

Report on the

Board of Licensure for Professional Engineers & Land Surveyors

Montgomery, Alabama



Department of Examiners of Public Accounts

50 North Ripley Street, Room 3201

P.O. Box 302251

Montgomery, Alabama 36130-2251

www.examiners.alabama.gov

Ronald L. Jones, Chief Examiner

State of Alabama
Department of
Examiners of Public Accounts

Telephone (334) 242-9200
FAX (334) 242-1775

Ronald L. Jones
Chief Examiner

Mailing Address:
P.O. Box 302251
Montgomery, AL 36130-2251

Location:
Gordon Persons Building
50 North Ripley Street, Room 3201
Montgomery, AL 36104-3833

July 14, 2010

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Mr. Sanderford:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Licensure for Professional Engineers & Land Surveyors** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Licensure for Professional Engineers & Land Surveyors**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Ronald L. Jones
Chief Examiner

Examiner:
Tony Yarbrough

TABLE OF CONTENTS

PROFILE	1
Purpose/Authority	1
Characteristics	1
Operations.....	2
Financial	5
SIGNIFICANT ISSUES	6
STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES	7
ORGANIZATON	8
PERSONNEL	9
PERFORMANCE CHARACTERISTICS	9
COMPLAINT HANDLING	10
REGULATION IN CONJUNCTION WITH OTHER ENTITIES	11
SMART BUDGETING	11
FINANCIAL INFORMATION.....	13
Schedule of Fees.....	13
Schedule of Receipts, Disbursements, and Balances	16
Operating Receipts vs. Operating Disbursements (1)	17
QUESTIONNAIRES	18
Board Member and Executive Director Questionnaires.....	18
Professional Engineers	23
Professional Land Surveyors	28
Complainants	33
APPENDICES	39
Performance Reports	39
Licensing Statutes.....	41
Examination Results by Alabama Educational Institution.....	67
Board Members	70
BOARD RESPONSE TO SIGNIFICANT ISSUES.....	72

PROFILE

Purpose/Authority

The Board of Licensure for Professional Engineers and Land Surveyors was originally created in 1935. The board licenses and regulates the professional practice of engineering and land surveying in Alabama. The board's current statutory authority is codified as the *Code of Alabama 1975*, Sections 34-11-1 through 34-11-37.

<u>Characteristics</u>	
Members and Selection	<p>Seven (7) members, consisting of five (5) professional engineers and two (2) professional land surveyors.</p> <p>Each member is appointed by the governor from a list of three persons nominated by a committee consisting of one representative from each of the professional engineering or professional land surveying organizations described in the rules of the board.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-30</p>
Term	<p>5 year staggered terms.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-30</p>
Qualifications	<ul style="list-style-type: none">• United States citizen.• Alabama resident.• Currently licensed as a professional engineer or professional land surveyor.• Engaged in practice for at least 12 years.• In responsible charge of important engineering or land surveying work for at least 5 years. <p><i>Code of Alabama 1975</i>, Section 34-11-30</p>
Racial Representation	<p>No specific statutory requirement.</p> <p>No black members.</p>
Geographical Representation	<p>No statutory requirement.</p>
Consumer Representation	<p>No statutory requirement.</p>
Other Representation	<p>Membership of the board is to be inclusive and to reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-30</p>

Compensation	<p>\$100/day per diem when actually attending to the work of the board or any of its committees plus reimbursement for travel expenses paid at the same rate as state employees plus incidental and clerical expenses.</p> <p><i>Code of Alabama 1975, Section 34-11-32</i></p>
---------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<u>Operations</u>	
Administrator	<p>Regina Dinger, Executive Director Appointed by and serves at the pleasure of the board. The board sets the executive director's annual salary, currently \$100,197.60.</p> <p><i>Code of Alabama 1975, Section 34-11-36</i></p>
Location	<p>100 North Union Street, Suite 382 Montgomery, AL 36130</p> <p>Office Hours M-F 7:30-4:30</p>
Examinations	<p>The National Council of Examiners for Engineering & Surveying (NCEES) prepares, administers and grades the national engineering and surveying licensure (PE, PS and ALLS) and certification examinations (FE and FS).</p> <p>The Fundamentals of Engineering (FE) & Fundamentals of Surveying (FS) and Principals & Practice of Engineering (PE) and Principals & Practice of Surveying (PS) national exams are given in April and October at the following Locations:</p> <p>PE's – Birmingham (BJCC) and Mobile (Univ. of So. AL) PS's – Birmingham (BJCC) FE's – Birmingham (BJCC), Auburn (Auburn Univ.), Tuscaloosa (Univ. of Alabama), Huntsville (U.A.H.) and Mobile (U.S.A.) FS's – Birmingham (BJCC)</p> <p>The state exam, Alabama History in Law & Land Surveying (ALLS) for land surveyors is given at the board's office in Montgomery twice a year Jan/Feb and July/Aug and in conjunction with the national exam given twice a year in Birmingham.</p> <p><i>Code of Alabama 1975, Section 34-11-6</i></p> <p><u>NOTE:</u> Pass/Fail examination statistics are presented in the Appendices section of this report.</p>

Licensees	As of September 30, 2009:	
	Professional Engineer (PE)	13,802
	Professional Land Surveyor (PLS)	1,302
	Engineer Intern (EI)	1,525
	Land Surveyor Intern (LSI)	30
	Certificate of Authorization (Companies)	
	Engineering (ECA)	2,059
	Land Surveying (LSCA)	424
	Total Licensees	19,142

Reciprocity/Comity

Professional Engineer – The board may issue a license to a person licensed elsewhere; provided, that the education, experience, and examination qualifications are, in the judgment of the board, of a standard not lower than the standard in effect in Alabama at the time such certificate was issued.
Code of Alabama 1975, Section 34-11-4(1)(b)

Engineer Intern – The board may issue a license to a person licensed elsewhere, if the education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than the standard in effect in Alabama at the time the license was issued. Fundamentals of engineering exams of comparable character taken and passed in another jurisdiction may be accepted by the board.
Code of Alabama 1975, Section 34-11-4(c)

Professional Land Surveyor – The board may issue a license to a person licensed elsewhere who passes a two-hour written examination of laws, procedures, and practices pertaining to land surveying in Alabama, provided that the education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than the standard in effect in Alabama at the time the license was issued.
Code of Alabama 1975, Section 34-11-4(c)

Land Surveyor Intern – The board may issue a license to a person licensed elsewhere, if the education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than the standard in effect in Alabama at the time such certificate was issued. The board may accept fundamentals of land surveying examinations of comparable character taken and passed in another jurisdiction.
Code of Alabama 1975, Section 34-11-4(c)

Renewals	<p>All licensees for professional engineers and land surveyors expire on December 31 of each year. Lapsed licenses may be reinstated without re-examination for up to four years.</p> <p>Certificates of authorization for companies expire on January 31 of each year. Lapsed certificates of authorizations may be reinstated for up to two years.</p> <p>The board contracts with Alabama Interactive to provide on-line renewal services.</p> <p>Renewals as of May 5, 2010:</p> <table border="1" data-bbox="542 604 1341 869"> <thead> <tr> <th>License</th> <th>Online</th> <th>%</th> <th>Paper</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Prof Engineer</td> <td>12,084</td> <td>91</td> <td>1,221</td> <td>9</td> </tr> <tr> <td>Prof Land Surveyor</td> <td>1,053</td> <td>83</td> <td>223</td> <td>17</td> </tr> <tr> <td>Eng Intern</td> <td>1,180</td> <td>89</td> <td>153</td> <td>11</td> </tr> <tr> <td>Land Sur Intern</td> <td>17</td> <td>85</td> <td>3</td> <td>15</td> </tr> <tr> <td>ECA¹</td> <td>1,674</td> <td>88</td> <td>226</td> <td>12</td> </tr> <tr> <td>LSCA²</td> <td>346</td> <td>86</td> <td>55</td> <td>14</td> </tr> </tbody> </table> <p>¹Engineering company certificate of authorization ²Land surveying company certificate of authorization</p> <p><i>Code of Alabama 1975</i>, Section 34-11-8(a) Rule 330-X-13-.02(4)(a)</p>	License	Online	%	Paper	%	Prof Engineer	12,084	91	1,221	9	Prof Land Surveyor	1,053	83	223	17	Eng Intern	1,180	89	153	11	Land Sur Intern	17	85	3	15	ECA ¹	1,674	88	226	12	LSCA ²	346	86	55	14
License	Online	%	Paper	%																																
Prof Engineer	12,084	91	1,221	9																																
Prof Land Surveyor	1,053	83	223	17																																
Eng Intern	1,180	89	153	11																																
Land Sur Intern	17	85	3	15																																
ECA ¹	1,674	88	226	12																																
LSCA ²	346	86	55	14																																
Continuing Education	<p>Professional engineers and land surveyors are required to earn fifteen professional development hours (PDH) per annual renewal period. Up to fifteen PDH may be carried forward into the next renewal period.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-8</p>																																			
Employees	(10) Total Employees - (9) Full Time, (1) Part Time																																			
Legal Counsel	Benjamin Albritton, Assistant Attorney General employed by the Attorney General's Office.																																			
Subpoena Power	<p>Yes, both witnesses and records.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-35(b)</p>																																			

Internet Presence	www.bels.state.al.us The site includes: <ul style="list-style-type: none"> • Overview/Mission • License requirements and applications • Dates and deadlines • Examination information • License inquiry and search • Change of address • Law and administrative code • Filing a complaint and enforcement actions • Renewal and reinstatement procedures • Certificate of authorization • News bulletin • Board meeting agendas • Board members and staff
Attended Board Member Training	2010: (3) Board Members (1) Executive Director (1) Assistant Executive Director (1) Staff Accountant (1) Legal Assistant. 2009: (2) Board Members (1) Assistant Executive Director (1) Executive Secretary. 2008: (4) Board Members (1) Executive Director (1) Assistant Executive Director (1) Executive Secretary (1) Staff Accountant.
<u>Financial</u>	
Source of Funds	Licensing Fees
State Treasury	Yes, operates from Special Revenue Fund 0359 <i>Code of Alabama 1975</i> , Section 34-11-36
Required Distributions	Any unused funds that exceed 25% of the prior year’s budget must be transferred to the General Fund at fiscal year-end. <i>Code of Alabama 1975</i> , Section 34-11-36
Unused Funds	Funds that do not exceed 25% of the prior year’s budget remain in the board’s operating fund. <i>Code of Alabama 1975</i> , Section 34-11-36

SIGNIFICANT ISSUES

Significant Issue 2009-01

Efforts by the Alabama Society of Professional Land Surveyors have resulted in bills to increase the authority of professional land surveyors to license and regulate their profession.

In the 2010 legislative session, SB546 was introduced by Senator Larry Means and HB761 was introduced by Representative Ronald G. Johnson. Neither bill passed. The bills would have:

- Created the State Board of Licensure for Professional Land Surveyors,
- Renamed the State Board of Licensure for Professional Engineers and Land Surveyors as the State Board of Licensure for Professional Engineers,
- Transferred authority for licensing and regulating land surveyors to the State Board of Licensure for Professional Land Surveyors,

In the 2010 legislative session, SB44 was introduced by Senator Del Marsh. The bill did not pass. The bill would have:

- Provided for the nomination of the professional land surveyor candidates for board membership only by the Alabama Society of Professional Land Surveyors.
- Clarified that only a licensed professional engineer or a licensed professional land surveyor, who *exclusively* holds an unexpired certificate to practice as a licensed professional engineer or an unexpired certificate to practice as a licensed professional land surveyor, respectively, may be appointed to the board. This bill would have had the apparent effect of not allowing a person licensed as both a professional engineer and a professional land surveyor to serve on the board.

Background

1935 - No land surveyor representation on the original board

At its origination in 1935, the State Board of Professional Engineers and Land Surveyors was created with five members, all professional engineers.

Act 1961-79 - One engineer member now required to be also licensed as a land surveyor

Act 1961-79 recreated the board with five professional engineers, of which one was required to be also licensed as a professional land surveyor. Members were appointed by the governor from three nominees selected by a committee consisting of representatives from engineering societies named in the law. The board was authorized to add representatives from other qualified engineering societies at its discretion. Land surveying societies were not authorized to have representatives on the nominating committee.

Act 1995-282 - One licensed land surveyor member now required (no requirement to also be licensed as an engineer)

Act 1995-282 amended the membership of the board to include four licensed professional engineers and one licensed professional land surveyor. The nominating committee was amended to include a representative from the Alabama Society of Professional Land Surveyors. The board sponsored an agreement between the two largest engineering societies to defer to the Alabama Society of

Professional Land Surveyors when selecting nominees for appointment to fill the land surveyor position on the board.

Act 2009-642 - Additional land surveyor position added

Act 2009-642 amended membership of the board to include five licensed professional engineers and two licensed professional land surveyors. The act also amended the law to remove the naming of organizations that are qualified to select representatives to serve on the committee. The act authorized the board to determine through its rulemaking authority which organizations are qualified to have representatives on the nominating committee.

In 2009 (following the passage of Act 2009-642), the two largest engineering societies rescinded their agreement to defer to the Alabama Society of Professional Land Surveyors when selecting nominees for the land surveyor positions on the board. When three nominees were submitted to the governor for appointment to the new land surveyor position, only two were supported by the Alabama Society of Professional Land Surveyors. The remaining nominee was supported by the American Society of Civil Engineers (Alabama Chapter), one of the two engineering societies that had rescinded the agreement. The governor appointed the nominee supported by the engineering society, who holds both an engineering license and a land surveyor license.

Minutes of board meetings show that in 2010, the Alabama Society of Professional Land Surveyors asked the board to support legislation to move licensing and regulation of professional land surveyors to a separate board. The minutes indicate that the board declined to become involved and adopted a neutral position.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

2007-01 PRIOR FINDING

Two employees used annual leave rather than accumulated compensatory time, a practice that does not comply with the Rules of the State Personnel Board #670-X-11-.07. Rule 670-X-11-.07 requires use of compensatory time before annual leave is used, unless such use would result in the loss of annual leave balance at the end of the year due to annual leave carryover limits.

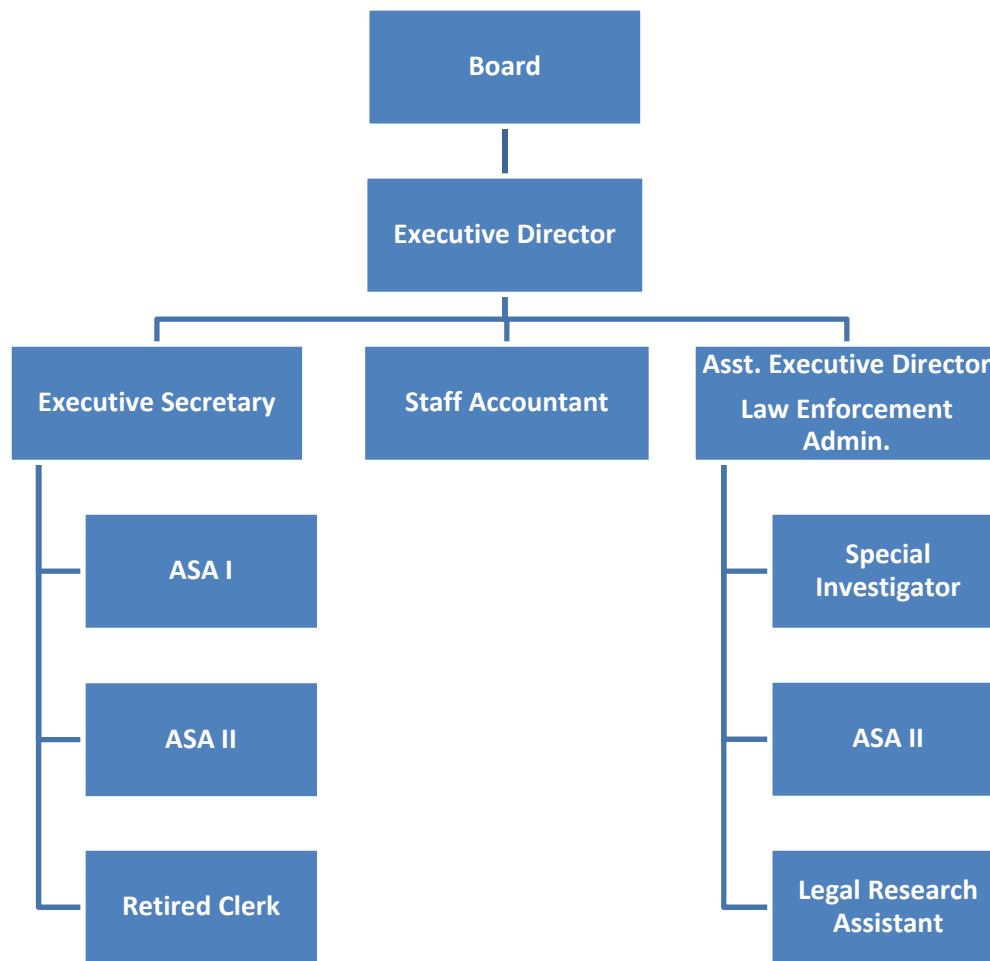
Prior Recommendation

Compensatory time should be used before annual leave unless such use would cause loss of accumulated leave at the end of the calendar year.

CURRENT STATUS:

The board continues to allow its employees to use annual leave before accumulated compensatory time. Five instances were noted.

