

THE STANDARD

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Proposed Rule Changes

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Renewals



PO Box 304451 | Montgomery, Alabama 36130-4451 | www.bels.alabama.gov



ON THE COVER --

Chief Investigator Bob Herbert and Special Investigator Bill Hamil at the Emergency Managers Conference.

BOARD INFORMATION

- BELS is comprised of nine members. Five represent the engineering profession, two represent the land surveying profession, and two represent the general public.
- All members are vetted by specific nominating committees. The committees then submit a list of three names to the Governor who makes the appointment.
- Board meetings are held every two months beginning in January and are open to the public.



THE STANDARD is a publication of the Alabama Board of Licensure for Professional Engineers and Land Surveyors. Digital Editions are posted on our website.

Vulcan Park Statue Tower Observatory - Birmingham



“We are what we repeatedly do. Excellence, therefore, is not an act, but a habit.” - Aristotle

INSPIRATIONAL WORDS

COMMUNITY NEWS



Nanette Baldwin was re-appointed to the Board by Governor Kay Ivey on August 6, 2021. Her new term will expire on August 5, 2026.

Nanette is the Vice President of Regional Development for the Birmingham Business Alliance. She is an accomplished executive with vast experience in nonprofit management, community relations, public relations, nonprofit board leadership and organizational management. She is responsible for community relations and quality of place initiatives for a seven-county area, specifically: Promotes the interest and support in the business community by serving on local and regional leadership committees that involve community, economic development and workforce development. Leads BBA's efforts and coordinates staff involvement on major special projects and quality of place initiatives in the Birmingham area.

The Public Board Member Nominating Committee met virtually in June to consider candidates for one of the Public Member positions on the Board. The Board includes 5 professional engineers, 2 professional land surveyors, and 2 public members. After the meeting the committee submitted three names to the Governor for her consideration and Ms. Nanette Baldwin was re-appointed by Governor Ivey.

NCEES EXAMS

The last paper and pencil civil engineering licensure exams will take place in October 2021. After that, civil exams will move to the computer based testing (CBT) format. The 16 hour structural exam for now will continue to be offered via paper and pencil.

The Board is currently working with Heuristics LLC to implement a web based license management system. The system is in place, and is ready for the renewal cycle which began on October 5th. Information regarding some of the changes you will see when renewing your license are inside.

Two free on-demand 1 pdh webinars are available on the Board's website. The Ethical Landscape and the "Law and Code" can be accessed using the following link: <https://bels.alabama.gov/webinars/>

NEED A SPEAKER?

We cover the following:
PDH / CEU topics include:

- Enforcement Case Studies
- Ethics
- Law and Rules

If interested please email:
rick.huett@bels.alabama.gov



COMMUNITY NEWS

2022 Board Calendar

Jan 1	New Year's Day
Jan 11	First Day of legislature
Jan 11	Board Meeting
Jan 17	Martin Luther King Jr. Day
Feb 21	Presidents Day
Feb 20-26	Engineering Week
Mar 21-27	Surveying Week
Mar 8	Board Meeting
Apr 25	(State Holiday)
April 26	Last day of Legislature
May 10	Board Meeting— Lunch with Architects
May 30	Memorial Day
Jun 6	(State Holiday)
Jun 19	Juneteenth (office closed June 20)
Jul 4	Independence Day
Jul 26	Board Meeting
Sep 5	Labor Day
Sep 13	Board Meeting
Oct 10	Columbus Day
Nov 11	Veteran's Day
Nov 15	Board Meeting
Nov 24	Thanksgiving
Dec 25	Christmas Day (office closed December 26)

The Alabama Energy and Residential Codes Board (AERC) requested the Board submit three names for consideration for appointment to the Board. An email was sent to all in-state licensees requesting resumes of those interested, and after reviewing the fifty-two resumes received, the Board submitted the names of John E. Averrett, David A. Conner and Lawrence S. Crawley.



Board Staff will be in the Exhibit area of the ASPLS Fall Conference at Lake Guntersville State Park. If you're nearby, Please Stop By and Say Hello.

