

**ALABAMA BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
MINUTES - MARCH 16, 2021
Montgomery, Alabama**

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

Board meeting notices are posted on the Open Meetings area of the website of the Secretary of State, and the Board's website under Dates and Deadlines. In response to the Governor's Safer At Home Orders issued in 2021, information has been placed on the Board's website advising the public how it can attend the meeting via the internet.

Prior to the 8:00 A.M. meeting start time, problems were discovered with the Microsoft Teams Meetings "Live Event" which impacted electronic attendance at the meeting by Board Members and the public. The problems were resolved at approximately 8:25 A.M.

Chair Adams-Morales called the meeting to order at 8:25 A.M., Tuesday March 16, 2021, at the Board Office in Montgomery, Alabama. She noted there was a quorum of Members present and the meeting began with the pledge of allegiance and a prayer. The following Members and Staff were in attendance.

Officers and Members Physically Present:

M. Helen Adams-Morales	Chair	
Joseph F. Breighner Jr.	Vice Chair	
Donald W. Vaughn	Secretary	Arrived 9:03 A.M.
Marc S. Barter	Member	
Nathan G. Johnson	Member	
Randall D. Whorton	Member	
John E. Averrett	Member	

Prior to the meeting Assistant Attorney General Ben Albritton verified that while Governor Ivey's Safer At Home Executive Order remained in effect the Board could meet electronically without establishing a physical quorum.

Officers and Members Participating Electronically During COVID-19 Safer At Home Order:

Elaine B. Walton	Member
Nanette T. Baldwin	Member

Staff Present:

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

Chair Adams-Morales presented a Senate Resolution, a Certificate of Appreciation and Plaque to Board Member Marc S. Barter recognizing his years of service (2012-2021) to the Board.

The proposed meeting agenda was reviewed.

21-031. IT WAS MOVED by Mr. Whorton and seconded by Mr. Averrett to adopt the agenda as proposed. MOTION CARRIED 9-0.

Minutes of the meeting of the 2020-2021 Board held on January 12, 2021, were reviewed.

21-032. IT WAS MOVED by Mr. Averrett and seconded by Mr. Breighner that the minutes of the meeting held January 12, 2021, be approved. MOTION CARRIED 9-0.

Donald W. Vaughn, Board Secretary, was unable to connect to the meeting electronically from a different location and arrived at the Board office at 9:03 A.M.

APPLICATIONS – Mr. Nathan G. Johnson, Advisor

The Board previously authorized the Executive Director to approve applications for licensure, intern certification, and examinations if the application is in order and all requirements have been met. Applications of those applying for Professional Engineer licensure by comity since January 12, 2021, as provided by Section 34-11-4(1)(b) of the Licensure Law, were considered.

Applications of those applying for Professional Engineer licensure by examination since January 12, 2021, as provided by Section 34-11-4(1)a and b, of the Licensure Law having previously passed the FE Examination in Alabama or in another jurisdiction, were considered.

Applications of those applying for Engineer Intern certification since January 12, 2021, as provided by Section 34-11-4(2) of the Licensure Law, were considered.

Applications of those applying for Professional Land Surveyor licensure since January 12, 2021, as provided by Section 34-11-4(3)a and b of the Licensure Law, were considered.

Applications of those applying for Professional Land Surveyor licensure since the January 12, 2021, having previously passed the Fundamentals of Land Surveying Examination and the Principles and Practice of Land Surveying Examination in Alabama or in another jurisdiction were considered and were approved to take the Alabama Land Surveying Standards, History, and Law Examination.

21-033. IT WAS MOVED by Mr. Averrett and seconded by Mr. Johnson that the Board ratify the approval of licenses issued since the January 12, 2021, meeting and the list of those be included in the minutes on **Attachment #1**. MOTION CARRIED 9-0.

