



BELS BULLETIN

our MISSION

The Alabama Board of Licensure for Professional Engineers and Land Surveyors was established by legislative action in 1935. Its charter is to protect the public by helping to safeguard life, health, and property, and to promote the public welfare by providing for the licensing and regulation of persons in the practices of engineering and land surveying.

This purpose is achieved through the establishment of minimum qualifications for entry into the professions of engineering and land surveying, through the adoption of rules defining and delineating unlawful or unethical conduct, and through swift and effective discipline for those individuals or entities who violate the applicable laws or rules.

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ALABAMA BOARD OF
LICENSURE FOR PROFESSIONAL
ENGINEERS AND LAND
SURVEYORS



Marc Barter (center) poses for a photo with NCEES President Dr. Dan Turner and his wife Linda along with BELS members Nathan Johnson, Frazier Christy and Richard Grace.

Second-time swearing

Bentley reappoints Barter, will serve second term

By Griffin Pritchard |

Public Information Specialist

- Barter's first term on BELS came to an end in April. He was reappointed by Gov. Robert Bentley at the end of June and will serve until April 22, 2021.
- Being Bentley's first reappointment, Barter said he "was surprised" at the selection.
- Barter is a 1973 graduate of the University of South Alabama in Mobile with a B.S. in Civil Engineering and has taken graduate-level courses in Structural Engineering at the University of Alabama. He currently serves as president of Barter and Associates, Inc.

The Alabama Board of Licensure for Professional Engineers and Land Surveyors (BELS) has entered into the second half of 2016 unchanged as Marc Barter was reappointed by Gov. Robert Bentley, effective June 29.

"I was surprised," said Barter. "No one has been reappointed in many years."

Barter will serve until April 22, 2021.

"Appointing you to this position comes with great responsibility because you will be making important decisions that affect the citizens of Alabama," read Barter's letter of reappointment signed by Gov. Bentley. "Honesty and integrity are two virtues that I prioritize for my administration to exemplify, and I know that you will

See **BARTER** PAGE 2

our BOARD



*Marc Barter, PE
Chair



Frazier Christy,
PLS & PE / Vice Chair



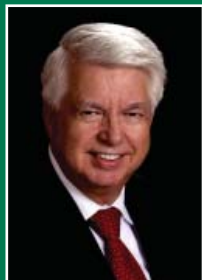
Liz Hyde, PE
Secretary



Richard Grace,
PE & PLS



Nathan Johnson,
PLS & PE



Randall Whorton, PE



**Charles Willis, PE

* — Re-appointed to BELS and will serve through April 2021

** — Resigned from BELS during July meeting.

BARTER

From Page 1

do the same while in service to our great state.”

He was initially appointed in May of 2002 to replace Don Arkle. Barter, a graduate of Mobile’s McGill Institute (high school) in 1969, has 40-plus years of experience, and heads Barter and Associates, Inc. He holds a B.S. in Civil Engineering from the University of South Alabama and has also completed graduate work at the University of Alabama.

Having been Gov. Bentley’s first reappointment to BELS, Barter sees this as an opportunity to help grow the Board for years to come. He will be a holdover as a host of Board members’ terms are slated to expire in 2017.

“It can safely be stated that about the time a board member begins to fully understand the process and the system, their term ends,” said Barter. “I think with a more focused and concentrated training program, this learning curve can be shortened. But the responsibility for the training (mentoring) of new Board members falls on the existing members and we have to a better job in that area.”

Barter will remain as BELS Chair (along with Vice Chair Frazier Christy and Secretary Liz Hyde) until the October meeting. At that point, the new leadership will take over: Christy (Chair), Hyde (Vice Chair) and Nathan Johnson (Secretary). By being chosen to remain on BELS for a second term, Barter has the opportunity to continue to address issues that have been rising amongst the state’s licensees.

“There is a divergence of interest developing between surveyors and engineers,” said Barter. “Recent actions, such as the ASPLS (Alabama Society of Professional Land Surveyors) opposition to QBS (Quality-Based Selection) and their successful changing of the law to assure that two of the seven board members are selected by ASPLS, make it more and more obvious that the licensing and regulation of the practices of engineering and surveying, while similar, are different. I think that the Board should do everything it can to make sure that both professions are regulated in a manner that protects the public first and foremost without considering to the economic impact on the professions. The economic interest of the professions is the responsibility of professional societies and associations.”

