

Report on the

**Board of Licensure for Professional  
Engineers and Land Surveyors  
State of Alabama  
Montgomery, Alabama**

**October 1, 2017 through September 30, 2019**

Filed: April 10, 2020



**Department of  
Examiners of Public Accounts**

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*Rachel Laurie Riddle, Chief Examiner*





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*Chief Examiner*

**State of Alabama**  
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Honorable Rachel Laurie Riddle  
Chief Examiner of Public Accounts  
Montgomery, Alabama 36130

Dear Madam:

An examination was conducted on the Board of Licensure for Professional Engineers and Land Surveyors, Montgomery, Alabama, for the period October 1, 2017 through September 30, 2019. Under the authority of the *Code of Alabama 1975*, Section 41-5A-19, I hereby swear to and submit this report to you on the results and findings of the examination.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Troy A. Eastman".

Troy A. Eastman  
Examiner of Public Accounts

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Department of  
**Examiners of Public Accounts**

**SUMMARY**

**Board of Licensure for Professional Engineers and Land Surveyors  
October 1, 2017 through September 30, 2019**

The Board of Licensure for Professional Engineers and Land Surveyors (the “Board”) operates under the authority of the *Code of Alabama 1975*, Sections 34-11-1 through 34-11-37. By law, the Board licenses and regulates the professional practice of engineering and land surveying in the State of Alabama.

This report presents the results of an examination of the Board and a review of compliance by the Board with applicable laws and regulations of the State of Alabama. This examination was conducted in accordance with the requirements of the Department of Examiners of Public Accounts under the authority of the *Code of Alabama 1975*, Section 41-5A-12. Our examination was performed for the purpose of determining whether the public officers, agents, and employees of the Board properly and lawfully accounted for all money and other public assets or resources received, disbursed, or in the custody of the Board. Our examination included determining compliance by the Board with state laws and regulations that pertain to financial transactions; personnel; safeguarding of state-owned assets, property, and resources; information dissemination, processing, and retention; and official actions, rulemaking procedures, and meetings. As a part of our examination, we also reviewed internal control policies and procedures relating to the areas listed above. Our examination did not encompass managerial and operational matters, such as whether the Board accomplished its mission or its regulatory, enforcement, investigative, or other oversight activities in an efficient, fair, timely, or legal manner.

Findings are numbered and reported by the examination period in which the finding originally occurred.

The following instances of noncompliance with State laws and regulations and other matters were found during the examination as shown on the Schedule of State Legal Compliance and Other Findings and are summarized below.

**CURRENT FINDINGS**

- 2019-01 Relates to calculating compensatory time incorrectly.
- 2019-02 Relates to the Board not recording compensatory time in the Government Human Resource System.

Board members and the Executive Director were invited to an exit conference held on January 14, 2020. Individuals in attendance were Board members: Donald W. Vaughn, Joseph F. Breighner Jr., Nathan G. Johnson, Randall Whorton, Marc S. Barter, Elaine B. Walton, Helen Adams-Morales, John Averrett, Joe Meads, William R. Huett, Executive Director; Bonnie Kelly, Executive Assistant; Benjamin H. Albritton, Legal Counsel, along with Robin Hutcheson and Troy Eastman from the Department of Examiners of Public Accounts.





Department of  
**Examiners of Public Accounts**

**COMMENTS**

**Board of Licensure for Professional Engineers and Land Surveyors  
October 1, 2017 through September 30, 2019**

The Board of Licensure for Professional Engineers and Land Surveyors (the “Board”) operates under the authority of the *Code of Alabama 1975*, Sections 34-11-1 through 34-11-37. By law, the Board exercises license and regulatory authority over the professional practice of engineering and land surveying in the State of Alabama.

The Board is comprised of five licensed professional engineers, two professional land surveyors, and two public members, all appointed by the Governor. Engineering members are appointed by the Governor from a list of three persons provided by a nominating committee. The nominating committee consists of one professional engineer from each of the following professional engineering organizations:

- Alabama Society of Professional Engineers
- American Council of Engineering Companies of Alabama
- American Institute of Chemical Engineers
- American Society of Civil Engineers, Alabama Section
- American Society of Mechanical Engineers
- Institute of Electrical and Electronics Engineers
- Society of Mining Engineers
- Structural Engineers Association of Alabama
- Association of County Engineers of Alabama

Any organization with active chapters in the State of Alabama having membership qualifications comparable to those organizations named in Administrative Rule 330-X-1-.13 may petition the Board for membership on the committee, and the Board may grant the membership.

The Land Surveyor Board members are appointed by the Governor from a list of three persons provided by the Alabama Society of Professional Land Surveyors.

Public members are appointed by the Governor from a list of three persons provided by the nominating committee. The nominating committee consists of one representative, appointed or elected, by the Business Development Organizations serving as members of the nominating committee. Members of the Public Nominating Committee consist of the Chamber of Commerce Association of Alabama; Alabama State Black Chamber of Commerce; Economic Development Association of Alabama; Women's Business Enterprise Council South; National Federation Independent Business Alabama; and the Alabama Farmers Federation.

Members serve five-year terms and may not serve more than two consecutive full terms.

Board members are required to be U. S. citizens and residents of Alabama for at least six months. Professional Engineer and Land Surveyor Board members must have an active Alabama Professional Engineer/Land Surveyor license. Public members must not currently, nor ever have been, a professional engineer or land surveyor.