- 21-034. IT WAS MOVED by Mr. Johnson and seconded by Mr. Breighner that the Board ratify the approval of Intern Certifications issued since the January 12, 2021, Board Meeting and that the list of those be included in the minutes on **Attachment #2**. MOTION CARRIED 8-0.
- 21-035. IT WAS MOVED by Mr. Barter and seconded by Mr. Breighner that the Board ratify the approval of exam applicants approved since the January 12, 2021, Board Meeting and approve for examination the applicants listed on **Attachment #3**. MOTION CARRIED 9-0.
- 21-036. IT WAS MOVED by Mr. Johnson and seconded by Mr. Averrett to approve for licensure the applications of Mark Thomas Kilgore and Billy Keith Mitchell Jr. MOTION CARRIED 9-0.
- 21-037. IT WAS MOVED by Mr. Johnson and seconded by Mr. Averrett to deny for licensure the professional engineer application of William John Templeton Jr. MOTION CARRIED 9-0.
- 21-038. IT WAS MOVED by Mr. Breighner and seconded by Mr. Averrett to deny for licensure the professional engineer application of Ethan David Hart. MOTION CARRIED 8-1 with Mr. Johnson voting against the motion.
- 21-039. IT WAS MOVED by Mr. Johnson and seconded by Mr. Averrett to deny for licensure the professional engineer application of Craig Andrews Russo. MOTION CARRIED 9-0.
- 21-040. IT WAS MOVED by Mr. Johnson and seconded by Mr. Averrett to deny for licensure the professional engineer application of Zakary Joel Sobotka. MOTION CARRIED 9-0.
- 21-041. IT WAS MOVED by Mr. Johnson and seconded by Mr. Averrett to deny for licensure the professional engineer application of John Brandon Peterson. MOTION CARRIED 5-4 with Mr. Averrett, Ms. Adams-Morales, Mr. Vaughn, Ms. Walton and Ms. Baldwin voting for the motion and Mr. Johnson, Mr. Barter, Mr. Breighner and Mr. Whorton voting against the motion.
- 21-042. IT WAS MOVED by Mr. Johnson and seconded by Mr. Averrett to deny for licensure the professional engineer application of Michael French Ragan. MOTION CARRIED 9-0.
- 21-043. IT WAS MOVED by Mr. Breighner and seconded by Mr. Averrett to deny for licensure the professional engineer application of Joshua Bland Donnell. MOTION CARRIED 8-1 with Mr. Johnson voting against the motion.
- 21-044. IT WAS MOVED by Mr. Johnson and seconded by Mr. Averrett to deny for licensure the professional engineer application of Ryan Joseph Olsen. MOTION CARRIED 9-0.

21-045. IT WAS MOVED by Mr. Johnson and seconded by Mr. Averrett to approve for licensure the professional engineer application of Mark Thomas Kilgore. MOTION CARRIED 9-0.

21-046. IT WAS MOVED by Mr. Johnson and seconded by Mr. Averrett to approve for licensure the professional engineer application of Billy Keith Mitchell Jr. MOTION CARRIED 8-1 with Mr. Averrett voting against the motion.

21-047. IT WAS MOVED by Mr. Barter and seconded by Mr. Breighner to close the list of inactive applications and include them on **Attachment #4**. MOTION CARRIED 9-0.

At its January 2021 meeting the Board requested Board Counsel to research the applicable law and rules relating to a professional engineer application and to provide an opinion for the Board to discuss at its March 16, 2021 meeting. After briefing from Board Counsel, the Board made the following motion:

21-048. IT WAS MOVED by Ms. Adams-Morales and seconded by Mr. Averrett to approve for licensure the professional engineer application of Carter Wentworth Terry upon his providing documentation supporting completion of the required engineering experience previously identified. MOTION CARRIED 9-0.

LEGISLATIVE, LAW AND RULES - Randall D. Whorton

The Board hosted a public hearing at 10:00 A.M. allowing individuals that wished to speak for or against proposed changes to its Administrative Code. The proposed changes were submitted to the Legislative Services Agency for publishing in the Administrative Monthly in January 2021. A public hearing was announced in that publication which also identified a written comment period ending on March 15, 2021. An email was also sent to all licensees in January 2021 informing them of the proposed rule changes and advising them to submit any written comments to the Board office by March 15, 2021.

The hearing was held electronically with a link on the Board's website for the public to access. Fifty-five individuals attended the meeting virtually, and Bill Wilson, Keith Owens, and John Corbell spoke at the public hearing. Once the speakers finished their comments the Board discussed their comments, the written comments received, and the proposed rule changes.

The Board recessed for lunch at 12:12 P.M. and came back into session at 12:55 P.M.

The Board determined to revise the original proposed rule changes based on its review of the received comments. After its discussion the Board made the following motion:

21-049. IT WAS MOVED by Mr. Barter and seconded by Mr. Whorton that the Board adopt the rules as modified and upon an affirmative vote of the Board submit them to Legislative Services Agency for review and certification. MOTION CARRIED 8-1 with Mr. Johnson voting against the motion.

The public hearing ended at 2:25 P.M.

CERTIFICATES OF AUTHORIZATION – Ms. Adams-Morales, Advisor

The Board authorizes the Executive Director to issue certificates of authorization to applying firms if the application is in order and all requirements have been met. A list of the certificate of authorizations issued since the January 12, 2021, Board Meeting were reviewed.

21-050. IT WAS MOVED by Mr. Barter and seconded by Mr. Breighner that the Board ratify the approval of the Engineering and Land Surveying Certificates of Authorization issued since the January 12, 2021, Board Meeting and the list of those issued be included in the minutes on **Attachment #5**. MOTION CARRIED 9-0.

LAW ENFORCEMENT – Ms. Elaine B. Walton, Advisor

The Board reviewed the status of the files pending with the Investigators, and the Investigative Committee. The Board was briefed on the 2020-2021 statistics.

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

21-051. IT WAS MOVED by Mr. Johnson and seconded by Mr. Breighner that the Board accept the proposed Consent Order and issue a Final Order thereby closing Case 2019-30. MOTION CARRIED 8-0 with Mr. Averrett recused.

21-052. IT WAS MOVED by Mr. Averrett and seconded by Mr. Breighner that the Board accept the proposed Consent Order and issue a Final Order thereby closing Case 2020-28. MOTION CARRIED 8-0 with Mr. Vaughn recused.