Barter holds professional engineering licenses in 15 states spanning the eastern portion of the United States. Along with being the current BELS Chair, Barter also has been affiliated with the Structural Engineers Association of Alabama, the American Institute of Steel Construction, Inc., the Structural Engineering Certification Board, and both the American Concrete and the Structural Engineering Institutes.

inside THIS EDITION

- BELS leaders Marc Barter (Chair) and Liz Hyde (Secretary) discuss issues effecting the State of Alabama as the gavel falls on the final meeting of Fiscal Year 2016. (Pages 3 & 12)
- Commodore Steel is handed a record-breaking fine following a months-long investigation. A list of transgressions can be found along with a litany of others who have formal actions taken against them by BELS. (Pages 6 & 8)
- Retired Fire Marshal Ed Paulk discusses the impact a 10-year-old position letter between his office and BELS has had on monitoring Fire Protection Safety issues within the state. (Page 10)

BELS MEMBER FORUM



Marc Barter

PE | BELS CHAIR

Supplanting the work of another PE

"Should a client's project be held hostage by an unscrupulous engineer's threats to file a complaint against a successor's firm? After all, time is money."

Most consulting engineers who have practiced for decades, as I have, have experienced a situation where either they were "supplanted" or asked to "supplant" someone else.

Supplanting is the displacement of a licensed professional engineer or land surveyor on a project for which they have an active agreement to provide services. The legal principle that applies is tortious interference with contractual relations.

Many years ago, we had a client decide that he could walk away from his obligation to us on a project by just hiring another firm to finish it.

After we reasoned together, and I explained all of the negative things that could happen to both the client and the new engineer, we settled the matter to our satisfaction. It could have been a textbook case of supplanting, but it was not because, in part, the other firm was ethical.

Section 330-X-14-.05 of the Alabama Code states in subparagraph d: "The engineer or land surveyor shall not supplant, nor attempt to supplant directly or indirectly, another engineer or land surveyor in an ongoing engineering or land surveying project, after contracts have been awarded to such other engineer

or land surveyor."

There are no qualifiers regarding why or how.

Once an agreement is reached with a firm, other firms should only approach the client or accept the contract if the original firm's contract is terminated and all obligations are satisfied.

Seems simple, but there can be complications not addressed in the Code and, like all ethical issues, its black and white, and grey.

Suppose the original engineering firm, Firm A in this scenario, agrees to the termination provided all monies owed are paid. However, there is a legitimate dispute as to the amount owed.

Engineers are by nature conservative with money and, on occasion, overly impressed with their own role on a project.

Should a client's project be held hostage by an unscrupulous engineer's threats to file a complaint against a successor firm? After all, time is money. Should the rule governing supplanting be used as leverage to settle a contract dispute?

These situations can occur.

Conversely, most clients cannot discern whether

See **SUPPLANTING** PAGE 4

our LEADERSHIP

Turner takes over as NCEES President

By Griffin Pritchard |
Public Information Specialist

After spending a year in waiting, former BELS Chair Dr. Dan Turner ascended to the presidency of National Council in Indianapolis. Turner (Ph.D., PE, PLS) began his term as NCEES President at the conclusion of the organization's annual August meeting held earlier in the month of September.

Patrick Tami (PLS | California) moved into the President-Elect position.

A resident of Tuscaloosa, Turner has served as a member of the Alabama Board of Licensure for Professional Engineers and Land Surveyors. He also has NCEES board experience, serving as a past Southern Zone Vice President, assistant vice president and on numerous NCEES committees. Turner is an emeritus professor of civil engineering at the University of Alabama following more than 30 years of service to the Capstone. A professional land surveyor since 1978, Turner also has been a licensed professional engineer since 1985.

Currently, Turner serves as chair of the Technical Activities Council of the Transportation Research Board. He is a past president of the American Society of Civil Engineers and the County of University Transportation Centers. He is a former member of the board of directors of ABET, Inc., and the board of governors for the American Association of Engineering Societies. He has also served as a Fellow of the Institute of Transportation Engineers.

SUPLANTING

From Page 3

the project is 30 percent complete, 40 percent complete or even 50 percent complete, especially when deciding how much money is owed to the engineer.

The level of completion of the contract documents might be the easiest way for the client to make a judgment, but Firm A was hired to provide engineering. The contract documents are an instrument of service, not the service; and engineers provide services, not products.

The threat by the engineer of filing a complaint with the Board, should another firm take the project, can be an effective deterrent when faced with an unreasonable client who is trying to replace the engineer without meeting their contractual obligations.

What should an engineering firm with integrity do, when asked to finish a project started by another firm?

My suggestion, and the approach we have always followed, is to contact Firm A and find out their version of what is taking place. Is this a termination for cause and, if so, who actually initiated the termination?

If the client has not honored his contract with Firm A, is this a client you want? If Firm A is being unreasonable, between conversations with Firm A and the client, it should not be hard to figure it out. Moreover, if they indeed are the problem, should Alabama Law punish the client by denying them access to other engineering firms? Definitely not, and there are provisions in the ethics section of the Code that address this behavior. Section 330-X-14-.06 of

• *Section 330-X-14-.05 of the Alabama Code states in subparagraph d: "The engineer or land surveyor shall not supplant, nor attempt to supplant directly or indirectly, another engineer or land surveyor in an ongoing engineering or land surveying project, after contracts have been awarded to such other engineer or land surveyor."*

the Alabama Code states in subparagraph a: "The engineer shall not: ...5. Engage in any conduct that discredits or tends to discredit the profession of engineering or land surveying"; I think holding the client hostage for unearned fees would be a violation of this section.

