

**MINUTES OF SIXTH MEETING
2018-2019 BOARD OF LICENSURE
FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Montgomery, Alabama
September 9-10, 2019**

The Alabama Board of Licensure for Professional Engineers and Land Surveyors was established by legislative action in 1935. Its charter is to protect the public by helping to safeguard life, health, and property, and to promote the public welfare by providing for the licensing and regulation of persons in the practices of engineering and land surveying. This purpose is achieved through the establishment of minimum qualifications for entry into the professions of engineering and land surveying, through the adoption of rules defining and delineating unlawful or unethical conduct, and through swift and effective discipline for those individuals or entities who violate the applicable laws or rules.

Board meeting notices are posted on the Open Meetings area of the website of the Secretary of State, and the Board's website under Dates and Deadlines.

Chair Johnson called the sixth meeting of the 2018-2019 Board to order at 12:00 P.M., Monday September 9, 2019, at the Board Office in Montgomery, Alabama. He noted that there was a quorum of Members present and turned the meeting over to Administrative Law Judge Jerry Wood, to preside over a hearing on a disciplinary matter. The following Members and Staff were in attendance.

Officers and Members Present:

Nathan G. Johnson	Chair
Randall D. Whorton	Vice Chair
Marc S. Barter	Member
Joseph F. Breighner Jr.	Member
Donald W. Vaughn	Member
John E. Averrett	Member
Elaine B. Walton	Member
Nanette T. Baldwin	Member

Officers and Members Not Present:

M. Helen Adams-Morales	Secretary
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Staff Present:

William R. Huett	Executive Director
Bonnie L. Kelly	Executive Assistant
Benjamin H. Albritton	Board Attorney

The hearing began at 12:05 P.M. and ended at 7:15 P.M. At the conclusion of the hearing the Board recessed for the day.

At 8:00 A.M. on September 10, 2019, Chair Johnson re-convened the sixth meeting of the 2018-2019 Board to order at the Board Office in Montgomery, Alabama. He noted that there was a quorum of

Members present and the meeting began with the pledge of allegiance and a prayer. The following Members and Staff were in attendance.

Officers and Members Present:

Nathan G. Johnson	Chair
Randall D. Whorton	Vice Chair
M. Helen Adams-Morales	Secretary
Marc S. Barter	Member
Joseph F. Breighner Jr.	Member
Donald W. Vaughn	Member
John E. Averrett	Member
Elaine B. Walton	Member
Nanette T. Baldwin	Member

Staff Present:

William R. Huett	Executive Director
Bonnie L. Kelly	Executive Assistant
Benjamin H. Albritton	Board Attorney

Chair Johnson noted that four of the Members present were new to the Board; and asked for each member to introduce themselves and share a brief description of their background.

The proposed meeting agenda was reviewed. During the review of the Agenda it was noted that two Board Members previously assigned to Board sub-committees were no longer on the Board, and the Board needed to determine if any changes were needed regarding sub-committee assignments. The Board determined the following changes to sub-committee assignments:

Ms. Nanette T. Baldwin	Communications and Publications
Mr. John E. Averrett	Finance
Mr. Donald W. Vaughn	Engineering Education and Examinations
Ms. Elaine B. Walton	Law Enforcement

19-113. IT WAS MOVED by Ms. Baldwin and seconded by Mr. Whorton to adopt the agenda as proposed. MOTION CARRIED 9-0.

Minutes of the fifth meeting of the 2018-2019 Board held on July 16, 2019, were reviewed.

19-114. IT WAS MOVED by Ms. Adams-Morales and seconded by Ms. Walton that the minutes of the fifth meeting of the 2018-2019 Board held July 16, 2019, be approved. MOTION CARRIED 9-0.

During its review of Action items, the Board was updated on the creation of a Law and Administrative Code two-hour course for licensees. The Board also discussed the sub-committee assigned to Action Item 2018-01 regarding remote supervision. Mr. Averrett advised this issue had come up recently at his company, and he requested, and was added to the membership of the sub-committee.