21-053. IT WAS MOVED by Mr. Vaughn and seconded by Mr. Averrett that the Board accept the recommendations of the investigative committee and close Case 2021-03 with a letter of caution. MOTION CARRIED 8-0 with Ms. Adams-Morales recused.

21-054. IT WAS MOVED by Mr. Johnson and seconded by Mr. Vaughn that the Board accept the proposed Consent Order and issue a Final Order thereby closing Case 2021-04. MOTION CARRIED 8-0 with Mr. Breighner recused.

21-055. IT WAS MOVED by Mr. Averrett and seconded by Mr. Breighner that the Board accept the recommendations of the investigative committee and close Case 2021-05 with a letter of caution. MOTION CARRIED 8-0 with Mr. Barter recused.

21-056. IT WAS MOVED by Mr. Vaughn and seconded by Mr. Breighner that the Board accept the recommendations of the investigative committee and close Case 2021-09 with no action. MOTION CARRIED 8-0 with Mr. Averrett recused.

FINANCE – Mr. John E. Averrett, Advisor

The monthly financial reports for December and January were briefed.

EXECUTIVE DIRECTOR'S REPORT

It was briefed that the Governor's Safer At Home Order was in effect until April 9, 2021. The Board also discussed the NCEES SZ meeting to be held virtually in April 2021.

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

Board Secretary Donald W. Vaughn left the meeting at 3:35 P.M. and did not return.

CORRESPONDENCE

The Board reviewed a list of individuals requesting to use the title "Professional Engineer, Retired" or "Professional Land Surveyor, Retired."

21-057. IT WAS MOVED by Mr. Averrett and seconded by Mr. Johnson that the Board ratify the approval of the individuals requesting to use the title "Professional Engineer, Retired" or Professional Land Surveyor, Retired". MOTION CARRIED 8-0.

The Board reviewed a request from Karen Roeder which asked that her client "Integrity Consulting Engineering & Security Solutions" be allowed to keep the word "Engineering" in its name without having to meet the Certificate of Authorization requirements. After review of the information submitted by Ms. Roeder, the Code of Alabama and its Rules and Regulations the Board made the following motion:

21-058. IT WAS MOVED by Mr. Johnson and seconded by Mr. Averrett that "Integrity Consulting Engineering & Security Solutions" be required to meet the certificate of authorization requirements in order to use the term "Engineering" in its name. MOTION CARRIED 8-0.

The Board reviewed a request from Cynthia Moseley that she not be required to file a new licensure application due to a death in her family. After its review of the request, and information contained in Board records the Board made the following motion:

21-059. IT WAS MOVED by Mr. Johnson and seconded by Mr. Breighner that the Board deny the request and require the applicant to submit a new application. MOTION CARRIED 6-2 with Ms. Adams-Morales and Mr. Averrett voting against the motion.

The Board reviewed a request from Susan Coates Scott which asked that the firm "Ontic Engineering and Manufacturing Inc" be allowed to keep the word "Engineering" in its name without having to meet the Certificate of Authorization requirements. After review of the information submitted by Ms. Roeder, the Code of Alabama and its Rules and Regulations the Board determined that the firm meets an exemption from the certificate of authorization requirements contained in Section 34-11-9(a)(7) of the Code of Alabama.

The Board reviewed a request from Michael Hennessey which asked that "Civil Design & Engineering Inc" be allowed to keep the word "Engineering" in its name without having to meet the Certificate of Authorization requirements. After review of the information submitted by Mr. Hennessey, the Code of Alabama and its Rules and Regulations the Board made the following motion:

21-060. IT WAS MOVED by Mr. Breighner and seconded by Mr. Barter that "Integrity Consulting Engineering & Security Solutions" be required to meet the certificate of

authorization requirements in order to use the term “Engineering” in its name.
MOTION CARRIED 6-2 with Mr. Johnson and Mr. Averrett voting against the motion.

The Board reviewed a request from Benjamin J. Crysler of Ranger Engineering Consulting that asked for an opinion as to if the creation of a GPS machine control model based on construction design documents would be considered the practice of engineering or surveying in Alabama. After review of the information submitted by Mr. Crysler, the Code of Alabama and its Rules and Regulations the Board determined an engineering or land surveying license was not necessary for this activity. However, the Board wished to inform Mr. Crysler that since the firm’s name contains the word “Engineering” it would be required to comply with the Code of Alabama requirements related to the use of the term.

CLOSING REMARKS

The Board adjourned at 4:30 P.M. The next scheduled meeting of the Board is May 18, 2021, at the Board office in Montgomery beginning at 8:00 AM.

M. Helen Adams-Morales
Chair

Joseph F. Breighner Jr.
Vice Chair

Donald W. Vaughn
Secretary

Marc S. Barter
Member

Nathan G. Johnson
Member

Elaine B. Walton
Member

John E. Averrett
Member

Randall D. Whorton
Member

Nanette T. Baldwin
Member

Submitted by: William R. Huett
Executive Director