Regardless of the circumstances, before you enter into a contract where you are replacing another firm, provide the original firm with a written accounting of any discussions you had with the client; and notify the original firm of your plans to enter into a contract to finish the project. Request that they respond in writing with any objections or reasons as to why you should not proceed.

Transparency is the key to making sure there are no violations to form the basis of a complaint. And, on that rare occasion where Firm A is abusing their position for financial gain, file a complaint with the Board.

Bad behavior reflects on all of us, and it should not be tolerated.

OUR UPCOMING EVENTS

• WEBINAR | Oct. 5 | Topic: Audits

Registration for the upcoming professional development opportunity begins Sept. 21 and will continue until 9 a.m. (CST) the morning of Oct. 5. A live link to the registration section on our website will be sent out via email the afternoon of Sept. 21. The webinar will review the section of the Board of Licensure for Professional Engineers and Land Surveyors' Administrative Rules regarding the requirements for Continuing Professional Competency. Topics will include the criteria for acceptable PDH (Professional Development Hours), acceptable and unacceptable PDH activities, credits, PDH unit conversions, exemptions, audits and investigations. The webinar will not allow call-in participation like in webinars past. The goal is to allow a greater number of licensees to participate. Also, it's imperative that, upon logging in, participants DO NOT log in as guests or anonymous as they will not be certified. For information, contact BELS Public Information Specialist Griffin Pritchard (griffin.pritchard@bels.alabama.gov).

• RENEWAL NOTICES | EI & LSI

Beginning Oct. 1 Engineering and Land Surveying interns will be receiving renewal notices for 2017.

An interesting BELS summer

By Regina Dinger
BELS Director

The long, hot summer days have not been lazy ones for the Board or its staff. As you can tell from the articles in this newsletter there has not been time for us to sit on the porch sipping a cool ice tea.

The national licensing exams are in a state of transition which is also causing individuals to question why things are done a certain way. Across the nation there is debate as to whether the timing of the licensing exams should be mandated or that they just have to be passed. The format of the P.E. exams are being changed from paper and pencil to a computer-based format where the candidate will select a date to take the exam.

Good News: No more two specific days for everyone to take the exam. Bad News: The disciplines are converting at different times so it will probably be 2021 or later before all the exams are converted which means the board staff will be handling exam applications, receiving exam results and licensing people year round while trying to keep straight what format of what exam is being offered.

In June our accountant, Shawndala Harrison, accepted a promotion away from

our agency. The hiring process for state employees doesn't allow double filling of a position so there was over a month where there was a significant vacancy.

Everyone chipped in and the bills continued to be paid to the relief of our vendors.

Due to heavy work commitments, Mr. Charles Willis, P.E., tendered his resignation from BELS in July.

The nominating committee has been informed of the vacancy and is working to get a list of candidates to the Governor so he can name a replacement to fill the remaining portion of Mr. Willis' term.

The Board will continue to operate six strong until another board member is appointed. Mr. Willis brought a large industry employer's perspective to board discussions. He will be missed.

As summer winds down work continues on the proposed law revisions in order that they can be introduced in the 2017 Legislative General Session.

We will also be converting the state specific land surveying exam from paper and pencil format to a computer-based format. From the challenges on everyone's plate it looks like we won't be sitting on the porch drinking hot apple cider and enjoying the turning autumn leaves either.

As always this is a great place to work to support two great professions.

ATTENTION NCEES MEMBERS

Over the years many of our licensees have established a NCEES Record to facilitate comity licensure. A major undertaking was done at NCEES to consolidate multiple databases and software systems into one system. Always a major undertaking but in this case some problems arose (anticipated and some unanticipated).

One issue is with the Council Records established prior to 2008. Since Council Records were established there have been numerous methods to save the paper files.

It was discovered that the records established prior to 2008 are very

difficult to convert into the new system. Individuals who have these old records were asked to re-establish their information into the new system. The decision not to attempt to upload the documents into the new system or have another alternative for transmitting the older files has been met with significant complaints. Many of the concerns were related to the mis-perception that NCEES is unable to import their information into the new system because it was destroyed or purged.

The information is still in existence at NCEES.

We have been informed that NCEES staff is developing a plan to revise the process and eliminate the need for these record holders to resubmit information that has already been supplied to NCEES. The plan should be finalized soon.

BELS SUGGESTION:

If you are a record holder, log into the NCEES system and check the status of your record.

This way you will know if your record has issues or not prior to needing to have it transmitted to another jurisdiction for comity licensure purposes.

our **NEW ADDITIONS**



*Pezold, Wilson
join BELS Staff*

By Griffin Pritchard |

Public Information Specialist

Two new faces can be found amongst the staff at the Board of Professional Engineers and Land Surveyors (BELS).