HEARINGS

A hearing regarding the denied professional engineer application of Edwin E. Flagg began at 9:00 A.M. Mr. Flagg had previously submitted an application that the Board denied based on his failing to report a criminal violation on his application. Mr. Flagg was present at the hearing and provided information.

19-115. IT WAS MOVED by Mr. Barter and seconded by Mr. Averrett to deny for one year the licensure application of Edwin E. Flagg. MOTION CARRIED 9-0.

APPLICATIONS – Mr. Nathan G. Johnson, Advisor

The Board reviewed the initial professional engineer licensure application of Judson Cain Sommerville and made the following motion:

19-116. IT WAS MOVED by Mr. Averrett and seconded by Mr. Vaughn to approve 27 months of the fifty-one months of experience indicated on the application, to grant 12 months of experience for the period of time he was supervised remotely, and to advise him that 9 additional months of supervised instruction is needed to meet the experience requirements. MOTION CARRIED 5-3-1, with Mr. Averrett, Mr. Vaughn, Mr. Johnson, Mr. Breighner, and Ms. Adams-Morales voting to approve, Mr. Barter, Mr. Whorton and Ms. Walton, voting against, and Ms. Baldwin abstaining.

The Board reviewed the initial professional engineer licensure application of Judith Anne Duvall and made the following motion:

19-117. IT WAS MOVED by Mr. Vaughn and seconded by Mr. Barter that the Board approve Ms. Judith Anne Duvall for licensure, and that her name be added to the list of those to be included in the minutes on **Attachment #1**. MOTION CARRIED 9-0.

The Board previously authorized the Executive Director to approve applications for licensure, intern certification, and examinations if the application is in order and all requirements have been met. Applications of those applying for Professional Engineer licensure by comity since July 16, 2019, as provided by Section 34-11-4(1)(b) of the Licensure Law, were considered.

Applications of those applying for Professional Engineer licensure by examination since July 16, 2019, as provided by Section 34-11-4(1)a and b, of the Licensure Law having previously passed the FE Examination in Alabama or in another jurisdiction, were considered.

Applications of those applying for Engineer Intern certification since July 16, 2019, as provided by Section 34-11-4(2) of the Licensure Law, were considered.

Applications of those applying for Professional Land Surveyor licensure since July 16, 2019, as provided by Section 34-11-4(3)a and b of the Licensure Law, were considered.

Applications of those applying for Professional Land Surveyor licensure since the July 16, 2019, having previously passed the Fundamentals of Land Surveying Examination and the Principles and Practice of Land Surveying Examination in Alabama or in another jurisdiction were considered and were approved to take the Alabama Land Surveying Standards, History, and Law Examination.

- 19-118. IT WAS MOVED by Ms. Adams-Morales and seconded by Mr. Vaughn that the Board ratify the approval of licenses issued since the July 16, 2019, meeting and that the list of those be included in the minutes on **Attachment #1**. MOTION CARRIED 9-0.
- 19-119. IT WAS MOVED by Ms. Adams-Morales and seconded by Mr. Averrett that the Board ratify the approval of Intern Certifications issued since the July 16, 2019, Board Meeting and that the list of those be included in the minutes on **Attachment #2**. MOTION CARRIED 9-0.
- 19-120. IT WAS MOVED by Ms. Adams-Morales and seconded by Mr. Averrett that the Board ratify the approval of exam applicants approved since the July 16, 2019, Board Meeting and approve for examination the applicants listed on **Attachment #3**. MOTION CARRIED 9-0.
- 19-121. IT WAS MOVED by Mr. Barter and seconded by Mr. Whorton to deny for licensure the application of Daniel R. Emslie, Sage Sunrey Seifert, Jeffrey Listern Robinson, and William F. Leatherbury. MOTION CARRIED 9-0.