ORGANIZATON



PERSONNEL

Schedule of Employees By Merit System Classification/Sex/Race							
Classification	#	B/M	W/M	B/F	W/F	O/M	O/F
Executive Director (Unclassified)	1				1		
Assistant Executive Director	1		1				
Executive Secretary	1				1		
Staff Accountant	1			1			
Investigator	1		1				
Legal Research Assistant	1				1		
Administrative Assistant	2		1		1		
Receptionist	1			1			
Retired State Employee	1				1		
Total Employees	10	0	3	2	5	0	0

Legend:

W/M – White Male, W/F – White Female, B/M – Black Male, B/F – Black Female

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 1,914

Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate) *	Number of Licensees	Persons Per Licensee
Alabama	4,708,708	19,142	246
Florida	18,537,969	43,358	428
Georgia	9,829,211	23,628	416
Mississippi	2,951,996	11,669	253
Tennessee	6,296,254	18,563	339

* U.S. Census Bureau July 1, 2009 Report

Operating Disbursements per Licensee – \$62.85

Notification to Licensee of Board Decisions to Amend Administrative Rules - The board complied with procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and when necessary holding public hearings on proposed rules. Licensees were also notified of proposed changes through newsletters, and the board has posted drafts of proposed rule changes on its website. According to the board's staff, drafts of the amended administrative code (rules) have been distributed to the licensees' professional associations for review and discussion.

COMPLAINT HANDLING

Complaint Procedures

<p>Initial Contact/Documentation</p>	<p>Complaints are received by telephone, fax or mail. When the board receives a complaint, a complaint form is sent to the complainant. The complaint form can also be downloaded from the board's website. Complaint forms must be signed. Anonymous complaints are not accepted. Complaints initiated by the board against are referred to an investigative committee to determine if the board's statutes or Rules of Professional Conduct (Code of Ethics) have been violated..</p>
<p>Investigative Process & Probable Cause Determination</p>	<p>The complainant is notified that the complaint has been received. Complaint forms received by the board are date stamped, entered in a complaint log and assigned to a board member for review and follow-up. An investigative committee made up of a board member, the board's executive director, the board's attorney, and the board's investigator determine appropriate action and/or whether probable cause exists. If charges are filed, the board member who was a member of the investigative committee that made the probable cause determination does not sit as a member of the board at the disciplinary hearing held pursuant to the charges. The charges are sent to the respondent by certified mail, return receipt requested, to the most recent address of the respondent and mailed at least 30 days prior to the scheduled date of a hearing.</p>
<p>Resolution Without Formal Hearing</p>	<p>The board's attorney is authorized to negotiate settlements. If the board's attorney and the respondent reach a tentative settlement agreement prior to the hearing date, the agreement is presented to the board. The board may either accept or reject the tentative settlement agreement and if accepted, the respondent is notified, and no hearing held.</p>
<p>Formal Hearing</p>	<p>If a negotiated settlement is not agreed upon, the charges are heard at a disciplinary hearing. Following completion of the hearing or upon receipt of the hearing officer's recommendations, findings of facts and conclusions of law, the board issues an order within 30 days, which includes the findings of fact, the official notice taken, and conclusions of law. A copy of the order is delivered by certified mail, return receipt requested, and first class mail, postage prepaid, to the respondent or to his/her counsel of record.</p>

Notification of Resolution to the Complainant	After resolution of the complaint, the complainant is notified of the results by mail.
------------------------------------------------------	----------------------------------------------------------------------------------------

Schedule of Complaints Resolved 2006 FY through 2009 FY					
Year/Number Received	Year/Number Resolved				Pending
	2006	2007	2008	2009	
2006 / 43	2	9	29	3	0
2007 / 49		10	22	15	2*
2008 / 41			17	21	3*
2009 / 329**				286	31

Source of data: Board of Licensure for Professional Engineers & Land Surveyors Complaint Database

*Primary reason for delay - rescheduling issues related to obtaining hearing officers.

** 265 complaints against one professional engineer.

Average Time to Resolve Complaints

Average time to resolve complaints through conclusion of hearings was 217 days.

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The professional practice of architecture, regulated by the Board for Registration of Architects, includes incidental engineering practices that are inherent in the practice of architecture.

The professional practice of geology, regulated by the Licensing Board for Professional Geologists, includes incidental engineering practices that are inherent in the practice of geology.

SMART BUDGETING

FY 2008				
GOALS			COMMENTS	
GOAL 1: By 2011, be able to completely investigate and resolve 75% of the complaints within six months.			The goal is appropriate	
OBJECTIVES	UNIT OF MEASURE	TARGET	ACTUAL	COMMENTS
(O1-Quality) Resolve complaints filed in FY 2003 unless being held for litigation.	Percentage of Complaints	100	72	The objective is appropriate, except that the target percentage exceeds the percentage stated in the goal.

OBJECTIVES (cntd)	UNIT OF MEASURE	TARGET	ACTUAL	COMMENTS
(O2-Quality) Resolve complaints filed in FY 2004 unless being held for litigation.	Percentage of Complaints	100	86	The goal is appropriate
GOAL 2: To process verification of licensure and examination forms within 5 days of receipt by 2010.			The goal is appropriate.	
OBJECTIVES	UNIT OF MEASURE	TARGET	ACTUAL	COMMENTS
(O1-Quality) Install integrated scanning system and scan back-logged applications.	Percentage of Applications	50	59	The objective is appropriate.
(O2-Efficiency) Process all requests within 10 days of receipt of the verification request.	Percentage of Requests	100	60	The objective is appropriate.

FY 2009

GOALS			COMMENTS	
GOAL 1: Resolve 75% of complaints within 6 months of receipt by 2011			The goal is appropriate.	
OBJECTIVES	UNIT OF MEASURE	TARGET	ACTUAL	COMMENTS
(O1-Quality) Increase the percentage of complaints resolved within 6 months	Percentage of Complaints Resolved in 6 months	64	83	The objective is appropriate.
(O2-Quality) Increase the numbers of complaints handled without increasing the number of investigators/enforcement personnel	# of Complaints/ # of Enforcement Personnel	24	164	The objective is appropriate

GOAL 2: To process verification of licensure and examination forms within 5 days of receipt by 2010.			The goal is appropriate	
OBJECTIVES	UNIT OF MEASURE	TARGET	ACTUAL	COMMENTS
(O1-Quality) Increase the percentage of verifications completed within 5 days of receipt.	Percentage of Verifications completed within 5 days.	90	48	The board plans to utilize an additional employee in the future.

FINANCIAL INFORMATION

Source of funds

Licensing fees provide the main source of the board's operating funds.

Funds/Accounts

The board operates through the State Treasury, Special Revenue Fund 0359.

Statement of any required transfers, reversions, or payments

Any unused funds that exceed 25% of the prior year's budget must be transferred to the General Fund at fiscal year-end. The remaining funds are retained in the board's operating fund.

Code of Alabama 1975, Section 34-11-36

Schedule of Fees

Fee Type/Purpose	Amount Collected	Amount Authorized	Statutory Authority	Rule
Application Fees				
Engineer Intern	\$15.00	Not to exceed \$50	34-11-5(c)	330-X-4
Land Surveyor Intern	\$15.00	Not to exceed \$50	34-11-5(c)	330-X-4
Professional Engineer	\$25.00	Not to exceed \$100	34-11-5(b)	330-X-4
Professional Land Surveyor	\$25.00	Not to exceed \$100	34-11-5(b)	330-X-4
Certificate of Authorization	\$70.00	Not to exceed \$250	34-11-5(d)	330-X-4
Exam & Re-Exam Fees				
Fundamentals of Engineering	\$70.00 1 st Time \$140.00 Re-take	Not to exceed \$300	34-11-6(d)	330-X-4
Principles & Practice of Engineering	\$280.00	Not to exceed \$300	34-11-6(d)	330-X-4
Fundamentals of Land Surveying	\$115.00 1 st Time \$175.00 Re-take	Not to exceed \$300	34-11-6(d)	330-X-4

Principles & Practice of Land Surveying	\$280.00	Not to exceed \$300	34-11-6(d)	330-X-4
Alabama Land Surveying Standards, History & Law	\$100.00	Not to exceed \$300	34-11-6(d)	330-X-4
Licensure Fees				
Professional Engineer	\$25.00	Not to exceed \$100	34-11-5(b)	330-X-4
Professional Land Surveyor	\$25.00	Not to exceed \$100	34-11-5(b)	330-X-4
Renewal Fees				
Engineer/Land Surveyor Intern	\$5.00	Not to exceed \$10	34-11-8(b)	330-X-4
Late Fee	\$10.00	2 x Renewal Fee	34-11-8(b)	330-X-4
Professional Engineer	\$40.00 annual	Not to exceed \$150	34-11-8(a)	330-X-4
Land Surveyor	\$40.00 annual	Not to exceed \$150	34-11-8(a)	330-X-4
Certificate of Authorization	\$70.00 annual	Not to exceed \$250	34-11-8(c)	330-X-4
Retired Over 65	\$10.00	\$10.00	34-11-8(a)	330-X-4
PE/LS Reinstatement Fees For Lapsed License				
0 – 1 Year	\$250 + \$40 = \$290	\$250 + \$40 = \$290	34-11-8(a)	330-X-4
1 – 2 Years	\$300 + \$40 = \$340	\$300 + \$40 = \$340	34-11-8(a)	330-X-4
2 – 3 Years	\$350 + \$40 = \$390	\$350 + \$40 = \$390	34-11-8(a)	330-X-4
3 – 4 Years	\$400 + \$40 = \$440	\$400 + \$40 = \$440	34-11-8(a)	330-X-4
Reactivation fee for retirees (who had reduced annual fee) to go to active status	\$30.00	\$30.00	34-11-8(a)	330-X-4
Retired Status 0 – 1 Years	\$60 + Renewal Fee	\$60 + Renewal Fee	34-11-8(a)	330-X-4
Retired Status 1 – 2 Years	\$100 + Renewal Fee	\$100 + Renewal Fee	34-11-8(a)	330-X-4
Retired Status 2 – 3 Years	\$150 + Renewal Fee	\$150 + Renewal Fee	34-11-8(a)	330-X-4
Retired Status 3 – 4 Years	\$200 + Renewal Fee	\$200 + Renewal Fee	34-11-8(a)	330-X-4
Reinstatement Fees For Delinquent Certificate of Authorization				
0 – 1 Years	\$250 + \$70 = \$320	\$250 + \$70 = \$320	34-11-8(c)	330-X-4
1 – 2 Years	\$350 + \$70 = \$420	\$350 + \$70 = \$420	34-11-8(c)	330-X-4
Other Fees				
PE Interim Permit	\$0	Not to exceed \$50	34-11-4(1)(b)	330-X-4
Roster	\$15.00	\$15.00	34-11-3	330-X-4
Copy Charges	\$0.25 per sheet	\$0.25 per sheet	Cost Recovery	330-X-4
Certificate Replacement	\$25.00	\$25.00	34-11-12	330-X-4
Bad Check	\$30.00	\$30.00	8-8-15	330-X-4

Mailing Labels				
Mailing Label Disc	\$75.00	\$75.00	Cost Recovery	330-X-4
1,000 Labels (min. amt.)	\$75.00	\$75.00	Cost Recovery	330-X-4
2,000 Labels	\$106.00	\$106.00	Cost Recovery	330-X-4
3,000 Labels	\$137.00	\$137.00	Cost Recovery	330-X-4
4,000 Labels	\$168.00	\$168.00	Cost Recovery	330-X-4
5,000 Labels	\$197.00	\$197.00	Cost Recovery	330-X-4
10,000 Labels	\$359.00	\$359.00	Cost Recovery	330-X-4
Fines				
Civil Penalty	\$2,500 max. ea. Offense	Not to exceed \$2,500	34-11-16	330-X-16.06(1)
Fine	\$2,500 max. ea. Offense	Not to exceed \$2,500	34-11-11(i)	330-X-16.06(1)
Cost of Investigations/Hearing	Cost Recovery	Cost Recovery	34-11-11(m), 34-11-16(g)	330-X-16.06(1)

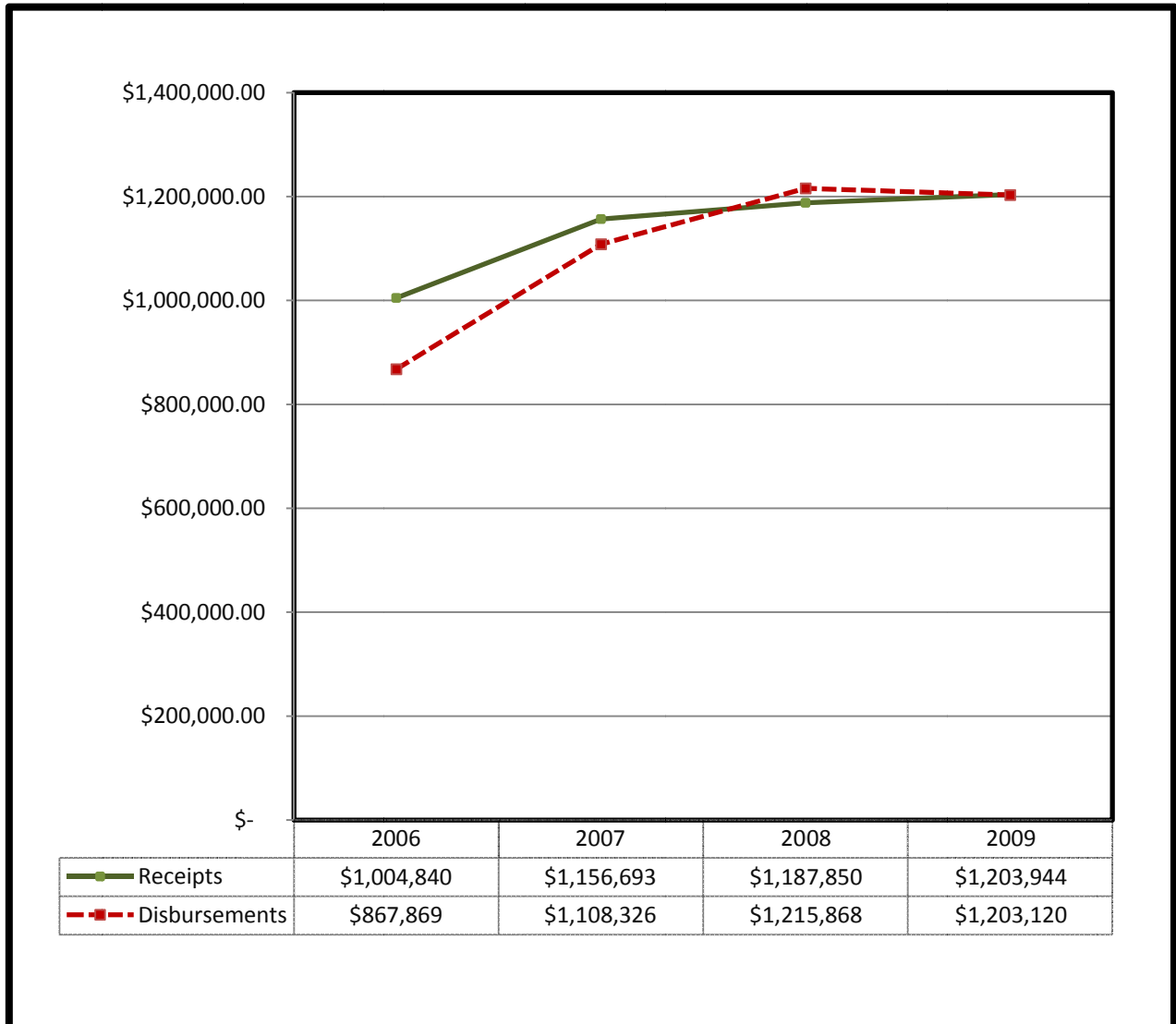
Schedule of Receipts, Disbursements, and Balances

October 1, 2005 through September 30, 2009

	2008-2009	2007-2008	2006-2007	2005-2006
<u>Receipts</u>				
Licensing Fees	\$ 1,203,944.03	\$ 1,187,849.64	\$ 1,156,692.79	\$ 1,004,840.34
<u>Disbursements</u>				
Personnel Costs	445,165.89	445,530.38	376,186.32	301,614.98
Employee Benefits	159,709.01	147,561.10	121,463.31	83,789.09
Travel In-state	15,147.33	16,824.44	12,171.70	21,852.07
Travel Out-of-State	32,550.37	39,037.85	43,862.20	25,021.95
Repairs and Maintenance	1,151.76	5,160.84	1,942.75	530.00
Rentals and Leases	112,692.77	92,042.26	83,187.59	82,184.96
Utilities and Communications	47,392.54	48,600.47	47,874.67	28,313.37
Professional Services	307,897.89	294,181.82	259,011.85	239,771.69
Supplies, Materials and Operating Expenses	73,432.00	89,306.88	88,561.26	53,048.47
Transportation Equipment Operations	862.53	1,126.47	705.47	333.65
Capitol Outlay	-	-	24,613.88	6,889.37
Other Equipment Purchases	7,118.04	36,495.84	48,745.85	24,518.94
Transfer to the General Fund ⁽¹⁾	-	65,657.65	78,368.55	111,835.29
Total	1,203,120.13	1,281,526.00	1,186,695.40	979,703.83
Excess (Deficiency) of Receipts Over Disbursements	823.90	(93,676.36)	(30,002.61)	25,136.51
Cash Balances at Beginning of Year	388,662.92	482,339.28	512,341.89	487,205.38
Cash Balances at End of Year	389,486.82	388,662.92	482,339.28	512,341.89
Reserved for Unpaid Obligations	109,056.99	(97,130.25)	(75,191.34)	(126,548.32)
Fees Reserved for Next Year's Operations	(107,870.00)	(127,240.00)	(102,535.00)	(83,465.00)
Unreserved Cash Balances	\$ 390,673.81	\$ 164,292.67	\$ 304,612.94	\$ 302,328.57

⁽¹⁾ Code of Alabama 1975, Section 34-11-36

Operating Receipts vs. Operating Disbursements (1)



(1) Excluded from the chart are amounts received or disbursed that were not for operations.

QUESTIONNAIRES

Board Member and Executive Director Questionnaires

Questionnaires were mailed to all seven board members and the executive director. Seven responded.

1. What are the most significant issues currently facing the Board of Licensure for Professional Engineers & Land Surveyors and how is the board addressing these issues?