Tracy Pezold and Heather Wilson have been tapped to fill staff vacancies. Pezold, investigator, began in August, while Wilson, accountant, transferred to the staff earlier in July.

Pezold joins BELS after a stint at the Alabama Office of Courts, working as a judicial assistant for Judge William Shashy. Prior to that, she worked as a pardons and parole officer for the State of Missouri before moving to Alabama with her husband who now works at Hyundai.

See **STAFF PAGE 7**

Record fine for Fitzgerald

BELS deals Commodore Steel breath-taking blow for fraudulent use of seals, joint investigation leads to felony charges

By Griffin Pritchard |

Public Information Specialist

Roddy Fitzgerald, and Commodore Steel, has been levied the heaviest total fine since the State Board of Licensure for Professional Engineers and Land Surveyors first convened in 1936. Investigators with both BELS and law enforcement agencies have been investigating Fitzgerald after major safety issues and concerns were raised.

“This contractor has fraudulently used engineering stamps on drawings that he used for permitting construction, possibly leading to a dangerous situation in the construction of those buildings,” BELS Chair Marc Barter told Montgomery-based news affiliate WSFA in June.

“He modified drawings without the permission of licensed engineers. He used seals of licensed engineers who were not involved in the projects.”

Through the investigation it was also determined that Fitzgerald used the seals of Professional Engineers Wesley Hardin, Harold Gregory and Mike Murphy.

An unlicensed engineer, Fitzgerald was fined upwards of \$30,000 by BELS in June and, in July, had his contractor’s license revoked by the Alabama General Contractors’ Board.

According to Mobile news affiliate WPMI and BELS investigators, Jalah Ketabi was alerted that his signature and seal was affixed to building plans for the Mt. Zion Baptist Church in Mobile.

Since the initial discovery, additional questionable plans were found in Mobile, Baldwin and Elmore counties.

“We know that he’s done churches. We know he’s done gymnasiums. We know that he’s built Dollar Generals,” Mobile County Sheriff Sgt. Keith Miller told WPMI’s Andrea Ramey.

As a result of the mutual investigation between BELS investigator Bob Herbert, Mobile and Baldwin County’s sheriff’s offices and Administrative Chief Howard Eddy of the Baldwin County District Attorney’s office, a litany of charges have been filed with more to come as new issues were brought to law enforcement’s attention following the media’s involvement in the investiga-

- The \$30,000 fine levied against Roddy Fitzgerald and Commodore Steel is the largest penalty assigned by the Board of Engineers and Land Surveyors since its inception.
- Barter: “(Fitzgerald) modified drawings without the permission of licensed engineers who were not involved in the projects.”
- Fitzgerald is facing more than 50 charges just in Mobile and Baldwin counties. He is currently jailed following a probation revocation on an unrelated incident.

See **COMMODORE PAGE 7**

COMMODORE

From Page 6

tion.

Fitzgerald, facing more than 50 charges just in Mobile and Baldwin counties is currently jailed after his probation was revoked on an unrelated incident.

According to BELS investigators, he will serve a year there before bond will be issued on the charges stemming from the improper seals investigation into his unlawful business practices that is currently ongoing.

Despite being incarcerated, Fitzgerald remains under investigation by BELS and multiple law enforcement agencies, both state and federal.

Listed below are the Formal Complaints and Enforcement Actions taken by BELS against Roddy Fitzgerald:

2015-19-C

Commodore Steel / Roddy Fitzgerald

The Board received a complaint from a professional engineer that Mr. Roddy Fitzgerald of Commodore Steel submitted pre-engineered building drawings which contained the professional engineer seal of Jalal Ketabi, without his knowledge.

The complaint further indicated the steel for the Mt Zion Baptist Church project (which has been partially erected) does not comply with building codes.

2015-33-C

Commodore Steel / Roddy Fitzgerald

The Board received a complaint from another professional engineer that Mr. Roddy Fitzgerald of Commodore Steel Buildings, may have falsified design drawings bearing the signature and seal of a professional engineer without his knowledge, by changing the applicable code to IBC 2009 and changing the wind speed from 130 mph to 140 mph on the drawing, then submitting the documents to the City of Mobile Code Compliance Department for review.

2015-34-C

Commodore Steel / Roddy Fitzgerald

The Board received a complaint from a different individual that Mr. Roddy Fitzgerald of Commodore Steel Buildings, may have falsified design drawings bearing the signature and seal of a professional engineer without his knowledge, by changing the applicable code to IBC 2009 and changing the wind speed from 130 mph to 140 mph on the drawing, then submitting the documents to the City of Mobile Code Compliance Department for review.

2015-38-C

Commodore Steel / Roddy Fitzgerald

The Board received a complaint

from a professional engineer that Mr. Roddy Fitzgerald of Commodore Steel Buildings produced design drawings bearing his seal and signature without his knowledge.