LAW ENFORCEMENT – Ms. Elaine B. Walton, Advisor

The Board reviewed the status of the files pending with the Investigators, and the Investigative Committee. The Board was briefed on the 2018-2019 statistics.

The Board reviewed pending cases presented by the investigative committees to accept, modify, or reject the recommended actions. The cases were discussed in a sanitized format to avoid compromising due process for the Respondent in the event the Board determined another course of action.

- 19-122. IT WAS MOVED by Mr. Averrett and seconded by Ms. Baldwin that the Board accept the recommendations of ALJ Jerry Wood and issue a final order thereby closing Case 2019-08-C. MOTION CARRIED 8-0 with Mr. Barter recused from the vote.
- 19-123. IT WAS MOVED by Mr. Vaughn and seconded by Mr. Breighner that the Board accept the recommendations of the investigative committee and close Case 2019-12 with no action. MOTION CARRIED 8-0 with Mr. Barter recused.
- 19-124. IT WAS MOVED by Mr. Whorton and seconded by Mr. Averrett that the Board accept the recommendations of the investigative committee and close Case 2019-15 with no action. MOTION CARRIED 8-0 with Mr. Barter recused.
- 19-125. IT WAS MOVED by Mr. Vaughn and seconded by Mr. Whorton that the Board accept the proposed consent order and issue a final order thereby closing Case 2018-20. MOTION CARRIED 8-0 with Mr. Barter recused.

Attorney Ralph Bolen and professional engineer Joseph M. Burnett met with the Board to discuss the Order issued by the Board on July 16, 2019, in reference to Mr. Burnett. Mr. Bolen proposed an alternative to the Order that had suspended Mr. Burnett's professional engineer license, and after discussion the Board determined it would vacate the Order issued on July 16, 2019, conditioned on Mr. Burnett agreeing to the terms outlined in the following motion.

19-126. IT WAS MOVED by Mr. Barter and seconded by Mr. Whorton that the Board agree to vacate the Order issued on July 16, 2019, conditioned on the grounds that Mr. Burnett agree to pay a \$7,000 fine, and a stayed suspension of his professional engineer license from the date of the agreement until March 2022. MOTION CARRIED 5-0-4 with Mr. Barter, Mr. Johnson, Mr. Whorton, Ms. Adams-Morales and Mr. Breighner voting to approve the motion, and Ms. Baldwin, Ms. Walton, Mr. Vaughn and Mr. Averrett abstaining from the vote.

The Board had additional discussion regarding the proposed agreement and determined that it wished to include the cost of the hearing as a condition of the agreement.

19-127. IT WAS MOVED by Ms. Adams-Morales and seconded by Mr. Barter to reconsider Motion # 19-126. MOTION CARRIED 9-0.

The Board then made the following motion:

19-128. IT WAS MOVED by Mr. Barter and seconded by Mr. Whorton that the Board agree to vacate the Order issued on July 16, 2019, conditioned on the grounds that Mr. Burnett agree to pay a \$7,000 fine, to pay \$689.43 for the cost of the hearing, and a stayed suspension of his professional engineer license from the date of the agreement until March 2022. MOTION CARRIED 5-0-4 with Mr. Barter, Mr. Johnson, Mr. Whorton, Ms. Adams-Morales and Mr. Breighner voting to approve the motion, and Ms. Baldwin, Ms. Walton, Mr. Vaughn and Mr. Averrett abstaining from the vote.

CERTIFICATES OF AUTHORIZATION – Ms. Adams-Morales, Advisor

The Board authorizes the Executive Director to issue certificates of authorization to applying firms if the application is in order and all requirements have been met. A list of the certificate of authorizations issued since the July 16, 2019, Board Meeting were reviewed.

19-129. IT WAS MOVED by Ms. Adams-Morales and seconded by Ms. Walton that the Board ratify the approval of the Engineering and Land Surveying Certificates of Authorization issued since the July 16, 2019, Board Meeting and that the list of those issued be included in the minutes on **Attachment #4**. MOTION CARRIED 9-0.

