECTOR'S REPORT**

16-138. IT WAS MOVED by Mr. Johnson and seconded by Mr. Grace that the Board go into executive session. Mr. Albritton, Board Attorney, verified that the reason for entering into an executive session was valid since it involved possible litigation. Mr. Barter, Mr. Christy, Mr. Grace, Mr. Johnson, and Mr. Whorton voted in favor of the motion. MOTION CARRIED 5-0.

Mr. Barter announced the Board would reconvene into open session in approximately 60 minutes. The meeting was closed to the public. The meeting was reopened at 11:30 A.M.

16-139. IT WAS MOVED by Mr. Christy and seconded by Mr. Johnson that the request for review of the two Administrative Rule subsections previously submitted to the Legislative Reference Service Oversight Function be withdrawn. MOTION CARRIED 5-0.

16-140. IT WAS MOVED by Mr. Johnson and seconded by Mr. Christy to begin the process to repeal Rule 330-X-14-.05(f). MOTION CARRIED 4-1 with Mr. Barter voting in the negative.

16-141. IT WAS MOVED by Mr. Johnson and seconded by Mr. Christy to begin the process to repeal Rule 330-X-14-.06 (a)14. MOTION CARRIED 5-0.

16-142. IT WAS MOVED by Mr. Johnson and seconded by Mr. Christy to establish an adhoc committee to develop wording to replace Rule 330-X-14-.05(f). MOTION CARRIED 5-0.

Efforts to determine the best method to comply with the recently adopted Office of Information Technology directives about the use of personally owned mobile devices was discussed.

### **OLD BUSINESS**

The Board briefly discussed the pending reply to Mr. Keith Maxwell's request for an interpretation on his methods of charging referral fees. It was identified that Mr. Maxwell had asked that this agenda not be discussed until he could be present at the board meeting. In-depth discussion on Mr. Maxwell's request was deferred till the September 2016 board meeting.

### **CORRESPONDENCE**

The Board received a request to consider an amendment to their recently issued declaratory ruling on the use of electronic seals/signatures when using the Building Information Modeling software package called REVIT.

16-143. IT WAS MOVED by Mr. Johnson and seconded by Mr. Christy to accept the proposed amendment. MOTION CARRIED 5-0.

### **NEW BUSINESS**

Mr. Barter made a few comments regarding concerns he had with provisions in the existing law, the existing Administrative Code and the disciplinary hearing process. He identified that he was concerned about the delay in the meeting of the Nominating Committee and the problems the Board might face when the Board consisted of 6 board members instead of the full complement of 7. He questioned the confidentiality of open investigations and the he felt that the board should accept anonymous complaints. He also identified his concern over the postponement of disciplinary hearings and if deadlines could be set as to how far in advance a consent order was still able to be signed before the scheduled hearing date.

### **OPEN FORUM**

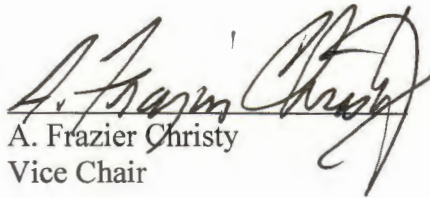
No comments made during the open forum.

### **CLOSING REMARKS**

The next meeting of the Board for board business is scheduled for Wednesday, September 21, 2016 at the board office in Montgomery beginning at 12:00 P.M. The meeting adjourned at 3:00 P.M.

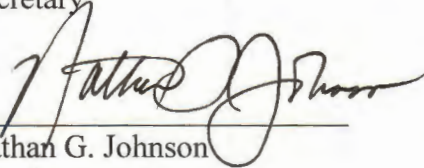


Marc S. Barter  
Chair



A. Frazier Christy  
Vice Chair

Martha Elisabeth Hyde  
Secretary

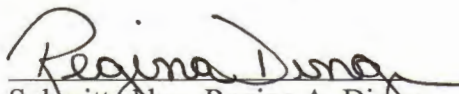


Nathan G. Johnson  
Member

Richard G. Grace  
Member



Randall Whorton  
Member



Submitted by: Regina A. Dinger  
Executive Director

**Board Meeting – August 11, 2016 – Attachment #1**

16-137. IT WAS MOVED by Mr. Christy and seconded by Mr. Johnson to accept the Board's recommended cutoff score for the ALSS Examination, to approve the results of the ALSS Exam given August 10, 2016, to license the individuals who passed the ALSS Exam having previously passed the FLS and PLS Exams and further that the list of those issued licensure as a result of passing these examinations be included in the minutes on **Attachment #1**. MOTION CARRIED 5-0.

ALPHABETICAL ROSTER OF LICENSED PROFESSIONAL LAND SURVEYORS

Licensed : 8/10/2016 Through 8/10/2016

---

LS            - 36108    S  
BUCKLEY DENTON BLEW  
524 W SYCAMORE #4  
FAYETTEVILLE, AR 72703  
BLEW & ASSOCIATES PA

LS            - 36109    S  
TODD ALAN FARRAR  
12241 INDUSTRIPLEX BLVD #C  
BATON ROUGE, LA 70809  
GENERAL ENGRG & ENVIRONME

LS            - 36110    S  
WILLIAM HAROLD GRAY JR.  
49 BROWNS COVE RD #5  
RIDGELAND, SC 29936  
ATLAS SURVEYING INC