Respondent #1: (a) “Qualifying experience.” (b) “Supervision in responsible charge from remote locations using internet and teleconferencing.” “*The board attends meetings to acquire information, i.e., ACSM, NCEES, FARB, etc.*”

Respondent #2: (a) “There is a move in the Alabama Legislature to require bidding for all contracts. Engineers are prohibited from bidding for services under our Board’s Code of Ethics, and by the Code of Ethics of all professional engineering organizations. The only realistic way that an engineer can bid (lower his price) is by devoting fewer hours to a design, or by having the design done by a lower paid employee. This will eventually result in slipshod work that increases the probability of failure.” “*The board must take a strong position against bidding of professional services.*” (b) Evaluation of foreign engineering degrees requires extra time and is difficult because of the growing numbers of applicants for Alabama licensure, variation in overseas educational systems – by country, by profession and by rigor. National organizations (National Council of Examiners for Engineering and Surveying), ABET (engineering accreditation) and various transcript evaluation services are aware of the issue and are attempting to address it. But we can anticipate this issue requiring more and more time per applicant.” (c) “Investigating complaints is a serious time commitment. I understand that it has become better due to the engagement of a second staff investigator, but it is still a time sink.”

Respondent #3: (a) “A problem facing the Alabama board as well as boards in other states is the outsourcing of engineering to other countries, such as India, Nepal and South Korea. Our board receives a number of foreign applications for license by comity. This is also indicative of foreign engineers practicing in Alabama and the U.S. While our engineering school enrollment has been decreasing in general, engineering enrollment many in other nations, including China and India is rapidly increasing. One problem driving this is the cost of doing engineering in Alabama and in other states as well. In this distressed economy domestic engineering costs are driving corporations to outsource engineering in order to remain competitive. This is a problem being seriously studied by the National Engineering Academy and other engineering societies such as the National Society of Professional Engineers. Alabama needs to remain competitive in bringing in and maintaining industry and commerce, yet insure only competent engineering is performed so as to protect the safety and health of the Alabama public. Our engineering schools need more engineering jobs available for graduates in order to attract enrollment.” (b) “There are far too many unlicensed engineers practicing, perhaps ten thousand in north Alabama. Most are competent engineers but there are a few incompetent engineers practicing. Many would like to become licensed but they will tell you that Alabama law and procedures for licensing make it very difficult/impossible to become licensed. The biggest problem is that

Board Member Questionnaire

there are few licensed engineers working in industry, aerospace and defense that are licensed. In recent years our Alabama has been modified so as to address this situation. For example our laws use to require an applicant for licensure work under direct supervision of a P.E. for four years, etc. This requirement has been modified to allow an associated P.E. knowledgeable of an applicant's work to verify the work as competent. Still, more modifications need be made without jeopardizing our board's authority to regulate engineering practice for the safety and health of the public. We need to be more conscious of modern engineering practices."

(c) "Licensed Land Surveyors don't have these problems. To survey in Alabama you must be licensed. That is the way it should be to practice engineering."

Respondent #4: "Three of the most significant issues facing the board are: (1) Discipline issues – Time, cost, procedures. (2) Education requirements – BS + 30, transcript evaluations. (3) Multi-discipline licensure – Structural I, II, Env., Civil."

Respondent #5: (a) "Engineers and land surveyors practicing without a license." *"The board has an investigative process in place and also provides information on the law."* (b) "To ensure that professionals are qualified to have a license." *"The board carefully reviews applicants before they are approved for examination."*

Respondent #6: (a) "Increasing issues concerning remote supervision of engineers, where the requirements of the law (i.e., responsible charge and direct supervision) are still being met." *"We have a subcommittee working to revise, clarify, and communicate, etc., the definitions of forms in the administrative code."* (b) "Ongoing issues with all the professional societies involved in the nominating committees for state board members. We continue to struggle to keep all sections involved; to generate a number of qualified and diverse candidates; to keep the whole nominating process independent of the current board member composition, etc." *"We have a subcommittee working on nominating committee administrative guidelines."* (c) "As a profession, continuing to encourage young people (starting in 8th grade) to pursue education and career in science, technology, engineering and math. (STEM), so that the professions continue to grow." *"The board actively supports the various societies in their efforts to communicate, interact and strengthen STEM."*

Respondent #7: "There is a national debate regarding the minimum educational requirements necessary for licensure. The nationally accepted plan is to require a master's degree or equivalent (considered to be 30 additional hours) by the year 2020. The argument is that more engineering hours of education are needed than what is currently provided at a bachelor's level. Alabama will need to decide if it will modify its law accordingly. This decision needs to be made very soon as it could potentially effect students entering college in fall 2011. In fairness to those students, they need to know that they will need a minimum of five years of college plus four years of experience to become a licensed professional engineer in 2020. While this debate is going on, the board receives a significant number of applications for licensure from candidates that have an undergraduate degree in math, science or the humanities and a master's degree in engineering. The board members evaluate the college transcripts of each of these applicants to determine if their education meets licensure law requirements. In many cases, the applicant holding a non-engineering bachelors and masters in engineering is approved to sit for the exam, even though they may have less engineering hours than someone with a bachelor's degree in engineering. This appears contrary to the national debate that more hours are needed." *"The Alabama board is addressing this through its involvement with NCEES."*

2. What changes to the Board of Licensure for Professional Engineers & Land Surveyors laws are needed?

Respondent #1: “Perhaps minor housekeeping. Cost of new exams. Current law change to seven member board is good and this may require some change.”

Respondent #2: “Several of us attended the Annual Meeting of the Federation of Associated Regulatory Boards last week. About 70% of the presentations were by attorneys. One presentation on “model codes” for regulatory boards used a statement from the Alabama PE/LS Board’s Code as a poor practice. The clause now includes a statement that indicates that the failure of an individual to cooperate with an investigation by the Board cannot be held against him. This complicates the investigation and can result in key facts being hidden. I am going to recommend that board members review the entire presentation for examples of Code that might be changed for the better.”

Respondent #3: “Our Alabama Engineering and Land Surveying laws are shaped from the National Council of Examiners for Engineers and Surveyors Model Law and Model Rules. In recent time NCEES has recognized some of the problems I’ve mentioned in question 1 and modified NCEES ML and MR. One change is to allow engineers with doctorates in engineering to take the professional engineering examination after engineering practice for the required time and with required references. This allows the engineering doctorate to suffice for the Fundamentals of Engineering exam, the argument being that the engineering rigor in attaining an engineering doctorate is greater than passing the fundamentals examination. We need to modify our Alabama law as such. This modification would: (a) Get more practicing and competent engineers licensed in Alabama. A great many engineers with engineering doctorates are working in aerospace, defense and industry and these would be eligible for licensure upon passing the P.E. exam. Attaining a doctorate takes a great amount of time (usually 3 or 4 years). When an engineer graduates with a B.S. degree he/she can enter the work force, in which case they make take the fundamentals of engineering exam, or stay in (graduate) school and eventually attain graduate degrees. Most of these graduates don’t take, or put off taking the fundamentals exam. Eventually they enter the work force and by then have young families and/or other obligations that preclude taking the fundamentals exam. That they attained an engineering doctorate should suffice for passing the fundamentals exam. Attaining the doctorate is of much more engineering rigor. (b) This modification would result more engineering faculty in Alabama engineering schools becoming licensed. Currently Alabama engineering schools have few licensed engineering instructors. Many went the route in the above paragraph to obtain their Ph.D. and didn’t take the fundamentals exam. When engineering schools are staffed by licensed engineering instructors, more students will be influenced to become licensed. They will be more likely to take the fundamentals exam when graduating and begin the licensing process. This will result in more practicing engineers being licensed. It will result in more fee revenue for the general fund after board costs are met. (c) An Alabama law change to allow engineers with Ph.D.’s in engineering to take the P.E. exam, with all other requirements met, will bring Alabama in compliance with NCEES Model Law and Model Rules on this situation. (d) Another situation our board needs to look into is the requirement to have a licensed P.E. in charge of each office a firm has. Engineering is rapidly becoming electronic. Corporations and U.S. government agencies such as NASA and the Corps of Engineers now have no paper involved in engineering anymore. Engineering documents and reports are submitted electronically and changes are made electronically. We need to look at

Board Member Questionnaire

requirements that engineering be performed only under a physically present P.E. in charge at each location. This drives up the cost of engineering in a depressed economy struggling for recovery. Designs can be electronically transmitted instantly, reviewed, corrected and sent back to a designer. With Auto-cad, Pro-E and other electronic design programs, designs are sent to engineer managers for review, corrected and sent back to the designer in short time. There are many corporations today that outsource engineering to India, Nepal and South Korea firms. A U.S. engineering manager sends the conceptual design to the foreign engineer living 12 hours away. Overnight the designs are made and the U.S. manager pulls the design up the next morning. He/she makes corrections or changes and sends it back. This is done until the U.S. manager has what he/she approves. This is a much cheaper and quicker engineering process. Engineering group meetings can be held by video. It is like being in the same room. Video conferencing saves much travel cost, lodging etc. and time. Our engineering laws don't necessarily need to hamper such procedures, rather insure that competent engineering is performed under a P.E. in charge. We want to encourage competent engineering in Alabama and not hamper the development of industry and commerce in Alabama. The requirement for a licensed P.E. in each physical location drives up the cost of engineering. And with modern electronic transmission methods and other modern communication procedures, a designer/engineer intern can be just as effectively supervised from another location. The main requirement should be that an engineering design/engineering work be supervised and approved by a licensed P.E. in responsible charge. Our board needs to better address encryption of signatures and seals on engineering documents. We should modernize Alabama engineering law to better address the advancing engineering technologies and the changing methods of engineering."

Respondent #4: "I am not aware of any."

Respondent #5: "The laws seem to be adequate and up to date for the goal of protecting the health, safety and welfare of the public." "There could be some clarification in the wording of qualification and practice restrictions."

Respondent #6: "Nominating Committee administrative guidelines created and placed into the administrative code."

Respondent #7: "No law changes are needed at this time. We are working on several administrative code issues that will help clarify the law and bring our code into better alignment with the national model law."

3. Is the Board of Licensure for Professional Engineers & Land Surveyors adequately funded?

 7 Yes 0 No 0 Unknown 0 No Opinion 0 No Response

Respondent #2: "Although I have not been on the board long, it appears that the board is adequately funded at the moment."

Board Member Questionnaire

4. Is the Board of Licensure for Professional Engineers & Land Surveyors adequately staffed?

 6 Yes 0 No 1 Unknown 0 No Opinion 0 No Response

Respondent #2: “The current staff members are wonderful. They take their jobs very seriously, know their responsibilities, and are always prepared. This applies to board meetings, telephone calls about investigations and other situations.” “Given that I feel they are highly productive and well managed, the number and quality of staff members is sufficient for the current time.”

5. What is the purpose of the board’s fiscal year-end balance of unobligated funds?

Respondent #1: “Maintain a proper prudent reserve to operate the board to protect the public.”

Respondent #2: “I have not investigated this issue closely, but can think of several reasons. First, the number of investigations and the cost (such as cases heard by an administrative law judge) can vary greatly. Second, this sometimes happens in government entities due to cash flow. The majority of revenue is received in a compressed time frame (licenses) but is spent over all 12 months.”

Respondent #3: “To go to the general fund.”

Respondent #4: “I am not aware of any.”

Respondent #5: “I am not deeply involved in the financial aspects, but these funds are used to make improvements in the license process, strengthen the website, speed up the investigations, provide record services for registrants, and improve operational office efficiency.”

Respondent #6: “To support the General Fund.”

Respondent #7: “To provide operating capital from one fiscal year to the next. The board’s primary source of revenue is license renewals which occur during Nov. – Jan. Also, the small amount of carryover is available in the event of an emergency.”

Professional Engineers

Questionnaires were mailed to one hundred registered professional engineers. Sixty-seven responded.

1. Do you think regulation of your profession by the Board of Licensure for Professional Engineers & Land Surveyors is necessary to protect public welfare?

67 Yes 00 No 0 Unknown 0 No Opinion 0 No Response

“Respondent #56: “Yes, as long as it does not restrict access to competent engineers and does not restrict free trade with the public.”

2. Do you think any of the Board of Licensure for Professional Engineers & Land Surveyors laws, rules, and policies are an unnecessary restriction on the practice of your profession?

05 Yes 57 No 4 Unknown 1 No Opinion 0 No Response

3. Do you think any of the Board of Licensure for Professional Engineers & Land Surveyors requirements are irrelevant to the competent practice of your profession?

07 Yes 56 No 3 Unknown 1 No Opinion 0 No Response

Respondent #29: “Yes, the requirement to have a B.S. in Engineering seems unnecessary if you have an M.S. in Engineering and a B.S. in a related science.”

4. Are you adequately informed by the Board of Licensure for Professional Engineers & Land Surveyors of changes to and interpretations of board positions, policies, rules and laws?

55 Yes 02 No 7 Unknown 3 No Opinion 0 No Response

Respondent #10: “Yes, but apparently many engineers are not aware of the restriction on competing for services on a price basis.”

5. Has the Board of Licensure for Professional Engineers & Land Surveyors performed your licensing and renewal in a timely manner?

65 Yes 0 No 0 Unknown 02 No Opinion 0 No Response

Respondent #32: “No Opinion, just obtained licensure.”

6. Do you consider mandatory continuing education necessary for competent practice?

48 Yes 16 No 00 Unknown 3 No Opinion 0 No Response

Respondent #25: “Yes, however, to make the training more useful, we might should limit the types of topics allowed.”

Respondent #26: “No, I consider it extortion.”

Respondent #45: “Yes, within reason. I’ve heard there may be upcoming requirements for licensure that new applicants may be required to have, as a minimum, a master’s degree. I believe this to be unnecessary. There are those who seem to exude a level of elitism because they are PEs. To me, a PE is merely another necessary tool that displays a minimum competence level to display engineering ability.”

7. Has the Board of Licensure for Professional Engineers & Land Surveyors approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

51 Yes 03 No 06 Unknown 7 No Opinion 0 No Response

Respondent #51: “Yes, but could do more.”

Respondent #56: “No Opinion, the board does not pre-approve providers.”

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Licensure for Professional Engineers & Land Surveyors doing to address the issue(s)?

Respondent #7: “Persons claiming to be registered, but are not! Incompetent.”

Respondent #9: “Unemployment is the most significant issue.” *“I am not aware of anything the board has done, or can do.”*

Respondent #10: “High cost of professional insurance.” *“I am not aware of anything the board is doing or can do to address this.”*

Respondent #12: “Requiring surveying applicants to “have a degree in surveying” is restrictive. Any engineer that can pass the surveying exam and maintain continuing education should also be able to obtain a surveying license. The restriction is simply an attempt to limit number of surveyors to “tighten” the market and make the surveying profession more “exclusive” so fees can be increased.”

Respondent #13: “Job security and attracting young people to the engineering field.” *“I don’t know what the board is doing to address this.”*

Respondent #14: “I think jobs may be the most current issue.” *“Don’t know if the board has a role in this.”*

Respondent #15: “QBS (Quality Based Selection) of professionals rather than bidding professional services.” *“I’m not sure if the board has issued a public opinion on this matter, but QBS should remain in place of bidding.”*

Respondent #16: “Work.”

Respondent #17: “Bidding of professional services is a problem.”

Respondent #19: “On Dec. 20, 2009, the Alabama Board of Professional Engineers wrote a joint letter with the Alabama State Fire Marshal regarding the permitting of fire sprinkler drawings. The surrounding issues regarding this letter stem from the fact that the fire protection industry nationwide as guided by the NFPA and NICET have left an ambiguous notion that unlike mechanical, electrical, plumbing, civil, and structural engineers, fire protection plans, specifically the “working plans” as described by NFPA 13 Handbook, are not the ultimate responsibility of the engineer, but rather the contractor whereas the working plans are not stamped by the engineer but (if stamped at all) by the NICET engineering technician who actually designed the system. This letter clearly identifies that only plans stamped by an engineer should be approved; therefore all jobs would have an engineer of record with responsible charge of the design.”

“The trouble is the entire industry is simply following normal industry trade practices used nationwide, where a non-engineering degreed individual, usually draftsman, takes a two week class on sprinkler design, and with subsequent on the job training under another technician and passing NFPA code based tests can a few years later be a NICET III technician with ultimate responsible charge of sprinkler design.”

“This is clearly breaking the state law as currently interpreted. Various factions have been arguing this, and it is my guess that the board and the fire marshal issued this letter to steady the ship and set clear what their position is at least as far as the law is concerned.”

“Consider, too, that local jurisdictions are limited in their general policy making to only being more restrictive. Some theorize that every municipality should follow through with the board’s and marshal’s position regardless of their own opinion or standard industry practice, we could have a state wide traffic jam in construction with this very issue the bottleneck in the design/permitting stage due to the incredible shortage of professional engineers with true fire protection experience. In my experience, most engineers that produce the preliminary plans are well trained in plumbing and/or HVAC, but not in fire protection.”

“I have an obvious bias as I am a fire protection engineer, but I agree with the board and marshal, and I believe this is the most significant issue facing the board today. I hope they stay the course.”

“Issues that haven’t been addressed to this degree but should also be are: (1) fire alarm systems; (2) security systems; (3) fire suppression systems like clean agent, CO2, Halon, and Vortec; and (4) industrial fire sprinkler designs that never see a permitting office.”

“I believe all systems that have a design, are drawn up on plans and then subsequently installed, especially systems that have life safety implications, should be considered engineering and require a professional engineer with documented experience in that field to have responsible charge of the design. Furthermore, I believe it would already be a violation of current state law to do otherwise.”

Respondent #21: “Some people and organizations still use engineer in their title or advertising without proper licensure.” *“The board does stop this when brought to their attention, but it would be helpful if the board increased public awareness of the license requirements.”*

Respondent #23: “Renewing annual license should be at three year intervals.”

Licensee Questionnaire

Respondent #27: “Continuing increases in regulations and requirements and greater pressure to more restrictive continuing education. CE can be very expensive for self-employed engineers or for those engineers that work for companies that are not willing to give them time off and/or to pay for the expenses to satisfy 15 hours of CE every year.”