The Board reviewed the engineering certificate of authorization application of Barrett Woodyard & Associates Inc; and noted that the firm had failed to report a disciplinary action taken against the firm by the North Carolina Board of Examiners for Engineers and Surveyors and the Ohio State Board of Registration for Professional Engineers and Surveyors.

19-130. IT WAS MOVED by Mr. Barter and seconded by Mr. Averrett to deny for one year the certificate of authorization application of Barrett Woodyard & Associates Inc. MOTION CARRIED 9-0.

The Board recessed for lunch at 11:45 A.M.

The Board reconvened at 12:55 P.M.

The Board reviewed the engineering and surveying certificate of authorization applications of Quality Engineering & Surveying LLC; and noted that the firm had failed to report a disciplinary action taken against the firm by the Louisiana Professional Engineering and Surveying Board.

19-131. IT WAS MOVED by Mr. Barter and seconded by Ms. Baldwin to deny for one year the certificate of authorization applications of Quality Engineering & Surveying LLC. MOTION CARRIED 9-0.

COMMUNICATIONS AND PUBLICATIONS - Ms. Nanette T. Baldwin, Advisor

The Board was briefed on current Outreach activities.

LEGISLATIVE – Mr. Randall D. Whorton, Advisor

The Board was briefed on Act # 2018-540 and its requirement that language be added to the Board's Administrative Code regarding the Military Family Jobs Act.

19-132. IT WAS MOVED by Ms. Baldwin and seconded by Ms. Walton to submit all proposed administrative code changes to the Legislative Services Agency to be published in the October 2019 edition of the Administrative Monthly, and that the advertisement include notice of a public hearing scheduled for 8 A.M. on November 6, 2019. MOTION CARRIED 9-0.

FINANCE – Mr. John E. Averrett, Advisor

The monthly financial report for July was briefed.

EXECUTIVE DIRECTOR'S REPORT

The Board discussed proposed meeting dates for the 2019-2020 fiscal year.

19-133. IT WAS MOVED by Mr. Averrett and seconded by Mr. Breighner that the Board schedule the meeting dates as proposed for FY 2019-2020. MOTION CARRIED 9-0.

An election was held to fill the positions of Board Chair, Vice Chair and Secretary for the 2019-2020 year. The following motions were offered.

19-134. IT WAS MOVED by Mr. Barter and seconded by Mr. Breighner that Mr. Whorton be elected to serve as Board Chair for the 2019-2020 year. MOTION CARRIED 9-0.

19-135. IT WAS MOVED by Mr. Barter and seconded by Mr. Breighner that Ms. Adams-Morales be elected to serve as Board Vice Chair for the 2019-2020 year. MOTION CARRIED 9-0.

19-136. IT WAS MOVED by Mr. Barter and seconded by Ms. Walton that Mr. Breighner be elected to serve as Board Secretary for the 2019-2020 year. MOTION CARRIED 9-0.

CORRESPONDENCE

The Board reviewed a request from Russell J. Shewchuk, PE 32249 and T. R. Carradine, PE 4976 that they be granted the right to use the title "Professional Engineer, Retired."

19-137. IT WAS MOVED by Mr. Whorton and seconded by Ms. Adams-Morales that the Board grant approval for Russell J. Shewchuk and T. R. Carradine to use the title "Professional Engineer, Retired". MOTION CARRIED 9-0.

The Board reviewed correspondence submitted by Mr. Derek Dictson of the organization, "Engineering Development Forum", that requested the Board allow the organization's name to contain the word "Engineering" without having to meet the certificate of authorization requirements. The Board determined the word "Engineering" in the firm name did not tend to convey that the organization was offering engineering services.

19-138. IT WAS MOVED by Ms. Adams-Morales and seconded by Mr. Vaughn that the Board allow the firm Engineering Development Forum, to use the term "Engineering" in its name without having to meet the certificate of authorization requirements. MOTION CARRIED 9-0.