2015-44-C

Commodore Steel / Roddy Fitzgerald

The Board received a complaint from a professional engineer that Mr. Roddy Fitzgerald of Commodore Steel Buildings produced design drawings bearing his seal and signature without his knowledge.

The complaint further indicates that it appears the seal and signature were copied from a previous set of drawings from a project the professional engineer's firm had provided to Commodore Steel.

A formal hearing was held that Mr. Fitzgerald attended, and at its June 1, 2016 meeting the Board issued an Order that found Mr. Fitzgerald guilty and required the following:

(1) He must cease and desist all acts constituting the practice or the offer to practice of engineering in the State of Alabama, (2) He must submit \$5,243.75 to the Board for the cost of hearing within 30 days, (3) and he must submit \$25,000.00 to the Board made payable to State of Alabama General Fund within 30 days of date of Final Order.

STAFF

From Page 6



She's been in Alabama for the past 11 years.

Wilson comes to BELS by way of the Soil and Water Conservation Board where she served as executive assistant.

In September Wilson, a native of Slapout, Alabama, began her 20th year of state employment after beginning her career with Department of Public Health.

Wilson replaces longtime staff accountant Shawndala Harrison, who after spending nine years on the BELS staff, transferred out of the RSA Union building and into The RSA Tower a few blocks away where she currently serves as part of the state's Department of Insurance.

our IDENTITY

BELS is comprised of seven members (five professional engineers and two professional land surveyors) each appointed by the Governor to serve a five-year term.

BELS reviews applications, offers national licensing examinations, develops and administers the state-specific licensing exam, licenses qualified applicants and regulates the professional practice of licensees throughout the state. BELS has the power to discipline those individuals who are not licensed in the state but who are performing engineering and or land surveying in the State.

our TRAVELS



BELS was on the road again setting up shop at the Code Officials Association of Alabama meeting in Fairhope in late June.

Investigator Bob Herbert and Public Information Specialist Griffin Pritchard were on hand to discuss opportunities where the Board could be of service to communities and cities throughout the state.

Herbert and Executive Assistant Bonnie Kelly were back in the southern portion of the state taking part in the Alabama Society of Professional Land Surveyors meeting held at Perdido in Orange Beach.

ENFORCEMENT ACTIONS

JULY MEETING

2014-33-B

Marshall W. Corlew, PE

Mr. Corlew placed his signature and professional engineer seal to documents identified as (1) Site Plan for a convenience store, (Original submission), (2) Site Plan for a convenience store, (First re-submittal) and (3) Site Plan for a convenience store, (Second re-submittal) that contained errors and were generally incomplete.

He agreed to a consent order that required his professional engineer license to be suspended for two years, with that suspension stayed, to pay the Board a fine of \$2,500 to pay the Board \$275 for the cost of the investigation, to provide a quarterly list of the engineering projects he performs to the Board and the Consent Order and Final Order to be a public record.

2015-48-B

James G. Karolyi, PE

Mr. Karolyi was selected for audit of his professional development hours on his 2015 license renewal application and failed to provide documents that supported all the hours he had reported.

A formal hearing was held that resulted in the following: His professional engineer license was suspended until he provides the documents supporting his reported PDH, he must pay a \$250 fine to the Board and he must pay the Board \$1,596.25 for the cost of the hearing.

2015-50-B

Russell W. Duke, PE

In 2015, Mr. Duke's professional engineer license renewal application was selected for audit of the reported

- Upon receipt of a complaint, a BELS-led committee is appointed and a letter is sent to the subject of the complaint notifying them of filing.
- Following a Board Technical Advisor's report, interviews and site visits, the Investigative Committee files their report.
- If action is taken, the outcomes range from no-finding, to a Consent Order or to a formal hearing at the BELS office in Montgomery.

15 professional development hours. Mr. Duke provided documentation that only verified completion of courses totaling 10 PDH. Mr.

Duke agreed to a consent order that required him to pay \$212 to the Board for the cost of the investigation, to pay a \$1,000 fine, his license to practice engineering was suspended for six months, with the suspension stayed, he must provide certificates showing he completed 5 professional development hours (PDH) to the Board, and the Consent Order and Final Order will be a public record.

2016-01-B

Jeffrey H. Stricklin, PE

Mr. Stricklin placed his signature and professional engineer seal on documents submitted to the Alabama Surface Mining Commission (ASMC) in which he certified that two sediment ponds were constructed in accordance with the approved ASMC design plans, knowing at the time of the certification that the ponds had not been constructed in accordance with the approved design plans.

Not long after this certification was submitted one of the ponds suffered a catastrophic failure.

See **ENFORCEMENT PAGE 9**

ENFORCEMENT ACTION

From Page 8

Mr. Stricklin agreed to a consent order that required him to pay a \$5,000 fine to the Board, his license to practice engineering to be suspended for five years, with that suspension stayed for the final three years of the five-year period, and the Consent Order and Final Order will be a public record.