Respondent #28: “Number of jobs is less in Alabama.”

Respondent #30: “The breadth of training new engineers needs to have to be able to practice sound engineering in a particular field.” *“I do not know what the board is doing . . . test over a wider range.”*

Respondent #32: “The most significant issue is the 5-year program or master requirement. I believe this should be passed as soon as possible to protect the profession.”

Respondent #34: “I think the most significant issue is the practice of engineering by untrained and unlicensed individuals.” *“I think the board does a good job insuring the public receives quality engineering services.”*

Respondent #35: “Professional services being offered to the public by unlicensed individuals; and rules of direct supervision not being adhered to by licensed professionals. Hopefully, the penalties for these offenses should be severe.”

Respondent #36: “I believe that the requirements for licensure for PE should be increased to include graduate level classes and/or a master’s degree.” *“I do not know what the board is doing about it, but I know several professional societies and NCEES are pushing for it. I also think surveyors should have a separate board.”*

Respondent #40: “Policing of unqualified persons doing work that could cause harm or endanger the public.” *“I think they act as fast as they can when these people are identified.”*

Respondent #41: “Ethics – working with legislators to provide applicable ethic laws.”

Respondent #44: “Ethics.”

Respondent #47: “I think the PE designation should be better marketed. More engineers should strive for PE.”

Respondent #49: “Because I travel a lot in my work, especially in the spring and fall, it is usually impossible for me to attend any seminars. I have been able to keep up my CEU’s by taking correspondence courses. A mandatory seminar would be impossible for me.”

Respondent #51: “PE’s having no practical experience in design or construction of their designs.”

Respondent #52: “Ever changing environmental laws. There are many approved providers of continuing education on these matters.”

Respondent #53: “The board does an outstanding job of preventing unlicensed practice in our state. This ensures competent, licensed engineers and surveyors work to do.

Respondent #54: “Fraud of those doing engineering services without license.” *“The board does well with protecting the profession by investigating and righting these frauds.”*

Respondent #56: “Continuing education requirements are poorly defined. Acceptability is not predefined and is subject to audit. Commercial courses such as AISC are very expensive. If NCEES could sponsor courses it would help. Most class type courses require travel.”

Respondent #57: “Bidding of engineering services by unknowing or uncaring clients.” *“Unknown what the board is doing at this time.”*

Respondent #58: “The practice of engineering by unqualified individuals.” *“By setting license standards and regulations.”*

Respondent #65: “The continued eroding of engineer (PE) required oversight of inspection, design, etc., of many applications through state agency regulation and statutes passed by the Alabama Legislature. (The, we don’t need an engineer to do that mentality.)

Licensee Questionnaire

Respondent #66: “Continuing education hours should carry over for five years not only two years. Sometimes an exciting program comes along and I can earn many hours but only use 30.”

9. Do you think the Board of Licensure for Professional Engineers & Land Surveyors and its staff are satisfactorily performing their duties?

 60 Yes 0 No 7 Unknown 0 No Opinion 0 No Response

Respondent #41: “Yes, Regina has always been ready to come and speak at events and provide us with licensing info.”

10. Has any member of the Board of Licensure for Professional Engineers & Land Surveyors or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

 0 Yes 67 No 0 Unknown 0 No Opinion 0 No Response

Professional Land Surveyors

Questionnaires were mailed to one hundred registered professional land surveyors. Sixty-six responded.

- 1. Do you think regulation of your profession by the Board of Licensure for Professional Engineers & Land Surveyors is necessary to protect public welfare?**

 64 Yes 01 No 1 Unknown 0 No Opinion 0 No Response

Respondent #59: “Yes, but needs simplifying.”

- 2. Do you think any of the Board of Licensure for Professional Engineers & Land Surveyors laws, rules, and policies are an unnecessary restriction on the practice of your profession?**

 10 Yes 52 No 1 Unknown 3 No Opinion 0 No Response

Respondent #35: “Yes, rules for “Standards of Practice” are unnecessary because prudent surveyors exhibit these in code of ethics in work.”

- 3. Do you think any of the Board of Licensure for Professional Engineers & Land Surveyors requirements are irrelevant to the competent practice of your profession?**

 08 Yes 55 No 1 Unknown 2 No Opinion 0 No Response

Respondent #34: “Yes, continuing education for older licensees is unnecessary.”

- 4. Are you adequately informed by the Board of Licensure for Professional Engineers & Land Surveyors of changes to and interpretations of board positions, policies, rules and laws?**

 57 Yes 6 No 1 Unknown 2 No Opinion 0 No Response

- 5. Has the Board of Licensure for Professional Engineers & Land Surveyors performed your licensing and renewal in a timely manner?**

 66 Yes 0 No 0 Unknown 0 No Opinion 0 No Response

- 6. Do you consider mandatory continuing education necessary for competent practice?**

 46 Yes 16 No 01 Unknown 2 No Opinion 1 No Response

Respondent #16: “Yes, but fewer hours, ten instead of fifteen.”

Respondent #34: “No, not for older licensees.”

Respondent #59: “No, too much time and expense on the license for the return especially for aged ones who do the same work and use the older equipment they know.”

7. Has the Board of Licensure for Professional Engineers & Land Surveyors approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

 56 Yes 01 No 05 Unknown 3 No Opinion 1 No Response

Respondent #35: “Unknown, the board does not pre-approve providers of courses. I suppose that if a surveyor is audited the board will at that time assess the relevancy of the provider.”

Respondent #52: “Unknown, the BOL does not approve CE providers.”

Respondent #58: “Yes, the continuing education classes are typically 6 PDH per day. I would like them structured for 7.5 PDH per day to allow 2 days completion.”

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Licensure for Professional Engineers & Land Surveyors doing to address the issue(s)?

Respondent #3: “Keep up the good work. I personally have no complaints. I wish there were more colleges offering the surveying curriculum in Alabama.”

Respondent #5: “Legislature trying to pass a bill for county surveyors that do not have to be licensed, this will lead to bad surveys.” “*Our Alabama Society of Land Surveyors along with the board is trying to get it stopped.*”

Respondent #7: “The so-called “rural surveyor” law.” “*The board is opposing it.*”

Respondent #8: “I think the Surveying Society should be picking the surveyor representative to serve on the board, not the Engineering Society; or the surveyors need their own board.”

Respondent #10: “Representation.”

Respondent #11: “The consideration of additional education requirements for engineering PE (master’s degree) and four year college degree for surveying. I would not go to college to be a surveyor.”

Respondent #12: “The housing market crisis.” “*Unfortunately, I am unaware of any actions the board could take to remedy this situation.*”

Respondent #13: “Ethics of individuals in the profession. I understand that every profession has its bad apples, but they should be identified and removed from practice.”

Respondent #14: “Law suits.”

Respondent #16: “Developing a system wide database to record, monument and document township corners with ties to state grid.”

Respondent #17: “The requirement of a four year degree to apply for licensure as a professional land surveyor. Experience is more important in the practice than anything else. The test is enough of an indicator of technical skill.”

Licensee Questionnaire

Respondent #18: “A problem still exists with a small percentage of PLS’s performing surveys that do not meet the standards of practice. I think a disciplinary board should be created using only people whose main profession is land surveying.”

Respondent #19: “Rural surveyor – permitting and vote.”

Respondent #21: “I’m retired.”

Respondent #23: “The evolution of emerging new technologies such as mobile lidar, photogrammetry, lidar, high definition scanning and conventional surveying and the need to regulate these.”

Respondent #26: “We need more surveyors on the board. An attempt was just made, but the governor appointed an engineer/land surveyor that primarily practices engineering and did not accept recommendation by the land surveyors.”

Respondent #27: “License renewal period should be longer.”

Respondent #28: “I am not aware of any issues facing my profession that are not adequately being addressed by the board.”

Respondent #29: “I think that we have a problem with some surveyors who do not practice according to the standards of practice.” *“There is a system in place to take care of this problem.”*

Respondent #30: “The need for more surveyors on the board.”

Respondent #31: “The composition and number of the board members. This is being discussed by a lot of the professionals.”

Respondent #36: “Consideration of allowing persons without sufficient surveying experience to sit for the surveyor’s exam and possibly become licensed.” *“I believe the board is working against this and I think the board is correct.”*

Respondent #37: “The board uses M.T.S. to fine and discipline licensees for small violations.”

Respondent #38: “Very important to have a licensed surveyor on the board.” *“Nothing.”*

Respondent #39: “We are always finding new capped irons set by surveyors when the old original corners are there and sometimes only 2 or 3 feet away.”

Respondent #41: “Being asked to bid on work. No opinion on board’s position on it”

Respondent #42: “Enforcement on unlicensed work.”

Respondent #44: Mortgage companies/banks’ financing real estate sales without requiring a survey by a licensed land surveyor, thereby having the seller act as a land surveyor by stating there have been no changes in the property.”

Respondent #45: “Not enough experienced practicing land surveyors on the board.” *“Hopefully trying to add another PLS.”*

Respondent #47: “Economic times.”

Respondent #48: “I’m a graduate from Auburn University, but I don’t think we should prevent surveying assistants who have trained under a licensed surveyor from being tested for competency in the practice of land surveying. Some of the best surveyors I know were trainees to the trade using hard work and practical experience (not a degree). Minimum technical standards should be used to guide not to punish.”

Respondent #49: “Competing with professionals who are full time employees of state, county and municipal agencies with those of us in private practice.”

Respondent #50: “I don’t know of any that are not being or have not been addressed.”

Respondent #51: “The recession.”

Respondent #52: “New technology and associated applications. Limited comprehension of advanced technology contravenes address of issues.”

Respondent #53: “The how and why surveys were made in the first place.”

Respondent #54: “Land surveying seems to have less representation on the board, even considering recent legislation adding another PLS Board position. Unfortunately, this position was filled by a candidate with dual registration that was nominated by an engineering organization. It should have been filled by a practicing PLS.”

Respondent #55: “The economy, nothing they can do.”

Respondent #57: “It is becoming more difficult to obtain relevant acceptable land surveying training. Over a period of years it becomes necessary to take repetitive training (no substantial changes in course material) in order to obtain the required number of hours for license renewal. Therefore, it is suggested that the number of PDH could be reduced to 10 hours annually without affecting the integrity of the profession.”

Respondent #58: “The requirement for a 4 year degree will eliminate some good surveyors and may evolve into engineers as the only surveyors. The varying philosophies on boundary determination across the state.”

Respondent #59: “I’m on retired status, 79 years old and not totally aware of some current issues, but historically, the common ground between the board and licensees should be improved.”

Respondent #60: “Disproportionate representation of professional land surveyors on the board.”
“It is my understanding that the board is working with the ASPLS to resolve this longstanding issue.”

Respondent #61: “The blatant abuse of the SOP by a few and the fact the board allows multi-offenses by a surveyor with just a slap on the hand or a fine. The fact the board investigators that investigate surveyors have little or no education of our profession and we need someone besides cops and detectives investigating surveyors. The federal government says 3 times and you’re out, mandatory jail time. Maybe we should apply the same thing to surveyors; one time a fine, 2 times revoking of license for one year and a fine, and third time automatic loss of license.”

Respondent #62: “The most significant issue to me is the insufficient number of surveyors sitting on the BOL.”

Respondent #64: “Non-enforcement of SOP rules. Apparently, only complaints registered by a client of the surveyor are considered.”

Respondent #65: “Incompetency and dishonesty in the profession of surveying.” “I’m not sure what they are doing or what they can do.”

Respondent #66: “Issues are being addressed by the board in a competent and timely manner as they arise. I do not have any at this time.”

9. Do you think the Board of Licensure for Professional Engineers & Land Surveyors and its staff are satisfactorily performing their duties?

48 Yes 2 No 12 Unknown 3 No Opinion 1 No Response

Respondent #38: “Yes, for the most part.”

Licensee Questionnaire

10. Has any member of the Board of Licensure for Professional Engineers & Land Surveyors or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

 0 Yes 65 No 0 Unknown 0 No Opinion 1 No Response

Complainants

Questionnaires were mailed to forty-five complainants. Twenty-three responded.

1. Was your complaint filed with the Board of Licensure for Professional Engineers & Land Surveyors by:

19 Mail 1 Phone 1 Fax 1 Other 1 Unknown 0 No Response

2. Was receipt of your complaint acknowledged?

23 Yes 0 No 0 Unknown 0 No Opinion 0 No Response

If yes, approximately how long after you filed your complaint were you contacted by the Board of Licensure for Professional Engineers & Land Surveyors?

1 Immediately 7 Within 10 days 2 Within 20 days
2 Within 30 days 1 More than 30 days 1 Did not respond
9 Unknown

3. Was the employee who responded to your complaint knowledgeable and courteous?

5 Knowledgeable 2 Courteous 1 Neither 15 Both 0 No Response

4. Did the Board of Licensure for Professional Engineers & Land Surveyors communicate the results of investigating your complaint to you?

22 Yes 1 No 0 Unknown 0 No Opinion 0 No Response

Respondent 14: “No.” “The board refused to communicate the results of their investigation of engineer, [REDACTED] [REDACTED]. The respondent stated that the results would not be made public as per the advice of their attorney. Our complaint was public and you are there to protect the public. How can you refuse to make public the results of your investigation? And further, is that legal given your responsibility to protect the public?”

5. Do you think the Board of Licensure for Professional Engineers & Land Surveyors did everything it could to resolve your complaint?

13 Yes 9 No 1 Unknown 0 No Opinion 0 No Response

Respondent #9: “No.” “Their decision was totally without merits.”

6. Were you satisfied with your dealings with the board?

16 Yes 7 No 0 Unknown 0 No Opinion 0 No Response

Respondent #9: “No.” “My complaint was against two surveyors licensed by the State of Alabama and filed in 2003. I was informed by the State of Alabama Licensing Board of Surveyors & Engineers, Mr. [REDACTED], there in Montgomery, AL that because I had filed suit against the surveyor, Mr. [REDACTED], and my case was filed for court by our attorney Mr. [REDACTED], of Jasper, AL, they could not take action or do anything until my case was out of the courts.”

“I was asked by the board to appear before them several times over the past six years to refresh their memories of my complaint, which I did. Now they informed me, the board has created new rules and my case has been dropped by the board because they have changed the rules. I wrote them a letter telling them they cannot change rules on cases they refused to rule on without a hearing before the board of all the charges that we had brought against these two surveyors and that the case was out of the courts hands and or the court had made a final ruling.”

“I believe Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] see I do have evidence against Mr. [REDACTED] and Mr. [REDACTED]. I do know that Mrs. [REDACTED] made a comment at my first appearance that “She liked Mr. [REDACTED] and didn’t see he had done anything wrong.” She now says she didn’t make that comment, but my mother was with me when she did. I know she already had her mind made up and would vote against me, and I do think she should be replaced on this case if I am allowed to continue. We are not here for likes or dislikes on boards, only truth counts.”

“We are here because two surveyors did a survey that was not according to the deeds or their footages of the deeds they were given as evidence in a court case. They lied to the court about their findings. These deeds were recorded in the Coosa County Court House. They left off very important facts, footages, and their commencement points were in the wrong places, they knew nothing about accumulation of land. They allowed someone else to tell or show them what to do and where to start, as if the deeds were not or did not matter. They showed no remorse or guilt for what they had done. I have the evidence and can prove beyond any and all shadow of a doubt they are wrong. Letter dated October 20, 2003 states, “This investigation will be placed in “hold” status until such time all legal action is completed.” There are other letters stating my case is on hold status until it is out of court, but I received a letter on July 28, 2009 from Ms. [REDACTED] stating of all things, “Since this matter was not presented at a formal hearing it must remain confidential.” Ms. [REDACTED] knows this is in court and the rules say it cannot be ruled on until it is out of court. Something cannot be held confidential as important as this is. Mr. [REDACTED] is licensed by this state of Alabama and is subject to

Complainants Questionnaires

stand for any and all wrongs he has done. This board needs to wait as they said they would to see the outcome of the case. Then if the court says he has done nothing wrong then close this case, not before.”

“This board also charged Mr. [REDACTED] \$500 for what he had done. But now they want to drop and overlook what Mr. [REDACTED] has done because of no fault of mine or my husband. We were the victim of an attorney who stole our money and kept our case out of the courts, and stalling us while he made his getaway with a lot of his clients’ money. The Alabama Bar now has all our cases against Mr. [REDACTED], [REDACTED], [REDACTED]. he has been disbarred for life.”

“My husband, [REDACTED] is now deceased. I am left alone to fight not only this lawyer but also this board who has changed rules on me in mid-stream. I sent a letter to Mr. [REDACTED], because he said the board would meet again in October 2009 and he would present my letter of complaint against them changing rules, but as of this writing I have not received any reply. They kept this complaint on the record all this time knowing I did have evidence against Mr. [REDACTED]. I have done all they ask of me to do. Now they change rules. It is my understanding that if a new law or rule is passed it cannot and will not affect any complaints that were previous or before the date of the new rules.”

“I am enclosing a copy of their letter telling me they cannot make a ruling on my complaints as long as it is in litigation, and I will have to wait until it is out of the court system. Also, a copy of their letter telling me they are dropping it because they made new rules.”

“I ask this Board of Examiners to see this Board of Surveyors & Engineers did not do the right thing in my case.”

“In your questionnaire you want to know in number 5 if the board did everything it could to resolve my complaint. The answer to that is positively not, as you also can see they did what they did unfairly and unjustly. Their own rules do not back them up.”