The Board reviewed a draft of a Resolution of Cooperation from the NCEES Member Board Administrator Committee which stated its desire was to show uniformity of licensing by licensing boards. The Board determined it did not agree with portions of the language in the Resolution; and would not agree to the Resolution as written.

NEW BUSINESS

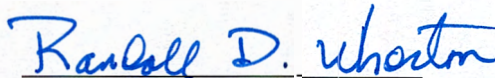
The Board was briefed that NCEES would provide funding for all Board members that have served in their positions for 24 months or less to attend an orientation hosted by the Interprofessional Council on Registration (ICOR) in Washington, D.C., on February 12-14, 2020.

CLOSING REMARKS

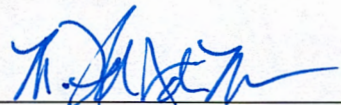
The Board adjourned at 4:00 PM. The next scheduled meeting of the Board is November 6, 2019, at the Board office in Montgomery beginning at 8:00 AM.



Nathan G. Johnson
Chair



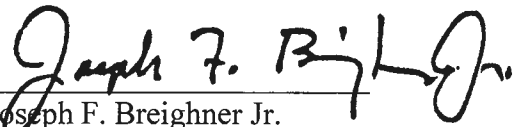
Randall D. Whorton
Vice Chair

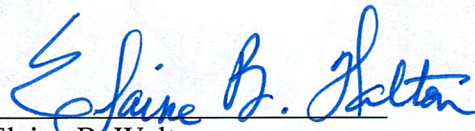


M. Helen Adams-Morales
Secretary

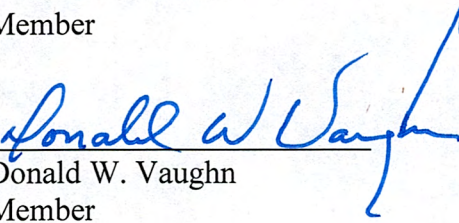


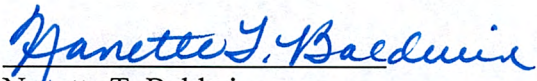
Marc S. Bartex
Member

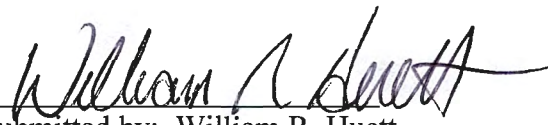

Joseph F. Breighner Jr.
Member


Elaine B. Walton
Member


John E. Averrett
Member


Donald W. Vaughn
Member


Nanette T. Baldwin
Member


Submitted by: William R. Huett
Executive Director

Attachment #1, September 9-10, 2019.

19-118. IT WAS MOVED by Ms. Adams-Morales and seconded by Mr. Vaughn that the Board ratify the approval of licenses issued since the July 16, 2019, meeting and that the list of those be included in the minutes on **Attachment #1**. MOTION CARRIED 9-0.

Attachment #2, September 9-10, 2019.

19-119. IT WAS MOVED by Ms. Adams-Morales and seconded by Mr. Averrett that the Board ratify the approval of Intern Certifications issued since the July 16, 2019, Board Meeting and that the list of those be included in the minutes on **Attachment #2**.
MOTION CARRIED 9-0.

Attachment #3, September 9-10, 2019.

19-120. IT WAS MOVED by Ms. Adams-Morales and seconded by Mr. Averrett that the Board ratify the approval of exam applicants approved since the July 16, 2019, Board Meeting and approve for examination the applicants listed on **Attachment #3**.
MOTION CARRIED 9-0.

Attachment #4, September 9-10, 2019.

19-129. IT WAS MOVED by Ms. Adams-Morales and seconded by Ms. Walton that the Board ratify the approval of the Engineering and Land Surveying Certificates of Authorization issued since the July 16, 2019, Board Meeting and that the list of those issued be included in the minutes on **Attachment #4**. MOTION CARRIED 9-0.