2016-02-C

Brown Machine & Fabrication Inc

The Board, by and through its Executive Director, initiated a complaint in reference to Brown Machine & Fabrication Inc, possibly maintaining an internet website containing language that appeared to indicate the firm was offering engineering and design services without employing a licensed professional engineer and obtaining a certificate of authorization for engineering.

The firm agreed to a consent order that required it to cease and desist advertising engineering services on its website, to pay the Board \$200 for the cost of the investigation, to pay a civil penalty to the State of Alabama General Fund of \$250, and the Consent Order and Final Order to be a public record.

2016-03-C

James L. Mitchell, Unlicensed

The Board, by and through its Executive Director, initiated a complaint in reference to Mr. James L. Mitchell of Genesis Architecture creating structural, mechanical, and electrical engineering design plans for a City Hall project that he submitted to the Alabama Building Commission without being licensed as professional engineer in the state of Alabama.

Mr. Mitchell agreed to a consent order that required him to cease and de-

sist the practice, or the offer to practice, of engineering in the State of Alabama, to pay the Board \$925 for the cost of the investigation, to pay the State of Alabama General Fund a civil penalty of \$2,000, and the Consent Order and Final Order to be a public record.

2016-04-B

John F. Crenshaw, PLS

The Board, by and through its Executive Director, initiated a complaint in reference to Mr. Crenshaw placing his professional seal and signature on a survey dated 07/19/2015 that contained violations of the standards of practice for land surveying in the State of Alabama.

Mr. Crenshaw agreed to a consent order that required him to pay a \$2,500 fine to the Board, his license to be suspended (with that suspension stayed) for 2 years, to submit to the Board upon request a list of the surveying jobs performed within a one month period during the stayed suspension period, that survey(s) will be randomly selected for review for compliance with the standards of practice, and the Consent Order and Final Order will be a public record.

2016-14-B

Robin D. Bell, PE

On December 4, 2014 Mr. Bell was indicted and plead guilty to the crime of Assault and Battery 1st Degree, a felony crime, in a State of South Carolina court on December 4, 2014 and was immediately incarcerated. He served 15 months and was released on March 1, 2016.

He is currently on probation until March 2019. Mr. Bell agreed to a consent Order that revoked his professional engineer license and does

not allow him to apply for re-issuance of that license for three years.

During the time his license is suspended he cannot practice or offer to practice engineering in the State of Alabama.

AUGUST MEETING

2015-16-C

Quin-Co Metal Buildings and Components – (un-certificated)

Quin-Co Metal Buildings and Components provided the engineer design for five metal building projects in the State of Alabama without employing a licensed Alabama professional engineer to produce the design.

The firm agreed to a consent order that required it to cease and desist the practice of engineering, to pay a \$5,000 civil penalty to the State of Alabama General Fund, to pay the Board \$700 for the cost of the investigation, and the Consent Order and Final Order would be a public record.

2016-09-B

Robert L. Luebbers, PE 35293

Mr. Luebbers placed his signature and professional engineer seal on design documents titled "Metal Carport Installation Plans and Details and Framing and Fastener Specifications" for a project located in Alabama that did not meet the stated design criteria.

He agreed to a consent order that required him to pay \$225 to the Board for the cost of the investigation, his professional engineer license to be reprimanded, and the Consent Order and Final Order would be a public record.

our **WEBSITE**

BELS website (www.bels.alabama.gov) can serve as a resource for anyone looking to garner information about our licensees, law or trends within the engineering and land surveying industries.

This information includes, name, addresses, types of licenses and their number, license status and an indication of whether or not they have had any formal/disciplinary action taken against them. The information is provided for use amongst individuals looking to hire a Professional Engineer, Professional Land Surveyor or someone currently listed as an Intern. BELS does not release social security numbers, dates of birth, telephone numbers, or email addresses. BELS also cannot recommend professionals or businesses.

Under Alabama Open Records Law, public record requests may be made of BELS. The records, or information, sought should provide enough detail for our agency to adequately respond. Requests should be addressed to the attention of Griffin Pritchard (griffin.pritchard@bels.alabama.gov).

in **DECEMBER**

In the December BELS Bulletin, we will honor those businesses that are certificated in their first year and those that have been certificated in Alabama. As for the individual, we will recognize the PE's and PLS's that are finishing their first year and those 50-plus.

We will also honor first-year EI's and LSI's.

Positioning Improvement

BELS, Fire Marshal discuss Fire Safety

By Griffin Pritchard |

Public Information Specialist

The Alabama Board of Licensure for Professional Engineers and Land Surveyors (BELS), with the support of the State Fire Marshal's Office, came to an agreement on who should be responsible for the design of fire protection systems.