“I also ask this board to reconsider and keep my complaint on the record as promised until it is out of court. Judge [REDACTED] made a scheduling order on January 7, 2010, to my new attorney in this case. His name is Mr. [REDACTED]. He has taken over my case and now I feel it will move forward. I will be waiting for your reply. Thank you, Mrs. [REDACTED], [REDACTED]

Respondent #23: “No.” “I am writing to let you know that we have still not received information regarding the work done on our home. Back in ’06 if I remember, I have all the information if you need it. One of your engineers came out and looked at our home. He informed us that we indeed had problems with the foundation. We already had the home inspector [REDACTED] to look at the home before we seen the engineer. Anyway, [REDACTED] the engineer had turned in his report to the board they wrote back stated that everything was fine in the report. But that wasn’t true. We never had the engineer Mr. [REDACTED] to look at the work that had been done on our home. He only relied on pictures that were taken and that doesn’t mean that was our home. Until this day we are still not sure if our {not legible}. I’m writing this letter due to the fact that our home has never been inspected by the Engineers by the State of Alabama. Back in ’05 we purchased a home through the [REDACTED] [REDACTED] out of Muscle Shoals, Alabama. A year later we noticed a ridge in our center floor. They were informed and [REDACTED] the construction manager for [REDACTED] came out and put nails in the center beam to hold it to the outside wall. We had [REDACTED], [REDACTED], [REDACTED]

Complainants Questionnaires

Home Inspector to come out and look at the work. In his report that he gave us, he stated that we had problems still with the home and what [REDACTED] had done not would not work. We later filed a complaint with the State Board to see if someone there could help us. The State sent Mr. [REDACTED] [REDACTED] out and he told us that we indeed had a foundation problem, and would write the report on his findings. Later we received a letter stating that our problem was fine due to the report that Mr. [REDACTED] had filed. I later called Mr. [REDACTED] because he had told me that Mr. [REDACTED] had signed off on a report that was sent in by [REDACTED] who had done the work on our home. He said that Mr. [REDACTED] which is the Engineer for the State signed the report stating that he looked at pictures of our foundation and signed the report giving [REDACTED] [REDACTED] the clear. But Mr. [REDACTED] never came out to inspect the work that was done and that picture could have been anyone's home. Until this day we have only heard from [REDACTED] who he has stated that the work that was done on our home is what the engineer wanted him to do in fixing the problem. This conversation took place last year when he had to come out to the home to meet the adjuster for our roof repair. Our roof was not put on right this was another reason why we wanted to know if our home was fixed correctly. We just want to be treated fair when you purchase a home you are trusting those that build your home these home wasn't a year old when the problem was noticed. I know you may not be able to help but if you could this would be a blessing. Thank you so much, [REDACTED] [REDACTED]."

APPENDICES

Performance Reports

Tuesday, December 23, 2008
EBO Form 10

FY 08 SMART Quarterly Performance Report

Page 2 of 4

Basic Agency

Agency: 311 - Engineers and Land Surveyors, State Board of Li						Program: 653 - PRO AND OCCU LICENSING AND REG					
Organization: -						Activity: -					
Key Goal:											
Goal 1	By 2011 be able to completely investigate and resolve 75% of the complaints within six months.									Governor's Priority:	1
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(O1-Quality) Resolve complaints filed in FY 2003 unless being held for litigation.	Percentage	25	36	50	72	75	72	100	72	100	72
(O2-Quality) Resolve complaints filed in FY 2004 unless being held for litigation.	Percentage	25	35	50	63	75	86	100	86	100	86

Tuesday, December 23, 2008
EBO Form 10

FY 08 SMART Quarterly Performance Report

Page 3 of 4

Basic Agency

Agency: 311 - Engineers and Land Surveyors, State Board of Li						Program: 653 - PRO AND OCCU LICENSING AND REG					
Organization: -						Activity: -					
Key Goal:											
Goal 2	To process verification of licensure and examination forms within 5 days of receipt by 2010.									Governor's Priority:	1
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(O1-Quality) Install integrated scanning system and scan backlogged applications.	Percentage	25	36	50	48	75	53	100	58	50	58
(O2-Efficiency) Process all requests within 10 days of receipt of the request.	Percentage	25	36.7	50	52.2	75	86.7	100	60.1	100	60

Item # Notes

O1- EPO Note: Annual target should be 100%. It was incorrectly submitted as 50% in the 08 Ops Plan. Changed from 50 to 100. Changed by EPO analyst MM 10-30-08

O2- EPO Note: Actuals were changed for all four quarters at the request of the agency. EPO analyst changed them on 10-30-08. Agency's justification: "When the figures were originally given to me, the number of days used to calculate the processed time was incorrect. The formula has since then been corrected."

FY 09 SMART Quarterly Performance Report

Basic Agency

Agency: 311 - Engineers and Land Surveyors, State Board of Li						Program: 653 - PRO AND OCCU LICENSING AND REG					
Organization: -						Activity: -					
Key Goal:											
Goal 1	Resolve 75% of complaints within 6 months of receipt by 2011									Governor's Priority:	4
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Thrd Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(O1-Quality) Increase the percentage of complaints resolved within 6 months	% of complaints resolved within 6 months	53	21	56	41	60	96	64	36	64	83
(O2-Efficiency) Increase the numbers of complaints handled without increasing the number of investigators/enforcement personnel	# of complaints/ # of enforcement personnel	18	115	20	6.5	22	4	24	11	24	164

FY 09 SMART Quarterly Performance Report

Basic Agency

Agency: 311 - Engineers and Land Surveyors, State Board of Li						Program: 653 - PRO AND OCCU LICENSING AND REG					
Organization: -						Activity: -					
Key Goal:											
Goal 2	To process verification of licensure and examination forms within 5 days of receipt by 2010.									Governor's Priority:	2
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(O1-Quality) Increase the percentage of verifications completed within 5 days of receipt	% of verifications completed within 5 days	70	38.2	75	26.1	80	90	90	42	90	48

Licensing Statutes

CHAPTER 11. ENGINEERS AND LAND SURVEYORS.

ARTICLE 1. . GENERAL PROVISIONS.

§ 34-11-1. Definitions. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

For the purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

(1) Board. The State Board of Licensure for Professional Engineers and Land Surveyors, provided for by Section 34-11-30.

(2) Engineer intern. A person who has qualified under subdivision (2) of Section 34-11-4, and who, in addition, has successfully passed an eight-hour written examination in the fundamental engineering subjects as provided in Section 34-11-6, and who has been certified by the board as an engineer intern.

(3) Engineer or professional engineer. A person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering as hereinafter defined and has been licensed by the board as a professional engineer.

(4) Land surveyor intern. A person who has qualified under subdivision (4) of Section 34-11-4, has passed an examination in the fundamental land surveyor intern subjects, pursuant to this chapter, and who has been certified by the board as a land surveyor intern.

(5) Land surveyor or professional land surveyor. A person who has been duly licensed as a professional land surveyor by the board established under this chapter, and who is a professional specialist in the technique of measuring land, is educated in the principles of mathematics, the related physical and applied sciences, the relevant requirements of law for adequate evidence and all requisites for surveying of real property, and is qualified to practice land surveying as defined in subdivision (8).

(6) Practice and offer to practice. Any person shall be construed to practice or offer to practice engineering or land surveying, within the meaning and intent of this chapter, who offers to or does as a profession practice any branch of engineering or land surveying; or who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be a professional engineer or a professional land surveyor, or through the use of some other title implies that he or she is a professional engineer or a professional land surveyor; or who represents himself or herself as able to perform or who does perform any engineering or land surveying service or work or any other service designated by the practitioner which is recognized as engineering or land surveying.

(7) Practice of engineering. Any professional service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land and water, performing engineering surveys and studies, and the review of construction or other design products for the purpose of monitoring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines,

equipment, processes, work systems, projects, and industrial or consumer products; equipment of a control, communications, computer, mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and including other professional services necessary to the planning, progress, and completion of any engineering services.

Notwithstanding any other provision of this chapter, in qualifying a witness to offer expert testimony on the practice of engineering, the court shall consider as evidence of his or her expertise whether the proposed witness holds a valid Alabama license for the practice of engineering. Provided, however, such qualification by the court shall not be withheld from an otherwise qualified witness solely on the basis of the failure of the proposed witness to hold such valid Alabama license.

a. Design coordination includes the review and coordination of those technical submissions prepared by others, including, as appropriate and without limitations, consulting engineers, architects, landscape architects, land surveyors, and other professionals working under the direction of the engineer.

b. Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, rights-of-way, and easement acquisitions relative to the centerline of the project. Engineering surveys may be used to locate, relocate, establish, reestablish, layout, or retrace any road, right-of-way, easement, or alignment relative to the centerline of the project. Additionally, engineering surveys may be performed to determine areas, volumes, or physical features of the earth, elevation of all real property, improvements on the earth, and the configuration or contour of the surface of the earth or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics. All engineering surveys shall exclude the surveying of real property for the establishment of any property line or land boundaries, setting of corners or monuments, and the dependent or independent surveys or resurveys of the public land survey system.

c. The term shall not include the practice of architecture except such architectural work as is incidental to the practice of professional engineering; nor shall the term include work ordinarily performed by persons who operate or maintain machinery or equipment.

d. The practice of engineering shall include the offering of expert opinion in any legal proceeding in Alabama regarding work legally required to be performed under an Alabama engineer's license number or seal, which opinion may be given by an engineer licensed in any jurisdiction.

(8) Practice of land surveying. Professional services, including, but not limited to, consultation, project coordination, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, areas, volumes, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, and the utilization and development of these acts and interpretation into an orderly survey map, plan, report, description, or project. Project coordination shall include the coordination of those technical submissions as prepared by others. Notwithstanding the provisions of this subdivision, the practice of land surveying shall exclude functions unique to engineering as specified by rules of the board. The practice of land surveying shall include, but is not limited to, any one or more of the following:

a. Locates, relocates, establishes, reestablishes, lays out, or retraces any property line or boundary of any tract of land or any road, right-of-way, easement, alignment, or elevation of all real property whether or not fixed works are sited or proposed to be sited on the property.

b. Makes any survey for the subdivision of any tract of land or for condominiums.

c. Determines, by the use of the principles of land surveying, the position for any survey, monument, or reference point; or sets, resets, or replaces any such monument or reference point.

d. Determines the configuration or contour of the surface of the earth or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.

e. Geodetic surveying which includes surveying for determination of the size and shape of the earth both horizontally and vertically and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.

f. Creates, prepares, or modifies electronic or computerized data, including land information systems and geographic land information systems, relative to the performance of the activities in paragraphs a. to e., inclusive.

(9) Responsible charge. Direct control and personal supervision of engineering work or land surveying work.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 2; Acts 1967, No. 739, p. 1576, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2002-514, p. 1323, § 1; Acts 2007-365, p. 715, § 1.)

§ 34-11-2. Practice of engineering and land surveying regulated. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

(a) No person in either public or private capacity shall practice or offer to practice engineering or land surveying, unless he or she shall first have submitted evidence that he or she is qualified so to practice and shall be licensed by the board as hereinafter provided or unless he or she is specifically exempted from licensure under this chapter.

(b) In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering in this state is a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state. It shall be unlawful for any person to practice or offer to practice engineering in this state, as defined by this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the terms engineer, engineers, engineering, professional engineer, professional engineers, professional engineering, or any modification or derivative thereof, tending to convey the impression that he or she is a professional engineer unless the person has been duly licensed or is exempt from licensure under this chapter. A person whose firm name shall have contained the word "engineer," "engineers," or "engineering," or words of like import, for more than 15 years before September 12, 1966, shall not be prohibited from continuing the use of such word or words in his or her firm name.

(c) In order to safeguard life, health, and property and to promote the public welfare, the practice of land surveying in this state is a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state. It shall be unlawful for any person to practice or offer to practice land surveying in this state, as defined by this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the terms land surveyor, land surveyors, land surveying, professional land surveyor, professional land surveyors, professional land surveying, or any modification or derivative thereof, tending to convey the impression that he or she is a professional land surveyor unless the person has been duly licensed or is exempt from licensure under this chapter.

(d) As used in this subsection, the term professional land surveyor shall include the agents, the employees, and any personnel under the supervision of a professional land surveyor.

(1) A professional land surveyor may go on, over, and upon the lands of others which is not enclosed by any device installed to deter entry to or exit from industrial facilities or plant sites by humans or vehicles, if necessary to perform surveys for the location of section corners, quarter corners, property corners, boundary lines, rights-of-way, and easements, and may carry and utilize equipment and vehicles. Entry under the right granted in this subdivision shall not constitute trespass. A professional land surveyor shall not be liable to arrest or to a civil action for trespass by reason of this entry.

(2) Nothing in this subsection shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner and nothing in this section shall be construed as removing civil liability for the damages.

(3) A professional land surveyor shall make reasonable effort to notify adjoining landowners upon whose land it is necessary to enter.

(4) No owner or occupant of the land shall be liable for any injury or damage sustained by any person entering upon his or her land under this subsection.

(5) Nothing in this subsection shall limit the rights of condemning authorities under Sections 18-1A-50 to 18-1A-55, inclusive.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 1; Acts 1966, Ex. Sess., No. 329, p. 462, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1.)

§ 34-11-3. Roster of registrants. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

A roster showing the names and addresses of all licensed professional engineers, all professional land surveyors, and all who possess current certifications as engineer interns or land surveyor interns shall be prepared by the executive director of the board at intervals as established by the board. Copies of this roster shall be made available to each person licensed or certified, placed on file with the Secretary of State, and may be distributed or sold to the public upon request.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 11; Acts 1975, No. 1049, p. 2107, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-4. General requirements for licensure or certification. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

The board may approve engineering, land surveying, and related science programs which shall be accepted under the following criteria:

(1) Professional engineer. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer:

a. *Graduation and experience plus examination.*

1. Graduation in an approved engineering curriculum plus four years experience. A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board who has successfully passed the eight-hour written examination in the fundamental engineering subjects and who has a specific record of an additional four years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be admitted to an eight-hour written examination in

the principles and practice of engineering. Upon passing this examination, the applicant shall be granted a certificate of licensure to practice engineering in this state, provided the applicant is otherwise qualified.

2. Graduation in an unapproved engineering curriculum plus six years experience. A graduate of an unapproved engineering curriculum of four years or more who has successfully passed the eight-hour written examination in the fundamental engineering subjects and who has a specific record of an additional six years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing this examination, the applicant shall be granted a certificate of licensure to practice engineering in this state, provided the applicant is otherwise qualified.

b. *Comity.* The board may, upon application, issue a certificate of licensure as a professional engineer to any person who holds a valid professional engineering certificate issued by any jurisdiction of the United States or of any country; provided, that the education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued. The board may authorize an applicant to practice engineering on a temporary basis upon issuance of an interim permit which shall remain in effect until the board acts upon the application. The interim permit may be issued upon submission of documentation and a fee which shall be established by the board, not to exceed fifty dollars (\$50).

(2) Engineer intern. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for certification as an engineer intern:

a. *Graduation and examination.* A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamental engineering subjects shall be certified as an engineer intern, if otherwise qualified.

b. *Graduation and examination plus experience.* Graduation in an unapproved engineering curriculum plus two years experience. A graduate of an unapproved engineering curriculum of four years or more who has successfully passed an eight-hour written examination in the fundamental engineering subjects and who has a specific record of two years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be certified as an engineer intern, if otherwise qualified.

c. *Comity.* The education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued. Fundamentals of engineering examinations of comparable character taken and passed in another jurisdiction may be accepted by the board.

(3) Professional land surveyor. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional land surveyor.

a. *Graduation and experience plus examination.*

1. Graduation in an approved land surveying curriculum plus four years experience. A graduate of an approved land surveying curriculum of four years or more including a minimum of 30 semester hours or 45 quarter hours of surveying courses from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamental land surveying subjects and who has a specific record of an additional four years or more of combined office and field experience in land surveying

work of a grade and character satisfactory to the board shall be admitted to a six-hour written examination in the principles and practice of land surveying and a two-hour written examination on laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying, provided the applicant is otherwise qualified.

2. Graduation in an approved curriculum related to surveying plus six years experience. A graduate of a curriculum related to surveying of four years or more including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college approved by the board and who has successfully passed the eight-hour written examination in the fundamental land surveying subjects and who has a specific record of an additional six years or more of progressive office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to a six-hour examination in the principles and practice of land surveying and a two-hour written examination of laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

3. Graduation in a related science curriculum plus eight years experience. A graduate of a related science curriculum of four years or more from a school or college approved by the board who has successfully passed the eight-hour written examination in the fundamental land surveying subjects and who has a specific record of an additional eight years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to a six-hour examination in the principles and practice of land surveying and a two-hour written examination of laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

b. *Experience plus examination.* Before December 31, 2007, an applicant who has a specific record of eight years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals examination shall be admitted to a six-hour written examination in the principles and practice of land surveying and a two-hour written examination on laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

c. *Comity.* The board may, upon application, grant to any person who holds a valid professional land surveying certificate issued by any jurisdiction of the United States or of any country, admission into a two-hour written examination of laws, procedures, and practices pertaining to land surveying in Alabama, provided that the education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued. Upon passing the examination, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

(4) Land surveyor intern. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for certification as a land surveyor intern:

a. *Graduation plus examination.* Graduation in an approved land surveying curriculum. A graduate of a land surveying curriculum of four years or more including a minimum of 30

semester hours or 45 quarter hours of surveying courses from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamentals of land surveying shall be certified as a land surveyor intern, if otherwise qualified.

b. *Graduation and examination plus experience.*

1. Graduation in an approved curriculum related to surveying plus two years experience. A graduate of a curriculum related to surveying of four years or more including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamentals of land surveying and who has a specific record of an additional two years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be certified as a land surveyor intern, if otherwise qualified.

2. Graduation in a related science curriculum plus four years experience. A graduate of a related science curriculum of four years or more who has successfully passed an eight-hour written examination in the fundamentals of land surveying and who has a specific record of an additional four years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be certified as a land surveyor intern, if otherwise qualified.

c. *Comity.* The education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued. The board may accept fundamentals of land surveying examinations of comparable character taken and passed in another jurisdiction.

(5) *Character.* No person shall be eligible for licensure as a professional engineer, certification as an engineer intern, licensure as a professional land surveyor, or certification as a land surveyor intern who is not of good character and reputation.