In July Chief Investigator Bob Herbert and Executive Assistant Bonnie Kelly attended the Alabama Society of Civil Engineers Conference at Perdido Beach, and were available to discuss Board's mission and other related issues with attendees.

In August Chief Investigator Bob Herbert and Special Investigator Bill Hamil attended the Code Officials of Alabama Conference in Gulf Shores, and were available to discuss the Board's mission with Code Officials throughout the State.

In September Rick Huett, presented an update of matters that have come before the Board to the Montgomery Chapter of ASCE in Montgomery. Issues discussed included Roster Designation, Incomplete Licensure Applications, Experience Requirements, and other Outreach Activities.

Staff Contact Information can be found by using the following link:

<https://bels.alabama.gov/about/staff/>

LEARNING BUILDER

A new Licensing Management System “LearningBuilder” is in place and will be a different experience for your interactions with the Board office. A problem some individuals have experienced with the new system relate to the email address on file in the Board’s records.

LearningBuilder uses your email address as a unique identifier. Individuals have encountered problems when the email address on file with the Board office is connected to a business they are no longer associated with. When attempting to access the system and reset their password LearningBuilder sends the password reset email to the email on file, which in many cases the individual can no longer access.

Please ensure you use an email account that you will always have access to when using your LearningBuilder account.

Also - keep in mind - Board staff does not have access to your password. You will need to use the password reset feature to reset your password.

EMAIL SENT TO LICENSEES ON SEPTEMBER 1, 2021

Great News, the BELS new database called LearningBuilder is launching today. What does that mean to you? With the new system, you as a licensee, company or applicant can -

- Log into your account and change your own address and it is a live update
- You can submit applications, complaints and payments electronically and log into your account at any time to see your status
- The continuing education log will allow you to upload your certificates and in the event you are audited the information will be available for the Board to review
- You will be able to print your fee receipt, pocket card and any email sent to you through LearningBuilder at any time

There are plenty of How To instructions on the website by going under the Licensees link, the Applications link or the Complaints link.

To get started, you will need to [Click Here](#) to set your password. Once the password is set, you can log into your account. BELS staff will not have access to your password. If you forget your password, you can reset it. Emails coming through LearningBuilder will be from info@bels.alabama.gov. Make sure you add this email to your safe senders list.

Thank you,

Alabama Board of Licensure for Professional Engineers and Land Surveyors

LEARNING BUILDER

LEARNINGBUILDER LOGIN PAGE

Alabama Board of Professional Engineers and Land Surveyors Licensing Portal

[License Search](#) [File a Complaint](#)

Individual Applicants

Log in to the site to:

- Submit an application to become a Professional Engineer, Engineer Intern, Professional Land Surveyor or Land Surveyor Intern
- Renew an existing PE or PLS License
- Check on the status of an application
- Update personal information

[Register as a new Applicant](#)

Companies

Log in to the site to:

- Submit an application for a Certificate of Authorization
- Renew an existing Certificate of Authorization
- Update Contact information

[Register a new Company](#)

Login

Enter your User ID (License Number) or Email Address and Password below to log in.

You must use your license type in front of your license/certification number.
(Ex. PE12345, PLS12345, EI12345, LSI12345)

User ID or Email

Password

[Forgot your password?](#)

☐ Remember me

[Login](#)

PLEASE DO NOT CREATE A NEW ACCOUNT IF YOU ARE ALREADY LICENSED OR HAVE STARTED AN APPLICATION. Instead [request a password](#) to the new site by clicking [here](#).

We have created a "How To" area on our website to assist you.

They can be located at the web address: <https://bels.alabama.gov/licensees/>



**Qualification Based
Selection (QBS)**



**Structural Roster
Designation Request**



**Continuing Education
Rule/Requirements**



Seal Information



How To



My BELS Account

LEARNINGBUILDER

RENEWALS

Five percent of submitted renewals will be selected for audit of the reported continuing education credits. If selected, you will be notified when you login, and will be required to upload certificates showing the hours completed. Professional Engineers must report 30 pdh. Professional Land Surveyors must also report 30 pdh; but the 30 pdh must include a 4 pdh course on the Alabama Standards of Practice for Land Surveying and a 1 pdh ethics course for 2020 and a 1 pdh ethics course for 2021.