The statement, issued in late 2009, states that: "Various individuals working as a team are needed to ensure that installed fire protection systems are designed, installed and maintained in good working order. The efforts begin with professional engineers designing the systems. Certified installers are needed to ensure that the systems are installed as called for in those designs. Competent maintenance technicians are needed to ensure the good working order of those installed systems. Each profession has a vital role in assuring that Alabama's fire protection systems work."

Six years later, recently-retired State Fire Marshal Ed Paulk says that his office is seeing improvements, but more can be done.

"There was a lot of ambiguity," Paulk said. "Some cities were requiring work be done by a professional engineer and some weren't. (Fire Marshal's Office and BELS) created a statement agreeing on the position of the law."

And with the two entities on the same page, Paulk said he's seen improvement.

"I've seen vast improvements, but we still have some issues," Paulk said. "If a guy said 'I'm putting in an extinguishing system in a paint spray booth. I designed it on code requirement.' How do you determine the number of heads, the size of the system. We've got a real problem if we've got 1,000 heads and a canister filled for 10. That calls for an engineer to step in and help with the design. But some people are just hardheaded."

Paulk said the position statement, since being published, "brought a lot of those type issues to light and a got a lot of cities back to doing a good job of enforcing the law in terms of building and fire-safety codes."

He added that growing the number of Fire Safety Protection Engineers (FPSE) within the state is something the State Fire Marshal's office would love to see as it would be a benefit to the officials and to builders.

"I would like to see more people who specialize in fire protection engineering and systems licensed in this state," Paulk said. "We've got Mechanical Engineers and Electrical Engineers doing fire safety stuff. When you get an FPSE, you are truly trained in that background. It will give the state better coverage

- More than 10 years ago, BELS and the State Fire Marshal's Office aligned to issued a position statement discussing what party is responsible for the design of fire protection systems.
- Newly retired State Fire Marshal Ed Paulk said he is seeing the benefits of that statement.
- However, the number of certified Fire Protection Safety Engineers in the state is few.

our FUTURE



NCEES is pleased to announce the recipients of the inaugural NCEES Surveying Education Award presented to Troy University. This annual award recognizes surveying programs that best reflect the organization's mission to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

NCEES awarded a \$10,000 prize to 10 qualifying programs to assist with each program's continued efforts to promote the importance and value of licensure. The award jury considered criteria such as student outcomes, student involvement, outreach, and recruitment.



BELS was recently invited to attend the University of Alabama's Welcome Cookout hosted by the School of Engineering. While on campus, Griffin Pritchard, BELS PIO, was able to speak with students ranging from freshman to Ph.D. candidates, about steps needed to gain EI and PE status.

NCEES 2016 Annual Meeting

The good news and the not-so-good news

By Marc Barter | PE
BELS Chair

Bad news first: NCEES has changed its record keeping system to an all-digital system, which on the surface sounds like progress. However, in doing so they eliminated the records program for all record holders who established their record prior to 2008. This news was known to Board members prior to the Annual Meeting, but the forums provided an excellent opportunity to seek an explanation as to what, why and by whom. The explanation provided is thus: Pre-2008 record holders still have records in the system and NCEES will send those records to their owners; but the records are no longer available for transmission to a licensing board for a comity application, which was the original purpose for creating the record. Therefore, if your record was created prior to 2008, and you wish to continue to use their records service, you will have to rebuild your own record, i.e., obtain new transcripts, employment verifications, references, and so forth. You will not have to start completely from scratch, however, since they still have your name in the system.

As one might imagine, this news was not well received by the senior citizens that make up the audience at the NCEES annual meeting. The vast majority of the attendees who participated in the program established their records prior to 2008 and dutifully paid their renewal fee every year;

- The Council's membership is comprised of engineering and surveying licensure boards from the 50 states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands. These board are divided into four geographic zones: Central, Northeast, Southern and Western.

and while most will never seek additional licensing, after 25 or 30 years of renewals, there was an assumption that some sort of agreement was in place. After considerable discussion, much of it led by the Alabama and Florida Board Chairs, NCEES management acknowledged the seriousness of the issue and stated they were studying it. There was also the offer of a refund to those who renewed this past cycle.

The refund can be requested by emailing NCEES Records Coordinator Stefani Goodenow at sgoodenow@ncees.org. Regardless, if you have (had) a record with NCEES and it was created pre-2008, do not apply for licensing via comity and expect that NCEES will be helpful. Instead, allow adequate time to collect and provide the necessary information to the state where you are applying.

Now, for the good news: The Alabama Board in the persona of Mr. Frazier Christy, incoming Board Chair, made a proposal during the business meeting to lower the

BELS MEMBER FORUM



Liz Hyde

PE | BELS Secretary

Do you know the law?

"I would guess that most of you think you know what 'supervision' means. However the law is written such that alternative forms of supervision could be allowed and it is somewhat open-ended."

Paraphrasing Donald Rumsfeld, there are things you know, things you don't know and things you don't know you don't know.