(6) *Teaching credits.* In considering the qualifications of applicants, teaching in an engineering curriculum approved by the board may be considered as engineering experience. Teaching land surveying subjects in a land surveying curriculum approved by the board may be considered as land surveying experience.

(7) *Graduate study.* In counting years of experience for professional engineer licensure, the board may give credit, not in excess of one year, for successful completion of graduate study leading to a master's degree in engineering. If a Ph.D. in engineering is completed, a total of two year's experience may be credited. The two-year credit shall include one year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience shall be two years. In counting years of experience for professional land surveyor licensure, the board may give credit, not in excess of one year, for successful completion of graduate study leading to a master's degree in land surveying. If a Ph.D. in land surveying is completed, a total of two years' experience may be credited. The credit of two years shall include one year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience shall be two years.

(8) *Nonpracticing applicants.* Any person having the necessary qualifications prescribed in this chapter to entitle the applicant to licensure shall be eligible for licensure although the applicant may not be practicing engineering or land surveying at the time of making application.

(9) *Recognition of previously taken examinations.* The board may accept fundamentals and principles and practice examinations of comparable character taken and passed in another jurisdiction.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 12; Acts 1967, No. 739, p. 1576, § 1; Acts 1984, 1st Ex.

Sess., No. 84-792, p. 182, § 1; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1; Act 2009-642, § 1.)

§ 34-11-5. Applications; fees. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

(a) Applications for licensure as a professional engineer, professional land surveyor, engineer intern, or land surveyor intern shall be on forms prescribed and furnished by the board and shall contain statements made under oath. Three or more of the references contained in an application for licensure as a professional engineer shall be professional engineers having personal knowledge of the applicant's engineering experience. Three or more of the references contained in an application for professional land surveyor shall be professional land surveyors having personal knowledge of the land surveying experience of the applicant. All references and experience verifications furnished shall be confidential records of the board. Any individual who was previously licensed in this state and whose license is eligible for reinstatement as outlined in subsection (a) of Section 34-11-8 shall comply with the reinstatement procedures established by the board instead of the submission of a new application.

(b) The application fee and the licensure fee for professional engineers or professional land surveyors shall be set by the board and each fee shall not exceed one hundred dollars (\$100).

(1) For professional engineers applying for licensure by way of comity, both the application fee and licensure fee shall accompany the application.

(2) For professional engineers applying for licensure by way of examination and for professional land surveyors, the application fee shall accompany the application, and the licensure fee shall be due upon approval of licensure. If the applicant fails or refuses to remit the licensure fee within 30 days after being notified of successfully qualifying, the applicant shall forfeit the right to have a certificate so issued. For further consideration, the applicant shall be required to submit a new application and application fee.

(c) The application fee, which shall include the certification fee, for engineer interns and land surveyor interns shall be set by the board, shall not exceed fifty dollars (\$50), and shall accompany the application.

(d) The fee for a certificate of authorization for a corporation, partnership, or firm shall be set by the board and shall not exceed two hundred fifty dollars (\$250), and must accompany the application.

(e) If the board denies certification or licensure to any applicant, or the certificate of authorization to any corporation, partnership or firm, the fee paid shall be retained as an application fee.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 13; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-6. Examinations. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

(a) Examinations shall be held at such times and places as the board determines and upon payment of an examination fee.

(b) When examinations are required on fundamental subjects, the applicant shall be permitted to take this part of the professional examination as specified by rules of the board. A candidate failing an examination may apply for reexamination under guidelines established by the board.

(c) When examinations are required on applied subjects, the applicant shall be permitted to take this part of the professional examination as specified by guidelines established by the board. The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering or land surveying works so as to protect the safety of life, health, and property. Examinations shall be given for the purpose of

determining the qualifications of applicants for licensure separately in engineering and in land surveying. A candidate failing an examination may apply for reexamination under guidelines established by the board.

(d) The fees for examination and reexamination shall be set by the board and shall not exceed three hundred dollars (\$300).

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 14; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1.)

§ 34-11-7. Issuance of certificate; seal. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

(a) The board shall issue a certificate of licensure upon payment of a licensure fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of engineering. In the case of a professional land surveyor, the certificate shall authorize the practice of land surveying. Certificates of licensure shall show the name of the licensee, shall have a license number, and shall be signed by the chair and the secretary of the board under the seal of the board.

(b) The issuance of a certificate of licensure by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a professional engineer, or of a professional land surveyor unless the certificate is revoked, suspended, surrendered, lapsed, or expired.

(c) Each professional engineer should upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name, licensure number, and the legend, "licensed professional engineer." Previously purchased seals bearing the terminology "registered" vs. "licensed" may continue to be used until replacement is required. Engineering drawings, plans, specifications, plats, and reports issued by a licensee or by qualified persons under the direction of the licensee and for which the licensee assumes full responsibility shall be certified pursuant to this chapter. It shall be unlawful for anyone to use an expired, suspended, surrendered, lapsed, or revoked certificate or seal or facsimile thereof.

(d) Each professional land surveyor should upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name, licensure number, and the legend, "licensed professional land surveyor." Previously purchased seals bearing the terminology "registered" vs. "licensed" may continue to be used until replacement is required. Land plats, legal descriptions of lands, and land surveying reports issued by a licensee or by qualified persons under the direction of the licensee and for which the licensee assumes full responsibility shall be certified pursuant to this chapter. It shall be unlawful for anyone to use an expired, suspended, surrendered, lapsed, or revoked certificate or seal or facsimile thereof.

(e) Whenever the seal is applied, the document must be signed by the licensee thereby certifying that he or she is competent in the subject matter and is responsible for the work product. A digital signature may be used in lieu of a handwritten signature.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 15; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1; Act 2009-642, § 1.)

§ 34-11-8. Renewal of certificates; lapsed licenses. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

(a) The board shall, by rule, establish a procedure for renewing certificates of licensure on an

annual or a biennial basis. It shall be the duty of the executive director of the board to notify every person licensed under this chapter of the final date of the renewal of his or her license and the amount of the fee required for the renewal. The notice shall be mailed to the last address of the licensee recorded by the executive director of the board at least one month in advance of the renewal deadline. Renewal may be accomplished at any time prior to or during the month of December by payment of the required fee. The board shall establish the renewal fee for each certificate of licensure issued pursuant to this chapter. The amount of the renewal fee shall not exceed one hundred fifty dollars (\$150) for annual renewal or three hundred dollars (\$300) for biennial renewal. Certificates of licensure for professional engineers and professional land surveyors shall lapse on the last day of the month of December, annually or biennially, unless renewed. The board shall, by rule, establish procedures including requirements, time limits, and the minimum continuing professional competency hours required for reinstating or reactivating a lapsed license. The board shall establish a reinstatement fee which shall be based on the period the license was lapsed. A lapsed license, if not reinstated, shall remain in a lapsed classification for a total of four years. Any license which has lapsed for more than four years shall not be eligible for reinstatement or reactivation and is expired.

(1) Any individual whose license has lapsed for nonpayment of renewal fees shall continue to be subject to this chapter and board rules governing licenses until the licensure is revoked by action of the board or the license is not eligible for reinstatement under the rules of the board. A licensee who practices or offers to practice in this state with a lapsed, inactive, or retired license shall be subject to disciplinary action by the board.

(2) No licensee shall have his or her license renewed unless, in addition to any other requirements of this chapter, the minimum annual or biennial continuing professional competency requirement is met. It is further provided that the continuing professional competency program herein required shall not include testing or examination of the licensee in any manner. The board may, by rules, establish exemptions from the continuing professional competency requirement for retired licensees and others in extenuating circumstances as identified by rule of the board.

(b) Enrollment as engineer interns and land surveyor interns shall expire on the last day of the month of December following their issuance or renewal. The notification to interns shall be processed as prescribed above for licensees except that the annual renewal fee shall not exceed ten dollars (\$10). The failure on the part of any intern to accomplish renewal shall not invalidate his or her status as an engineer intern or land surveyor intern, but his or her name shall, after 90 days, be removed from the current mailing list of the board. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.

(c) Certificates of authorization issued to corporations, partnerships, or firms practicing or offering to practice engineering or land surveying under this chapter shall lapse on the last day of the month of January following their issuance or renewal, unless renewed. The amount of the renewal fee shall be set by the board and shall not exceed two hundred fifty dollars (\$250). It shall be the duty of the executive director of the board to notify every corporation, partnership, or firm holding a certificate of authorization under this chapter of the final date of renewal of the certificate and the amount of the fee which shall be required for its renewal for one year. The notice shall be mailed by the executive director to the last address recorded for the corporation, partnership, or firm at least one month in advance of the renewal deadline. Renewals may be accomplished at any time prior to or during the month of January by payment of the required fee. Failure by the corporation, partnership, or firm to renew its certificate of authorization prior to or during the month of January shall cause the certificate to lapse, and it shall be unlawful for the corporation, partnership, or firm to practice, offer to practice, or hold itself out as qualified to practice engineering or land surveying in Alabama following the lapse of its certificate of authorization. The board shall, by rules, establish procedures and time limits for reactivating a certificate of authorization and the reinstatement fees which shall be based on the period

the certification was lapsed. A firm, partnership, or corporation whose certificate of authorization has lapsed for nonpayment of renewal fees shall continue to be subject to this chapter and the rules of the board governing licenses until the certificate of authorization is revoked by action of the board or the certificate of authorization is no longer renewable under the rules of the board. If not reinstated, a lapsed certificate of authorization shall remain in a lapsed classification for a period of two years. Any certificate of authorization which has been lapsed for more than two years shall not be eligible for reinstatement or reactivation and is expired.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 16; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1991, No. 91-199, p. 375, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1.)

§ 34-11-9. Corporate and partnership practice. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

(a) Services offered to the public; certificate of authorization required.

(1) Engineering or land surveying services. The practice of or offer to practice engineering and land surveying as defined in Section 34-11-1 by individual professional engineers or professional land surveyors licensed under this chapter through a corporation, partnership, or firm offering engineering services or land surveying services to the public through individual licensed professional engineers or professional land surveyors, as agents, employees, officers, or partners, is permitted subject to this chapter and one or more of the principal officers of the corporation, firm, or partners of the partnership and all personnel of the corporation, partnership, or firm who act in its behalf as professional engineers or professional land surveyors in this state are licensed as provided by this chapter, or are persons lawfully practicing under Section 34-11-14 and the corporation, partnership, or firm has been issued a certificate of authorization by the board as provided herein. All final drawings, specifications, plans, reports, or other engineering or land surveying papers or documents involving the practice of engineering or land surveying as defined in Section 34-11-1 of this chapter which shall have been prepared or approved for the use of such corporation, partnership, or firm or for delivery to any person or for public record within the state shall be dated and bear the signature and seal of the professional engineer or professional land surveyor who prepared or approved them. Nothing in this section should be construed to mean that a certificate of licensure to practice engineering or land surveying shall be held by a corporation, partnership, or firm.

(2) Joint practice authorized. Nothing in this section prohibits an individual, corporation, firm, or partnership from joining together to practice, offering to practice, or holding themselves out as qualified to practice engineering or land surveying provided that the individual, corporation, firm, or partnership meets the requirements of this section.

(3) Liability generally. No corporation, firm, or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section, nor shall any individual practicing engineering or land surveying as defined in Section 34-11-1 be relieved of responsibility for work performed by reason of employment, association, or relationship with the corporation, partnership, or firm.

(4) Application for certificate of authorization. A corporation, partnership, or firm desiring a certificate of authorization shall file with the board an application upon a form to be prescribed by the board and the designation required by subdivision (5), accompanied by the licensure fee prescribed by subsection (d) of Section 34-11-5.

(5) Resident licensee. Every firm, partnership, corporation, or other entity which performs or offers to perform engineering or land surveying services shall have a resident licensed professional

engineer or land surveyor in responsible charge of the engineering or land surveying work for each separate office or branch office in which engineering or land surveying services are performed or offered to be performed. The board shall issue rules to ensure adequate engineering supervision and surveying supervision of all work.

(6) Filing names and addresses of officers, etc., required. A corporation or firm shall file with the board, using a form provided by the board, the names and addresses of all officers and board members of the corporation or firm including the principal officer or officers duly licensed to practice engineering or land surveying in this state, who shall be in responsible charge of the practice or offering to practice of engineering or land surveying in this state by the corporation or firm and of the individual or individuals designated as the responsible engineer or land surveyor of each branch office offering or performing Alabama engineering or land surveying. A partnership shall file with the board using a form provided by the board, the names and addresses of all partners, including the partner or partners duly licensed to practice engineering or land surveying in this state, and also of an individual or individuals duly licensed to practice engineering or land surveying in this state who shall be in responsible charge of the practice of engineering or land surveying in this state at the branch offices of the partnership. The same form, giving the same information, shall accompany the annual renewal fee prescribed in subsection (c) of Section 34-11-8. In the event there is a change in the firm name or in any of the partners or principal officers during the year, the changes shall be filed with the board by the corporation, partnership, or firm within 30 days after the effective date of the change.

(7) Issuance of certificate of authorization; suspension; revocation. If all the requirements of this section are met, the board shall issue to the corporation, partnership, or firm a certificate of authorization. The board may refuse to issue a certificate, if any facts exist which would entitle the board to suspend or revoke an existing certificate. Any person aggrieved by an adverse determination of the board may appeal to the circuit court in the manner provided in Section 34-11-13.

(8) Certificate required of organization operating under fictitious name. For the purposes of this section, a certificate of authorization shall be required by a corporation, partnership, firm, association, or person practicing under a fictitious name, offering engineering or land surveying services to the public. Where a licensee is practicing engineering or land surveying in his or her own given name, the licensee shall not be required to qualify under this section.

(b) *Incidental engineering or land surveying services; certificate of authorization not required.*

The practice of engineering or land surveying incidental to or in connection with production, manufacture, transportation, distribution, or communication may be carried on by any person, partnership, firm, or corporation engaged in such production, manufacture, transportation, distribution, or communication and will not require a certificate of authorization. The engineering and land surveying services shall be performed by or under the direction of a professional engineer or professional land surveyor licensed in conformity with this chapter. All drawings, plans, specifications, plats, and reports involving the practice of engineering or land surveying shall when issued be dated and bear the seal or facsimile of the seal, signature, and licensure number of the professional engineer or land surveyor in responsible charge thereof.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 18; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1991, No. 91-199, p. 375, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1.)

§ 34-11-10. Public work. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

It shall be unlawful for the state or any of its departments, boards or agencies or any county,

municipality or political subdivision or any department, board or agency of any county, municipality or political subdivision to engage in the construction of any public work involving the practice of engineering unless the engineering drawings, plans, specifications and estimates have been prepared by and the construction executed under the direct supervision of a professional engineer; provided, that nothing in this chapter shall be held to apply to any public work wherein the expenditure for the complete project of which the work is a part does not exceed \$20,000.00.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 19.)

§ 34-11-11. Disciplinary action. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

(a) The board shall have the power to reprimand, censure, place on probation, or fine any licensee or certified engineer intern or land surveyor intern or corporation, partnership, or firm holding a certificate of authorization and to suspend, refuse to renew, or revoke the certificate of any licensee or certified engineer intern or land surveyor intern or the certificate of authorization of a corporation, partnership, or firm found guilty of any of the following:

(1) The practice of any fraud or deceit in obtaining or attempting to obtain or renew a certificate of licensure or certificate of authorization.

(2) Any gross negligence, incompetency, violation of the rules of professional conduct prescribed by the board, or any amendment thereof, or misconduct in the practice of engineering or land surveying as a professional engineer, engineer intern, professional land surveyor, or land surveyor intern.

(3) Falsely representing himself or herself as being in responsible charge of engineering work or land surveying.

(4) Permitting his or her seal, or facsimile thereof, to be used by another.

(5) An offense in another jurisdiction resulting in revocation, suspension, or voluntary surrender, to avoid disciplinary proceedings, of a license or certificate of licensure, including any agreement or stipulation executed by a licensee to avoid formal disciplinary proceedings.

(b) The board shall have the power to impose any or all of the disciplinary penalties set forth in this section against a corporation, partnership, or firm holding a certificate of authorization, when any one or more of the agents, employees, officers, partners, or owners of the corporation, partnership, or firm, licensed or nonlicensed, have committed any act, or have been guilty of any conduct, which could authorize the imposition of any of the disciplinary penalties set forth in this section. The acts or conduct by the persons must have been related to the practice of or offer to practice of engineering or land surveying by the corporation, partnership, or firm and that the acts or conduct must have been performed or occurred within the scope of the employment of any such person and with the authorization, ratification, or approval of an officer, director, principal, partner, or owner of the corporation, partnership, or firm.

(c) Any person may file a complaint alleging a violation of this section against any individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization. The complaints shall be in writing and shall be filed with the executive director of the board.

(d) The board may designate a person or persons to investigate and report to it on any matter related to its lawful duties and may employ legal counsel as the board may deem necessary or desirable. An investigation may be made upon receipt of a complaint or may be initiated by the board. The board may resolve violations by agreement between the board and the licensee with or without the filing of formal charges.

(e) Following an investigation, charges may be filed against any individual licensee, certificated intern, or corporation, partnership, or firm holding a certificate of authorization. The charges shall

conform to the Administrative Procedure Act.

(f) With the consent of the licensee, the board may conduct an informal hearing without meeting the requirements of the Administrative Procedure Act at which no action shall be taken other than a reprimand, public or private.

(g) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within a reasonable time.

(h) The time and place for the hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of the hearing, shall be personally served on or mailed to the last known address of the individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization, at least 30 days before the date fixed for the hearing. At any hearing the accused individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, her, or them, and to produce evidence and witnesses in his or her or their own defense. If the accused fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

(i) If after the hearing three or more members of the board vote in favor of finding the accused guilty, the board shall impose one or more of the disciplinary penalties set forth in this section. Any fine imposed may not exceed two thousand five hundred dollars (\$2,500) for each count or separate offense. The written decision of the board shall be delivered personally to the accused or sent by certified mail, return receipt requested, to the last known address of the accused.