The Executive Director, appointed by the Board, serves in the unclassified service within the State's Merit System.

The Board operates from Special Revenue Fund 0359 maintained in the State Treasury. The Board's operating funds are derived from licensing fees and fines. The Board is subject to the State's normal budget procedures and cannot expend funds without a legislative appropriation. At the end of each non-license year of the biennial license cycle, any funds that exceed 25% of the previous fiscal year's budget are required to be transferred to the State General Fund.

Act Number 2018-550, Acts of Alabama, revised the level of end-of-year funds that triggers a transfer to 33% of the prior fiscal year's budget, effective July 1, 2018.

The Board owned nonconsumable personal property consisting of automobiles, office furniture, computers, and equipment. A comparison was done of nonconsumable personal property in the custody of the Board with property records maintained by the Property Inventory Division of the State Auditor's Office. No discrepancies were noted.

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*Schedule of State Legal  
Compliance and Other Findings*

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***Schedule of State Legal Compliance and Other Findings***  
***For the Examination Period Ended September 30, 2019***

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Ref. No.	Finding/Noncompliance
2019-01	<p><b><u>Finding:</u></b> The Board did not compute compensatory time correctly for three non-exempt employees. Overtime was computed for hours worked in excess of eight hours per day instead of a 40-hour workweek. The miscalculation of overtime resulted in the following discrepancies:</p> <ul style="list-style-type: none"><li>• One employee’s compensatory leave was overstated by 7.45 hours.</li><li>• One employee’s compensatory leave was understated by 4.5 hours.</li><li>• One employee’s compensatory time was overstated by 4.3 hours.</li></ul> <p>According to the Fair Labor Standards Act (FLSA), non-exempt employees receive overtime pay for hours worked over 40 in a workweek at a rate of not less than time and one-half their regular rate of pay.</p> <p><b><u>Recommendation:</u></b> Compensatory time should be computed based on hours worked in excess of 40 hours in a workweek.</p>
2019-02	<p><b><u>Finding:</u></b> The Board does not record compensatory time for non-exempt employees in the Government Human Resource System (GHRIS), the official time and attendance payroll/personnel system for merit system employees.</p> <p>Alabama State Personnel Board Administrative Rule 670-X-11-.06 states, “All departments shall maintain accurate and current time and leave records <i>in the official</i> time and attendance/payroll/personnel system.”</p> <p><b><u>Recommendation:</u></b> The Board should maintain accurate and current time and leave records in GHRIS, the official time and attendance/payroll/personnel system.</p>

***Schedule of Cash Receipts, Disbursements and Balances***  
***For the Period October 1, 2017 through September 30, 2019***

	2018-2019	2017-2018
<b>Receipts</b>		
Engineers/Land Surveyors License Fees	\$ 486,985.00	\$ 2,059,890.00
Administrative Penalties	20,915.00	12,184.00
Prior Year Refunds		23.74
Rents and Leases		13,992.56
Salvage Equipment or Other Property	125.82	150.14
Total	<u>508,025.82</u>	<u>2,086,240.44</u>
<b>Disbursements</b>		
Personnel Costs	410,756.77	351,138.38
Employee Benefits	155,421.44	139,530.38
Travel-In-State	24,045.85	24,928.65
Travel-Out-of-State	29,482.46	23,331.38
Repairs and Maintenance	7,112.59	842.31
Rentals and Leases	116,360.84	152,100.11
Utilities and Communications	24,790.21	25,510.43
Professional Services	145,460.04	187,938.09
Supplies, Materials and Operating Expenses	84,028.61	54,899.80
Transportation Equipment Operations	8,044.08	1,821.88
Transportation Equipment Purchases	55,470.34	
Other Equipment Purchases	49,290.98	6,770.18
Transfer to General Fund		216,804.41
Total	<u>1,110,264.21</u>	<u>1,185,616.00</u>
Excess (Deficiency) of Receipts Over Disbursements	(602,238.39)	900,624.44
Cash Balances at Beginning of Year	<u>1,587,716.98</u>	<u>687,092.54</u>
Cash Balances at End of Year	985,478.59	1,587,716.98
Reserve for Year-End Obligations	<u>(117,560.16)</u>	<u>(103,828.29)</u>
Available Cash Balances at Year-End	<u>\$ 867,918.43</u>	<u>\$ 1,483,888.69</u>

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***Board Members and Official***  
***October 1, 2017 through September 30, 2019***

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<b>Board Members</b>		<b>Term Expires</b>
Hon. Nathan G. Johnson, P.L.S., P.E.	Chairman	2025
Hon. Randall Whorton, P.E.	Member	2020
Hon. Mary H. Adams-Morales	Member	2022
Hon. Marc S. Barter, P.E.	Member	2021
Hon. Joseph F. Breighner Jr., P.L.S.	Member	2023
Hon. John E. Averrett	Member	2024
Hon. Elaine B. Walton	Member	2024
Hon. Donald W. Vaughn	Member	2023
Hon. Nanette T. Baldwin	Member	2021
Hon. Martha Elisabeth Hyde, P.E.	Member	2019
Hon. Richard G. Grace, P.E., P.L.S.	Member	2019
Hon. Arthur Frazier Christy, P.L.S., P.E.	Member	2018

**Official**

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