Since my appointment two years ago, I know a lot more about the law and code than I did when I started but there is still much I don't know.

The part that makes me uneasy are things I don't know I don't know.

Board members are often assigned relevant issues and topics to study. We will often make recommendations on these issues, codes, laws, etc. We have recently completed a review of the code and law with significant revisions. Many of you attended town hall meetings and gave us comments which were extremely beneficial to this process. Other issues on the forefront include land surveying licensure, Quality Based Selection (QBS), and converting to Computer-Based Testing (CBT).

I was recently asked to prepare a position paper on supervision. As a part of my research, I wanted to make sure I knew the law and code on the subject. Board staff member, Bonnie Kelly, was extremely helpful in providing me with this information. I found that an engineer should gain experience before he/she is eligible for licensure and this experience

must come under the supervision of a licensed engineer. Nothing surprising here.

I would guess that most of you think you know what 'supervision' means. However, the law is written such that alternative forms of supervision could be allowed and it is somewhat open-ended. The board has received a number of applications in the last several years that did not meet what I would call the standard definition of supervision. Many of these applicants are coming from newer fields of engineering. This is the part where we have to deal with things we don't know we don't know.

An example of someone that might not have a typical supervision situation is a Construction Engineer. If he or she went to work for a construction company that did not have licensed engineers on staff or their supervisor was not a licensed engineer, how does this person achieve experience?

Another example would be someone that works in an industry that is under the industrial exemption.

My task has been to research and provide information to the board so we can have a better understanding of supervision when these applications come before the board.

See **KNOW** PAGE 13

our ANNOUNCEMENTS**• KEEP YOUR ADDRESSES CURRENT**

BELS, from time to time, receive request from active licensees and those businesses operating with Certificates of Authorization to list their company address as their mailing address.

If you choose to do this, it is important to realize the consequences of this action. This means all of your correspondence from BELS will be mailed to your company address, which could result in an increased possibility that you may not receive it. Additionally, you must remember to change your contact address in order to receive correspondence. If you leave the company, most do not forward mail. It is your responsibility to keep your address current.

If you choose your residence as your contact address, this may reduce communication problems. The same is true with email addresses.

If your company-specific email address is also your contact email for BELS and you leave the company it will be necessary for you to promptly update your information. Since BELS has transitioned to sending important information and reminders via email, it is important to keep a current, accessible address on record at all times. You can update your address (physical), email address and other information by going to our website (www.BELS.ALABAMA.gov) and using the CHANGE OF ADDRESS feature.

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FIRE SAFETY**From Page 10**

in the design of the buildings. Everyone else sits for certain portions of the exam. ME's sit for sprinklers. EE's sit for fire alarm systems."

"But because they aren't sitting for the (FPSE) exam, they are not understanding all the other things that go along with the practice that FPSEs are and that puts them at a disadvantage," he said.

According to the State Fire Marshal's Office, there are less than five licensed Fire Protection Safety Engi-

neers within Alabama.

"Life safety is a growing market," Paulk said. "We've been dealing with the expansion at Mercedes, work done by some out of state firms. It makes things a lot easier when somebody has a background in that to be able to intelligently look at all those plans, especially when you start talking about wanting variances. That can get specific discussions started, especially when it's concerned with life-safety issues."

MEETING**From Page 11**

exam fees for the FE and FS exams. This was in response to a request from NCEES past-president, and current Dean of Engineering at the University of South Alabama, John Steadman. Dr. Steadman, an academic, and a long-time supporter of licensing, stated that the current exam fee of \$225 was a financial burden for many students and recommended lowering the fee to help students and encourage more of them to take the exam. Mr. Christy proposed a \$50 reduction while holding the line on other exam fees, which was accepted by the Council over the objections of the NCEES Finance Committee, due to the potential loss of revenue. Given the reserves of NCEES, somewhere north of \$28 million, the majority of jurisdictions agreed that the Council could afford the reduction. There is also the possibility that the current trend of an increase in test takers could accelerate, due to the lowering of the fee, and thereby offset the projected loss of revenue.

KNOW**From Page 12**

I recently met with Dr. (Edward) Back and Dr. (Kenneth) Fridley at the University of Alabama's Civil Engineering Department to discuss how supervision relates to the newer Construction Engineering degree.

They provided some good information on the degree offered at UA and where these future engineers are headed.

Needless to say, I am much more informed on this topic than I was when I started. The bottom line is all licensees and future licensees should have a basic understanding of the laws and code.

Review changes as they are adopted and ask questions. If you are not sure how to interpret the law, send it in to the Board. Encourage young engineers to understand the requirements for licensure so when they are ready to complete the requirements, there are not any surprises.

A copy of the law and code is available on the Board website (www.bels.alabama.gov) in pdf format.

Finally, I encourage all licensees to attend a Board meeting once in a while. I think you will find it interesting and informative.