(j) If disciplinary action from a hearing results in imposing a fine against a licensee, certified intern, or certificated corporation, partnership, or firm, the board shall not renew the annual certificate for this licensee, certified intern, or certificated corporation, partnership, or firm until the fine is paid in full. In the event that the fine is subsequently set aside on judicial review, as provided in the Alabama Administrative Procedure Act, the licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization shall be entitled to a prompt refund of the amount of the fine, but shall not be entitled to interest thereon.

(k) The board shall revoke the certificate of any licensee or certified intern who has been determined to be one of the following:

(1) Declared non compos mentis by a court of competent jurisdiction.

(2) Convicted of or entered a plea of guilty or nolo contendere to any crime under the laws of the United States or any state or territory thereof, which is a felony, whether related to practice or not and convicted of or entered a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of engineering or land surveying.

(l) When a member of the board is unable to continue the hearing either by disqualification or for any other reason, and the board is unable to reach a quorum, the Governor shall appoint as many ex officio members as is necessary to reach a quorum from a list of three persons submitted for each place by the committee of seven as specified in Section 34-11-30. These ex officio members shall serve on the board only for that hearing for which they were appointed and they may be reappointed for subsequent hearings if necessary.

(m) The licensee shall be responsible for the cost of the disciplinary action if found guilty.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 20; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1984, 2nd Ex. Sess., No. 85-45, p. 68, § 1; Acts 1987, No. 87-414, p. 607, § 3; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-12. Reissuance of revoked certificates; duplicate certificates. *Current through Act 2009-*

838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

The board, for reasons it may deem sufficient, may reissue a certificate of licensure to any person or certificate of authorization to any corporation, partnership, or firm whose certificate has been revoked, provided three or more members of the board vote in favor of reissuance. The board shall not consider reissuance of a certificate to any person whose certificate has been revoked because of non compos mentis until after the person has been declared to have fully regained his or her competency by a court of competent jurisdiction. The board shall not consider the reissuance of a certificate to a person who was convicted of a felony or entered a plea of guilty or nolo contendere to a felony until the civil rights of the person have been restored, and then a unanimous approval vote of the board concerning reissuance shall be required. A new certificate to replace any certificate revoked, lost, destroyed, or mutilated or for any other reason may be issued, subject to the rules of the board, and a charge of twenty-five dollars (\$25) shall be made for such issuance.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 21; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 99-102, p. 120, § 3.)

§ 34-11-13. Appeals. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

Any person, corporation, partnership or firm who shall feel aggrieved by the denial of a certificate by the board or by any disciplinary action by the board taken pursuant to Section 34-11-11 may appeal therefrom within 30 days to the Circuit Court of Montgomery County, Alabama, exclusively, notwithstanding the provisions of the Alabama Administrative Procedure Act; and only after the filing of the notice of appeal, shall judicial review be as provided for in the Alabama Administrative Procedure Act.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 22; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1987, No. 87-414, p. 607, § 3.)

§ 34-11-14. Persons and acts exempt from chapter. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

This chapter shall not be construed to prevent or to affect any of the following:

- (1) The practice of any other legally recognized profession or trade.
- (2) The work of an engineer intern or land surveyor intern, employee, or a subordinate of any person holding a certificate of licensure under this chapter, or any employee of a person practicing lawfully under paragraph b of subdivision (1) of Section 34-11-4, if the work is done under the responsibility and supervision of a person holding a certificate of licensure under this chapter or a person practicing lawfully under paragraph b of subdivision (1) of Section 34-11-4.
- (3) The practice of officers and employees of the government of the United States while engaged within this state in the practice of engineering or land surveying for the government. This exception does not extend to any engineer or land surveyor engaged in the practice of professional engineering or land surveying whose compensation is based in whole or in part on a fee.
- (4) The practice of engineering or land surveying with respect to transportation or utility facilities by any transportation company or public utility subject to regulation by the Alabama Public Service Commission, the Federal Aviation Administration, the Federal Communications Commission, the Federal Energy Regulatory Commission, or the Nuclear Regulatory Commission, including its parents, affiliates, or subsidiaries; or by the officers and employees of any transportation company or public utility including its parents, affiliates, or subsidiaries. This exception shall not extend to any engineer or land surveyor engaged in the practice of engineering

or land surveying whose compensation is based in whole or in part on a fee.

(5) The practice of engineering or land surveying by any person who is employed by the Alabama Department of Transportation prior to January 1, 1997, in any engineering or engineering assistant classification series under the State of Alabama Personnel Board, Merit System.

(6) The mere execution as a contractor of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent.

(7) The performance of engineering services which are purely incidental to the practice of architecture by registered architects, or their employees, or subordinates under their responsible supervising control.

(8) The performance of engineering services which are purely incidental to the practice of geology by registered geologists, their employees, or subordinates under their responsible charge.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 24; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1.)

§ 34-11-15. Violations; penalties. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

(a) Any person who shall practice, offer to practice, or hold himself or herself out as qualified to practice engineering or land surveying in this state or use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the term engineer, engineers, engineering, or professional engineer, professional engineers, or professional engineering, or land surveyor, land surveyors, land surveying, or professional land surveyor, professional land surveyors, or professional land surveying, without being licensed or exempted in accordance with this chapter, or any person presenting or attempting to use as his or her own the certificate of licensure or the seal or facsimile thereof of another, or permitting his or her own certificate of licensure, seal or facsimile thereof to be used by another person, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining, or attempting to obtain a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired, suspended, surrendered, or revoked certificate of licensure, or any person who shall violate this chapter, shall be guilty of a Class A misdemeanor and punished as provided by law. Each day of the violation shall be a separate offense.

(b) Any corporation, partnership, or firm who violates any part of this chapter shall be guilty of a Class A misdemeanor and punished as provided by law. Each day of the violation shall be a separate offense.

(c) It shall be the duty of all duly constituted officers of law of this state, or any political subdivision thereof, to enforce this chapter, and to prosecute any persons, firms, partnerships, or corporations for violating this chapter. The Attorney General of the state or his or her assistants shall act as legal advisor to the board and render legal assistance to the board as may be necessary in carrying out this chapter. The board has the right to obtain private legal counsel as the need arises.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 23; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 99-102, p. 120, § 3.)

§ 34-11-16. Violations; civil penalties; notice and hearing; subpoena power; appeal. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

(a) In addition to any other provisions of law, the board may enter an order assessing a civil penalty against any non-licensed person, corporation, or other entity found guilty by the board of, but not limited to, the following violations of this chapter.

(1) Engaging in the practice or offer to practice of engineering or land surveying in this jurisdiction without being licensed in accordance with this chapter.

(2) Using or employing the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivative thereof in its name or form of business activity, except as authorized in this chapter.

(3) Presenting or attempting to use the certificate of licensure or the seal of another licensed engineer or licensed land surveyor.

(4) Giving false or forged evidence of any kind to the board or a member of the board in obtaining or attempting to obtain a certificate of licensure.

(5) Falsely impersonating another licensed engineer or licensed land surveyor of like or different name.

(6) Using or attempting to use a revoked or non-existent certificate of licensure.

(b) The board shall determine the amount of the civil penalty which shall be paid to the State General Fund. The amount shall not exceed two thousand five hundred dollars (\$2,500) for each and every separate offense.

(c) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of notice by the board, a hearing on the record.

(d) Pursuant to the proceedings under this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the Attorney General to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal to the Circuit Court of Montgomery County exclusively for judicial review of the penalty within 30 days notwithstanding the Administrative Procedure Act. Unless an appeal is taken, or the penalty paid, the order of the board imposing the civil penalty shall become a judgment.

(f) If a person fails to pay a civil penalty within 30 days after entry of an order pursuant to subsection (a) or if the order is stayed pending an appeal, within 10 days after the court enters a final judgement in favor of the board of an order appealed pursuant to subsection (e), the board shall notify the Attorney General. The Attorney General may commence a civil action to recover the amount of the penalty, plus attorney's fees and costs.

(g) The cost to the board of the action shall be paid by the respondent if found in violation.

CREDIT(S)

(Acts 1997, No. 97-683, p. 1332, § 2; Act 2004-501, p. 954, § 1.)

ARTICLE 2. . BOARD OF REGISTRATION.

§ 34-11-30. Creation; composition; appointment; oath of office; terms of office. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

A State Board of Licensure for Professional Engineers and Land Surveyors is created. It shall be the duty of the board to administer this chapter. The board shall consist of five professional engineers and two professional land surveyors, each of whom shall be appointed by the Governor from a list of three persons nominated by a committee. To the extent possible, the nominating committee and the

Governor shall select those persons whose appointments ensure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state. The nominating committee shall consist of one professional engineer or professional land surveyor, respectively, appointed or elected by each of the professional organizations as outlined in the rules of the board. Any other organization in the state having membership qualifications comparable to those professional organizations outlined in the rules of the board may petition the board for membership on the committee. The board, by rule, may establish nominating committee operating guidelines and, by rule, may establish procedures for the removal of nonparticipating members of the nominating committee. Nominees shall have the qualifications required by Section 34-11-31. Nominations shall be made by a majority vote of the committee present at the same time at a meeting called by the executive director of the board, who shall advise the above named societies of the meeting at least 30 days before the meeting is held. Each member of the board, before beginning his or her term of office, shall file with the Secretary of State his or her written oath or affirmation for the faithful discharge of his or her official duties. The members of the board shall continue to serve under this chapter until their respective terms expire. On the expiration of the term of each member, the Governor shall in the manner provided in this section appoint for a term of five years a professional engineer or professional land surveyor having the qualifications required by Section 34-11-31 to take the place of the member whose term on the board is about to expire. Vacancies occurring during a term shall be filled by appointment by the Governor, in the manner provided in this section, for the unexpired term. Each member shall hold office until the expiration of the term for which the member is appointed or until a successor is duly appointed and qualified.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 3; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2003-141, p. 440, § 3; Act 2009-642, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1995 amendment, effective June 29, 1995, deleted "the provisions of" preceding "this chapter" in the second sentence; in the third sentence, deleted "engineer who is also a registered" preceding "land surveyor" and inserted "of a list"; in the fourth sentence, inserted "or professional land surveyor, respectively," substituted "Institute of Electrical and Electronics Engineers" for "American Institute of Electrical Engineers," deleted "and" preceding "Alabama Society of Professional Engineers," and added "and Alabama Society of Professional Land Surveyors"; deleted "of Alabama" following "in the state" in the fifth sentence; deleted "his" preceding "appointment" in the eighth sentence; deleted "shall" preceding "expire" in the ninth sentence; inserted "or professional land surveyor" in the next-to-last sentence; and deleted "shall have" preceding "qualified" in the last sentence"; and made nonsubstantive changes.

The 1997 amendment, effective August 1, 1997, in the first sentence substituted "Licensure" for "Registration" and deleted "hereby" preceding "created", in the fourth sentence substituted "Society for Mining, Metallurgy and Exploration, Inc." for "American Institute of Mining, Metallurgical and Petroleum Engineers", inserted ", Inc." following "Engineers" and inserted ", International", in the fifth sentence substituted "above-named" for "above" and deleted "at its own discretion" preceding "may grant", in the seventh sentence substituted "executive director" for "secretary", in the eighth sentence deleted "shall receive a certificate of his appointment from the governor and" following "the board", in the ninth sentence deleted "serving on September 15, 1961," preceding "shall continue", and in the final sentence deleted "so appointed" following "Each member".

The 2003 amendment, effective June 13, 2003, added the fourth sentence, substituted "The nominating" for "This", substituted "Nominations" for "The foregoing nominations", substituted "the meeting is" for "it is", substituted "duties" for "duty", substituted "provided in this section" for "heretofore provided", substituted "is duly" for "shall have been duly", and made nonsubstantive changes.

The 2009 amendment, effective August 1, 2009, substituted "five professional engineers and two professional land surveyors" for "four professional engineers and one professional land surveyor", substituted "each of the professional organizations as" for "an active Alabama chapter of each of the following societies: American Society of Civil Engineers; Society for Mining, Metallurgy and Exploration, Inc.; American Institute of Chemical Engineers; Institute of Electrical and Electronics Engineers, Inc.; American Society of Mechanical Engineers, International; Alabama Society of Professional Engineers; and Alabama Society of Professional Land Surveyors", inserted "outlined in the rules of the board" in two places, substituted "organization" for "society with active chapters", substituted "professional organizations" for "of the above-named societies", deleted ", and the board may grant the membership" following "on the committee", and inserted the seventh and thirteenth sentences.

Code Commissioner's Notes

Section 2 of Acts 1987, No. 87-414, p. 607 provides: "The existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors, created pursuant to section 34-11-30, specifically, and sections 34-11-1 through 34-11-37, generally, of the Code of Alabama 1975 are hereby continued, and such code sections are hereby expressly continued."

Acts 1991, No. 91-199, § 2 provides: "The existence of state board of registration for professional engineers and land surveyors, created and functioning pursuant to sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved."

Acts 1995, No. 95-282, § 2 provides: "The existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors, created and functioning pursuant to Sections 34-11-1 to 34-11-37, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 99-102, § 2 provides: "The existence and functioning of the State Board of Licensure for Professional Engineers and Land Surveyors, created and functioning pursuant to Sections 34-11-1 to 34-11-37, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2003-141, § 2, provides: "The existence and functioning of the State Board of Licensure for Professional Engineers and Land Surveyors, created and functioning pursuant to Sections 34-11-1 to 34-11-37, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2007-218, § 2 provides: "The existence and functioning of the State Board of Licensure for Professional Engineers and Land Surveyors, created and functioning pursuant to Sections 34-11-1 to 34-11-37, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

LIBRARY REFERENCES

American Digest System:
Licenses 21; States 45.
Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38; States §§ 79-80, 82, 136.

§ 34-11-31. Qualifications of members. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

Each member of the board shall be a citizen of the United States and a resident of this state, a licensed professional engineer or licensed professional land surveyor who holds an unexpired certificate under this chapter, who has been engaged in the practice of engineering or land surveying, respectively, for at least 12 years, and who has been in responsible charge of important engineering or land surveying, respectively, work for at least five years.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 4; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1995 amendment, effective June 29, 1995, inserted "or registered professional land surveyor, as the case may be," deleted "the provisions of" preceding "this chapter," substituted "who has been engaged" for "who shall have been engaged," inserted "or land surveying, respectively" in two places, and substituted "who has been" for "shall have been."

The 1997 amendment, effective August 1, 1997, substituted "licensed" for "registered", deleted ", as the case may be," preceding "who holds", and inserted a comma following "12 years".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses 21.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38.

§ 34-11-32. Compensation and expenses. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

Each member of the board shall receive the sum of one hundred dollars (\$100) per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel and shall be reimbursed for traveling expenses as provided in Article 2 of Chapter 7 of Title 36, and incidental and clerical expenses necessarily incurred in carrying out this chapter.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 5; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, substituted "one hundred dollars (\$100)" for "\$50.00", deleted ", in addition thereto," preceding "shall be", and deleted "the provisions of"

preceding "this chapter".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses 21.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38.

§ 34-11-33. Removal of members; vacancies. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

The Governor may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause. Vacancies in the membership of the board by death, resignation or for any reason shall be filled for the unexpired term by appointment by the Governor as provided in Section 34-11-30.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 6.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses 21.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38.

§ 34-11-34. Meetings; legal office; officers; quorum. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

The board shall hold at least two regular meetings each year. The two regular meetings of the board shall be held in the City of Montgomery, Alabama. The legal office of the board shall be located in the City of Montgomery. Special meetings shall be held at the time and place as the rules of the board may provide. Notice of all meetings shall be given as the rules provide. The board shall elect or appoint annually the following officers: A chair, a vice chair, and a secretary. A quorum of the board shall consist of not less than three members.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 7; Acts 1997, No. 97-683, p. 1332, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in the fourth sentence substituted "the" for "such" following "held at", in the fourth and fifth sentences substituted "rules" for "bylaws", in the fifth sentence deleted "in such manner" following "given", and in the sixth sentence substituted "chair" for "chairman" and substituted "vice chair" for "vice-chairman".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses 21.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38.

§ 34-11-35. Powers generally. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

(a) The board shall have the power to adopt and amend bylaws, rules and regulations, not inconsistent with the constitution and laws of this state, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall have the power to adopt and amend from time to time rules of professional conduct for professional engineers, engineer interns, professional land surveyors, land surveyor interns, and corporations, partnerships, or firms holding certificates of authorization. The board shall adopt and have an official seal.

(b) In carrying into effect its duties in any case involving the revocation of licensure or any disciplinary proceeding involving a licensee or the holder of a certificate of authorization or practicing or offering to practice without licensure, or false statement in connection with an application for licensure, the board may, under the hand of its chair and the seal of the board, subpoena witnesses and compel their attendance, and may also require the production of books, papers, documents, and other pertinent data. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person refuses to obey any subpoena issued, or refuses to testify or produce any books, papers, or documents, the board may present its petition to the Circuit Court of Montgomery County, Alabama, setting forth the facts, and thereupon the Circuit Court of Montgomery County shall, in a proper case, issue its subpoena to such person, requiring his or her attendance before the Circuit Court of Montgomery County and there to testify or to produce such books, papers and documents, or data. Any person failing or refusing to obey the subpoena or order of the Circuit Court of Montgomery County may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the Circuit Court of Montgomery County.

(c) The board is charged with the duty of seeing that this chapter is enforced. The board shall investigate any complaint relating to the violation of this chapter and, should a violation be indicated, the board shall proceed as provided for under Sections 34-11-11, 34-11-15, and 34-11-16.

(d) The board, for good cause, may apply for relief by injunction, without bond, to restrain any person, firm, partnership, or corporation from the commission of any act which is prohibited by this chapter. In such proceedings it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial and irreparable damage would result, from the continued violation thereof. Application for the injunction may be made to the Circuit Court of Montgomery County, Alabama or the circuit court of the county in which it is alleged that the violation is about to occur, at the request of the board. The injunction may not be granted ex parte, and any judgment or decree may be appealed in the manner prescribed by law to the Supreme Court of Alabama.