Once you've renewed, and your renewal has been approved, the Continuing Education Log will again be available to enter courses.

Images From LearningBuilder Renewal Process

Start of Renewal Process

Professional Engineer Renewal or Reinstatement Application (1/1/2020 to 12/31/2021)

Intent to Renew

Continue

Renewals for Professional Engineers will open on October 5, 2021.

In the meantime, you may record your ongoing continuing education here.

Legacy Continuing Education Activity History

User

[117761 / User]

Learning Plan	Status	
Name Change Request	Available	Begin
Activity History	Completing Affidavit (Locked)	View

Use this area to view past exams, education, and other data that we have collected related to your license. This data was migrated from legacy systems on 9/1/2021. Any information exchanged regarding your license after that date will be contained in your current Learning Plans.

Current Continuing Education Activity History

Click - My Applications - Then - Education Log Report

My Application

Reports

Accredited School Programs

[Accredited School Programs](#)

Use this report to search for your school program to see the accreditation program dates and accreditation type accepted by the Board

Education Log

[Education Log Report](#)

Use this report to review or export your education log activities

PROPOSED RULE CHANGES

Part of moving to the new Licensing Management System requires changes to the format in which documents are submitted to the Board. Current language in the rules refer to a format that will no longer be used and that language must be revised to match the new processes.

The proposed rules will update the following:

- PE and PLS License Applications
- EI and LSI Certificate Applications
- Certificate of Authorization Applications
- Structural Engineer Roster Designation Requests
- Complaints

Along with the format submission changes the Board determined to propose a change to the experience requirements for professional land surveyor applicants. The proposed change will allow them to earn creditable work experience while still in school. This experience would be evaluated by the Board on a case by case basis and would be limited to a maximum of two years. See Page 8 Section 330-X-6-.01 Qualifying Experience.


330-X-3-.01 Form of Application for Certification and Licensure

(1) All applications for licensure shall be made ~~on a printed form or~~ in the format provided by the Board and no applications made otherwise will be accepted. ~~Applications must be clearly typewritten or computer printed and~~ all questions must be accurately and thoroughly answered. An application not properly completed, containing all the information required, or accompanied by the required fee will ~~be returned with a statement of the reason for return~~ not be accepted. As per Section 34-11-5(e), Code of Ala. 1975, application fees will not be refunded.

330-X-4-.01 Method of Payment

(1) Fees that are paid to the Board shall be made payable to the “Professional Engineers and Land Surveyors Fund”. Fees paid to the Board should be made by checks (personal, company or cashier's), credit cards or money orders. No cash or money transfers will be accepted as payment of fees. Applications not accompanied by the proper fee will ~~be returned to the applicant~~ not be accepted.

Board meetings can be viewed live via our website. Just click on the words “Board Meeting”. The meeting recording is available for 30 days after the meeting just by clicking the same link.



[HOME](#)[LICENSE SEARCH](#)[APPLICATIONS](#)[LICENSEES](#)

[BOARD MEETING – SEPT. 14, 2021](#)[PROPOSED RULE CHANGES](#)

PROPOSED RULE CHANGES

Appendix A - Chapter 330-X-4 - Fees

Application Fees

Engineer Intern/Land Surveyor Intern	\$25
Professional Engineer/Professional Land Surveyor	\$50 \$125
Act 2018-540 Eligible Individuals	No fee
Certificate of Authorization	\$100

Licensure Fees

Professional Engineer/Professional Land Surveyor	\$75
Act 2018-540 Eligible Individuals	No fee

330-X-6-.01 Qualifying Experience

In evaluating experience offered as qualifying experience under Section 34-11-4 (1), (2) and (3), Code of Ala. 1975, the Board will take into consideration the following:

- (a) Experience must be progressive and of an increasing standard of quality and responsibility and usually follows graduation.
- (b) Professional land surveyor applicants will usually gain experience by working under the supervision of a licensed professional land surveyor. Verification of experience must be by the licensed professional land surveyor supervisor, the licensed professional land surveyor associate, or in some other relationship that assures the Board that the experience received is substantially equivalent to supervision under a licensed professional land surveyor. It is the responsibility of the applicant to have the verification forms provided in the application ~~package~~ completed ~~and returned directly to the Board by the applicant~~. See Rule 330-X-3-.01(4).
- (c) Professional Engineer applicants will usually gain experience by working under the supervision of a licensed professional engineer. Experience may also be gained by working with a licensed professional engineer who closely observed the applicant's work as an associate within the same company and the same location. Verification of experience must be by the licensed professional engineer supervisor, the licensed professional engineer associate, or in some other relationship that assures the Board that the experience received is substantially equivalent to supervision under a licensed professional engineer. It is the responsibility of the applicant to have the verification forms provided in the application ~~package~~ completed ~~and returned directly to the Board by the applicant~~. See Rule 330-X-3-.01(4).
- (d) Concurrent time, that is time spent in engineering ~~or land surveying~~ work, while attending school, can only be credited as education experience or work experience but not as both.

PROPOSED RULE CHANGES

330-X-9-.01 Classification of Licensure

(3) Chapter 11, Title 34, Code of Ala. 1975 makes no specific designations as to the discipline of engineering or land surveying practice for which a license as Professional Engineer or Professional Land Surveyor shall be issued; however, the Rules of Professional Conduct, Rule 330-X-14-.03, provides that a professional engineer or professional land surveyor shall practice only in technical fields in which he or she is qualified by education, examination, and ~~or~~ experience. Discipline of examinations taken by a licensee is considered a public record.

330-X-10-.03 Reissuance of Certificates.

A licensee requesting a duplicate certificate of licensure under the provisions of Section 34-11-9.1, Code of Ala. 1975 shall file submit a request ~~form setting out the reasons for the request.~~ in the format specified by the Board. Upon receipt of the request ~~form~~ accompanied by the required fee, a duplicate certificate will be issued.

330-X-10-.05 Roster Designations

Requests for roster designation shall be made ~~on a printed form or~~ in the format provided by the Board and no requests made otherwise will be accepted. ~~Requests must be typed and~~ All questions on the request must be accurately and thoroughly answered. No fee is required.

330-X-14-.03 Qualified by Education, Examination and ~~or~~ Experience (Canon II)

The engineer or land surveyor shall act competently and use proper care in performing engineering or land surveying services for clients or employers and shall act only in fields in which qualified by education, examination and ~~or~~ experience as follows:

(a) The engineer or land surveyor shall not accept any engineering or land surveying employment, or undertake any engineering or land surveying assignment, for which he or she is not qualified by education, examination and ~~or~~ experience to perform or to carry out adequately and competently; providing and excepting, however, that an engineer or land surveyor may accept an assignment requiring education, examination and experience outside his or her field of competence only to the extent that personal engineering or land surveying services are restricted solely to those phases of the service or project in which he or she is qualified and competent, and that all other phases of such service or project shall be performed by qualified consultants, associates or employees.

(b) The engineer or land surveyor shall not affix his or her signature or seal to any engineering or land surveying plan or document dealing with subject matter on which he or she is not qualified by education, examination and ~~or~~ experience to form a dependable judgment.

PROPOSED RULE CHANGES

330-X-15-.02 Application Procedures.

(1) All applications for certificates of authorization shall be made ~~on a printed form or~~ in the format provided by the Board and no applications made otherwise will be accepted. An application not properly completed, containing all of the information required, or accompanied by the required fee will ~~be returned with a statement of the reason for return.~~ not be accepted. As per Section 34-11-5(e), Code of Ala. 1975, application fees will not be refunded.

330-X-16-.01 Complaints.

The Board may initiate action in cases where a person's actions or business entity's actions are in violation of the law. Complaints must be filed within two years of the date the violation occurred or within two years of the date of the discovery of the violation but no later than 10 years from the date of the violation. Any violation that was caused by fraud, deceit, or concealment, however, is not subject to the 10-year time limitation. Upon receipt of a signed ~~written~~ complaint from any person that an individual has violated the law and/or the rules of the Board, the Board may assemble the facts, obtain legal guidance, follow the case to completion based on the legal guidance given and begin administrative action, levy a civil administrative penalty, file a civil action, and/or refer the matter for criminal prosecution.