(e) No action or other legal proceedings for damages shall be instituted against the board, any board member, or employee of the board for any act done in good faith and in the intended performance of any power granted under this chapter or for any neglect or default in the performance or exercise in good faith of any duty or power.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 8; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in subsection (a) deleted "such" preceding "bylaws", substituted "engineer interns" for "engineers-in-training", and inserted ", land surveyor interns,"; in subsection (b), in the first sentence substituted "licensure" for "registration" in three places, inserted "or any disciplinary proceeding involving a licensee or the holder of a certificate of authorization" and substituted "chair" for "chairman", and in the third sentence substituted "refuses" for "shall refuse" in two places, deleted "so" preceding "issued", substituted "the" for "such" in two places and inserted "or her"; in subsection (c) substituted "this chapter is" for "the provisions of this chapter are", deleted "of any provisions of" preceding "this chapter", and substituted "proceed as provided for under Sections 34-11-11, 34-11-15, and 34-11-16" for "present the facts of their findings to the district attorney of the county where the violation complained of occurred and shall aid in the prosecution of the violator"; in subsection (d) substituted "may" for "is authorized to", substituted "for the" for "for said", and substituted "The" for "Said"; in subsection (e) substituted a comma for "or against" preceding "any board"; and made nonsubstantive changes.

Code Commissioner's Notes

In 2002, the Code Commissioner in the second sentence of subsection (c) inserted "of" after "the violation" for grammatical purposes.

REFERENCES


ADMINISTRATIVE CODE

- 6 Ala. Admin. Code 330-X-9-.01 et seq., Board of Registration for Professional Engineers and Land Surveyors; Classifications and Branches of Engineering and Land Surveying.
- 6 Ala. Admin. Code 330-X-14-.01 et seq., Board of Registration for Professional Engineers and Land Surveyors; Professional Conduct (Code of Ethics).
- 6 Ala. Admin. Code 330-X-16-.01 et seq., Board of Registration for Professional Engineers and Land Surveyors; Disciplinary Action.
- 6 Ala. Admin. Code 330-X-18-.01 et seq., Board of Registration for Professional Engineers and Land Surveyors; Amendment of Rules.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses 21.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38.

ANNOTATIONS

CASENOTES

Generally 1

1. Generally

Where the board chairman acted alone in dismissing certain charges against the licensee, the board

was acting in accordance with its own rules, which stated that the board's chairman alone shall rule on all questions of procedure and admissibility of evidence, and that a majority vote (i.e. quorum) was not required on these issues. Further, the dismissal of charges was upon motion of the licensee and inured to his benefit. There was no injury to the licensee even if it was error. Board of Registration of Professional Engineers and Land Surveyors v. Atkinson, 493 So.2d 989 (Ala.Civ.App.1985), affirmed 493 So.2d 991.

Cited in McWhorter v. State Bd. of Registration for Professional Engineers & Land Surveyors, 359 So.2d 769 (Ala.1978); Asphalt Eng'rs v. State Bd. of Registration for Professional Eng'rs & Land Surveyors, 369 So.2d 14 (Ala.1979).

§ 34-11-36. Receipts and disbursements. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

The executive director of the board shall receive and account for all money derived under this chapter, and shall pay it monthly to the State Treasurer, who shall keep the money in a separate fund to be known as the "Professional Engineers and Professional Land Surveyors Fund." The fund shall be kept separate and apart from all other money in the Treasury, and shall be paid out only by warrant of the Comptroller upon the Treasurer, upon itemized vouchers, approved by the executive director of the board. No funds shall be withdrawn or expended except as budgeted and allotted according to Article 4 of Chapter 4 of Title 41. Any funds or money in the hands of the State Treasurer, known as the Professional Engineers and Professional Land Surveyors Fund, at the end of the state fiscal year in excess of that amount equal to 25 percent of the budget of the board for the previous fiscal year shall be transferred into the General Fund of the state. However, in the event that the board elects to implement a biennial license, then the above transfer into the General Fund shall only apply at the end of the non-license year of the biennial license cycle. The money, properties, records, and other things of value owned by or allocated to the fund, the board, or the executive director of the board in his or her capacity as such, serving at the time of enactment of this chapter, shall become the property of and be allocated respectively to the fund, the board, or the executive director of the board under this chapter. The executive director of the board shall give a surety bond to the state in a sum as the board may determine. The premium on the bond shall be regarded as a proper and necessary expense of the board and shall be paid out of the fund. The executive director of the board shall receive a salary as determined by the board, in addition to compensation and expenses provided for in Section 34-11-32. The board may employ an executive director and, when necessary, an assistant executive director and fix their compensation and duties. The board may employ clerical or other assistants, subject to the provisions of the Merit System Act, and may make expenditures from the fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this chapter, including the expenses of the board's delegates to regional and national meetings of, and membership dues to, a national examination organization for engineers and land surveyors selected by the board and any of its subdivisions. Under no circumstances shall the total amount of warrants issued by the Comptroller in payment of the expenses and compensation provided for in this chapter exceed the amount provided therefor by the Legislature in the general appropriation or other appropriation bills.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 9; Acts 1975, No. 1049, p. 2107, § 1; Acts 1991, No. 91-199, p. 375, § 3; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 99-102, p. 120, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1991 amendment, effective July 3, 1991, substituted "executive director" for "secretary" several times throughout the section, and substituted the present language of the seventh sentence following "employ" for "an executive secretary and fix his compensation and duties."

The 1995 amendment, effective June 29, 1995, in the first sentence, deleted "the provisions of" preceding "this chapter," and substituted "it" for "the same"; divided the former second sentence into the present second and third sentences by deleting "provided that" at the end of the present second sentence; deleted "professional engineers" preceding "fund" throughout the section; in the present third sentence, deleted "the provisions of" preceding "Article 4," and substituted "that amount equal to twenty-five percent of the budget of the board for the previous fiscal year" for "the sum of \$70,000.00"; and made nonsubstantive changes.

The 1997 amendment, effective August 1, 1997, in the first sentence inserted "and Professional Land Surveyors", in the third sentence substituted ". Any" for "; and provided further, that any", in the present fourth sentence inserted "and Land Surveyors" and substituted "25" for "twenty-five", in the present eighth sentence substituted "a salary as determined by the board" for "such salary as the board shall determine", and in the present tenth sentence deleted "such" preceding "clerical" and substituted "a national examination organization for engineers and land surveyors selected by the board" for "the National Council of Engineering Examiners".

The 1999 amendment, effective April 27, 1999, added the fifth sentence.

Code Commissioner's Notes

In 2002, the Code Commissioner in the fourth sentence inserted "Professional" before "Land Surveyors Fund" to correct a manifest clerical error.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses 33.

Corpus Juris Secundum:

C.J.S. Licenses § 71.

§ 34-11-37. Records and reports; confidentiality. *Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.*

(a) The board shall keep a record of its proceedings and a register of all applications for licensure, which register shall show all of the following:

- (1) The name, age, and residence of each applicant.
- (2) The date of the application.
- (3) The place of business of the applicant.
- (4) The educational and other qualifications of the applicant.
- (5) Whether or not an examination was required.
- (6) Whether the applicant was rejected.
- (7) Whether a certificate of licensure was granted.
- (8) The date of the action of the board.
- (9) Any other information deemed necessary by the board.

(b) The board shall also keep on file a written statement under oath from each applicant that he or she will abide by the rules of professional conduct prescribed by the board, which oath shall be a part of his or her application for licensure.

(c) The records of the board shall be evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the executive director of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(d) Annually, as of September 30, the board shall submit to the Governor a report of its transactions of the preceding year and a complete statement of the receipts and expenditures of the board, attested by affidavits of its chair and its secretary.

(e) Board records and papers of the following class are of a confidential nature and are not public records: Examination material for examinations not yet given; file records of examination problems and solutions; exam scores; letters of inquiry and reference concerning applicants; transcripts of college courses and grades; board inquiry forms concerning applicants; pending and closed complaints and investigative files which shall remain confidential until an actual formal hearing may commence; and all other materials of like confidential nature.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 10; Acts 1997, No. 97-683, p. 1332, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, substituted "licensure" for "registration" throughout; in subsection (a), in the introductory matter inserted "of the following", in subdivision (4) substituted "The" for "His" and inserted "of the applicant", in subdivision (8) substituted a period for "; and", and in subdivision (9) substituted "Any" for "Such" and deleted "as may be" preceding "deemed"; in subsection (b) inserted "or she", substituted "rules of professional conduct" for "code of ethics" and inserted "or her"; in subsection (c) deleted "prima facie" preceding "evidence of" and substituted "executive director" for "secretary"; in subsection (d) deleted "shall also transmit to him" preceding "a complete" and substituted "chair" for "chairman"; added subsection (e); and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  21, 24.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38.

Examination Results by Alabama Educational Institution

Fundamentals of Engineering (FE) Exam 2008 & 2009 Pass/Fail Statistics By School							
	AU	UA	UAB	UAH	USA	AL A&M	TU
April 2008							
Number Taking Test	126	114	46	54	90	9	4
Number Passed	86	60	23	29	46	0	2
Percentage Passed	68%	53%	50%	54%	51%	0%	50%
Percentage Failed	32%	47%	50%	46%	49%	100%	50%
October 2008							
Number Taking Test	81	78	39	34	56	14	1
Number Passed	44	32	16	17	32	1	0
Percentage Passed	54%	41%	41%	50%	57%	7%	0%
Percentage Failed	46%	59%	59%	50%	43%	93%	100%
April 2009							
Number Taking Test	123	156	68	39	80	17	1
Number Passed	79	78	30	26	46	0	0
Percentage Passed	64%	50%	44%	67%	58%	0%	0%
Percentage Failed	36%	50%	56%	33%	42%	100%	100%
October 2009							
Number Taking Test	63	75	32	16	54	11	1
Number Passed	39	43	12	7	24	0	0
Percentage Passed	62%	57%	38%	44%	44%	0%	0%
Percentage Failed	38%	43%	62%	56%	56%	100%	100%

NOTE: Engineer applicants are not scheduled to take the Principles and Practice of Engineering (PE) Exam until the Fundamentals of Engineering (FE) Exam has been passed.

**Principles & Practice of Engineering (PE) Exam
2008 & 2009 Pass/Fail Statistics By Discipline**

	OCTOBER 23, 2009			APRIL 24, 2009		
DISCIPLINE	# Taken	# Pass	% Pass	# Taken	# Pass	% Pass
Architectural	*	*	*	*	*	*
Chemical	3	2	67%	6	5	83%
Civil	123	45	37%	136	70	51%
Control Systems	6	5	83%	*	*	*
Electrical	15	10	67%	15	8	53%
Environmental	9	4	44%	10	4	40%
Fire Protection	1	0	0%	*	*	*
Industrial	2	1	50%	*	*	*
Mechanical	24	11	46%	28	16	57%
Metallurgical	1	0	0%	*	*	*
Mining	2	2	100%	*	*	*
Naval Marine Arch.	*	*	*	*	*	*
Nuclear	1	1	100%	*	*	*
Structural 1	14	5	36%	16	3	19%
	OCTOBER 24, 2008			APRIL 11, 2008		
DISCIPLINE	# Taken	# Pass	% Pass	# Taken	# Pass	% Pass
Architectural	*	*	*	1	1	100%
Chemical	9	6	67%	6	5	83%
Civil	124	54	44%	127	58	46%
Control Systems	4	3	75%	*	*	*
Electrical	24	15	63%	23	16	70%
Environmental	10	5	50%	10	5	50%
Fire Protection	1	0	0%	*	*	*
Industrial	*	*	*	*	*	*
Mechanical	19	12	63%	26	12	46%
Metallurgical	3	2	67%	*	*	*
Mining	1	1	100%	*	*	*
Naval Marine Arch.	*	*	*	2	0	0%
Nuclear	*	*	*	*	*	*
Structural 1	7	2	38%	10	3	30%

* No applicants

Land Surveying (FS), (PS) & (ALLS) Examinations 2008 & 2009 Yearly Pass/Fail Statistics						
	OCTOBER 23, 2009			APRIL 24, 2009		
TEST TITLE	# Taken	# Pass	% Pass	# Taken	# Pass	% Pass
Fundamentals of Land Surveying (FS)	18	7	39%	31	4	13%
Principles & Practices of Land Surveying (PS)	22	10	45%	35	18	51%
Alabama Standards, History & Law (ALLS)	16	13	81%	37	28	76%
	OCTOBER 24, 2008			APRIL 11, 2008		
TEST TITLE	# Taken	# Pass	% Pass	# Taken	# Pass	% Pass
Fundamentals of Land Surveying (FS)	51	21	41%	92	36	39%
Principles & Practices of Land Surveying (PS)	44	24	55%	30	13	43%
Alabama Standards, History & Law (ALLS)	55	43	78%	58	48	83%

Board Members



Bob Riley
Governor

Regina A. Dinger
Executive Director

Alabama State Board of Licensure for Professional Engineers and Land Surveyors

100 N. Union Street, Suite 382
Montgomery, Alabama 36104-3762

Mailing Address:
P.O. Box 304451
Montgomery, AL 36130-4451

Phone: (334) 242-5568
Toll Free: (866) 461-7640
Fax: (334) 242-5105
www.bels.alabama.gov

May 18, 2010

Mr. Tony Yarbrough
Department of Examiners of Public Accounts
50 North Ripley Street, Room 3201
Montgomery, AL 36130

Dear Mr. Yarbrough:

The current members of the Alabama State Board of Licensure for Professional Engineers and Land Surveyors, their addresses, and the position they are filling are:

Mr. Don T. Arkle, P.E.
Prattville, AL 36066
Professional Engineer

Mr. C. Michael Arnold, P.L.S.
Daphne, AL 36526
Professional Land Surveyor

Mr. Earl R. Foust, P.E.
Birmingham, AL 35242
Professional Engineer

Mr. Phillip E. Santora, P.E./P.L.S.
Dothan, AL 36305
Professional Land Surveyor

Dr. Daniel S. Turner, P.E.
Tuscaloosa, AL 35487-0205
Professional Engineer

Mr. William C. Ulrich, Jr., P.E.
Decatur, AL 35601
Professional Engineer

Mr. W. Gerald Wilbanks
Trussville, AL 35173
Professional Engineer

Sincerely,


Regina A. Dinger
Executive Director

BOARD RESPONSE TO SIGNIFICANT ISSUES



Bob Riley
Governor

Regina A. Dinger
Executive Director

Alabama State Board of Licensure for Professional Engineers and Land Surveyors

100 N. Union Street, Suite 382
Montgomery, Alabama 36104-3762

June 29, 2010

Mailing Address:
P.O. Box 304451
Montgomery, AL 36130-4451

Phone: (334) 242-5568
Toll Free: (866) 461-7640
Fax: (334) 242-5105
www.bels.alabama.gov

Mr. John Norris
Department of Examiners
of Public Accounts
50 North Ripley Street, Room 3201
Montgomery, Al 36104-3833

Dear Mr. Norris:

Thank you for letting us respond to the significant issues that will be included in your report to the Legislative Sunset Committee on our operations. This is a coordinated response from the Board.

Board Composition and Status

Throughout the events that have transpired in the last few years in regards to the composition of the Board of Licensure for Professional Engineers and Land Surveyors, the Board members have attempted to remain neutral. It has been the consensus of the Board that they should not take a position on the possibility of the splitting of the board, but that they do have a responsibility to comment on financial and legislative impacts of the proposed processes. The Board is charged by the Legislature to protect the health, safety and welfare of the citizens of Alabama by regulating the professions of engineering and land surveying. Board members have traditionally been active in various engineering and surveying societies, but do not represent those societies on the Board. Board decisions should be based on public protection and should not be used for protecting the societies.

To simplify the language in Section 34-11-30, Code of Alabama, the Board sought a change to the Licensure Law that removed the listing of societies that were members of the Nominating Committee. One major reason for the change was that the listing in the Law was not inclusive since the Board at any time could approve membership petitions from other societies. The 2009 changes to the Code of Alabama, 1975 identify that the Board will outline by rule the Nominating Committee membership. The Board may also establish operating guidelines for the Nominating Committee. The rules that are currently being advertised list the current members of the Nominating Committee, very general operating guidelines and a process for removing non-participating committee members. It is the Board's opinion that the Nominating Committee is charged by Law to provide a list of possible board members to the Governor for ultimate appointment. The Board should not be involved in self-perpetuation and therefore should not be involved in

the nomination process. Board staff is responsible for logistical support to the nominating process.

The Board believes that all individuals who are qualified to be board members should have the opportunity to serve on the Board. Past changes in the Licensure Law were made to allow an equal opportunity for all licensees who are qualified to serve as a board member. At one time, an individual who held only a professional land surveyor's license could not serve on the board. Those restrictions were corrected in 1995. The legislation introduced in 2010 would have resulted in a restriction of those individuals who hold both a professional engineer's license and a professional land surveyor's license from being able to serve on the Board.

When considering any changes to the current board structure, decisions should be based on open representation and what is good for the public.

Leave and Compensatory Time

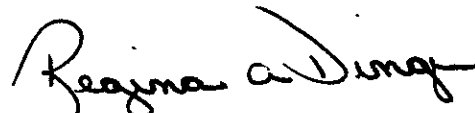
All staff has been briefed on the requirement to use compensatory time prior to the use of annual leave. The decision to use annual leave in lieu of compensatory time will only be made when it appears that there will be a loss of annual leave at the end of the year. In the event that this decision has to be made, there will be an annotation by the Executive Director on the semi-monthly time sheet of the affected individual involved and the Board Member who is the advisor for personnel issues will be notified.

Again, thank you for letting us respond.

Sincerely,



William C. Ulrich, Jr., P.E.
Chair



Regina A. Dinger
Executive Director