(1) A complaint initiated by an individual or entity against a licensee or nonlicensee shall be submitted in a format provided by the Board ~~in writing~~ and shall contain:



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 discipline for those individuals or entities who violate the applicable laws or rules.

FROM THE ENFORCEMENT DESK

RIGHT OF ENTRY

By Bob Herbert
Chief Investigator



Over the years I've had numerous telephone calls from the general public concerning the right of entry law for professional land surveyors. I thought it would be a good idea to discuss the requirements of the law and give a couple of suggestions for compliance.

In Section 34-11-2 e(1) of the Code of Alabama it states: "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."

This allows professional land surveyors to enter an adjoining property when the legal requirements have been met.

An example of what is not authorized by the law was revealed in a recent investigation. It was learned that property with a locked gate and posted with "Do Not Enter", signage, was entered by employees of a surveying firm by cutting off locks and cutting fences with no attempt to notify the landowner.



Section 34-11-2 e(2) of the Code of Alabama states: "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."



The law requires the PLS to make a reasonable effort to notify adjoining landowners upon whose land it is necessary to enter. A reasonable effort typically includes a knock on the door, leaving a note, business card, or flier at the person's home, a phone call, or email. Please remember as the professional you may be liable for any damage you cause. Also consider, if it were your property, would you want someone to enter it without your permission?

FROM THE ENFORCEMENT DESK

Enforcement Actions

Matthew S. Kountz, P.L.S. and Geo Surveying Inc - Case # 2020-25 / 2021-07 & 2021-14

An investigation determined Mr. Kountz was paid to provide surveying services for three clients and then failed to provide the services. When notified of the complaints, Mr. Kountz failed to respond to the Board and investigators were unable to make contact by email, telephone, regular and certified mail and by visiting his place of business. It was not until he was served with formal disciplinary charges that he responded to the Board's request for information. Mr. Kountz agreed to a consent order that requires him to pay a \$1,500 fine, to complete a three hour professional development ethics course sponsored by the Murdough Center, and to submit to the Board a list of his clients and their contact information every 90 days for one year. He understands the Board will select individuals from the list to contact to determine if the services provided were completed, and the consent order and final order will be public record.

Randy Scott Cook - Case # 2021-06

An investigation determined Randy Scott Cook, an unlicensed individual, offered and performed land surveying services for the property of a client by locating property section lines, property boundary corners, and producing a legal description with a drawing. A Board Technical Advisor reviewed the documents prepared by Mr. Cook and stated in a report that the services provided were within the practice of land surveying and required licensure. Mr. Cook agreed to a consent order that required him to pay a \$2,500 civil penalty to the State of Alabama General Fund, to pay \$72 for the cost of the investigation to cease and desist the practice of land surveying until he is issued a professional land surveyor license by the Board, and the



In 2006 the Alabama Legislature designated the Black Bear to be the official state mammal of Alabama.

Black bears in Alabama are normally black with a brown muzzle and an occasional white blaze on the chest. Average body weights range from 150 to 350 pounds for adult males and 120 to 250 pounds for females with body lengths from 3 to 6 feet. Black bears are classified as carnivores even though their omnivorous diet consists mainly of plant material.

Image from Alabama Archives and History Website www.forestryimages.org

FROM THE ENFORCEMENT DESK

James G. Chitwood, P.E. - Case # 2021-19

An investigation determined James G. Chitwood, notified his employer of his intent to resign from the firm and to start his own firm. Prior to his departure, he used the firm's resources and forwarded a number of the firm's project-related documents to his personal email address. These emails were related to existing projects or opportunities that his employer was pursuing.

Mr. Chitwood agreed to a consent order that required him to pay the Board a fine of \$4,000, to complete the three (3) professional development hour course (Incident at Morales) sponsored by the Murdough Center for Engineering Professionalism at Texas Tech University within three months of the date of the Final Order and the Consent Order and Final Order would be public records.

Kevin R. Adams, P.E. - Case # 2021-20

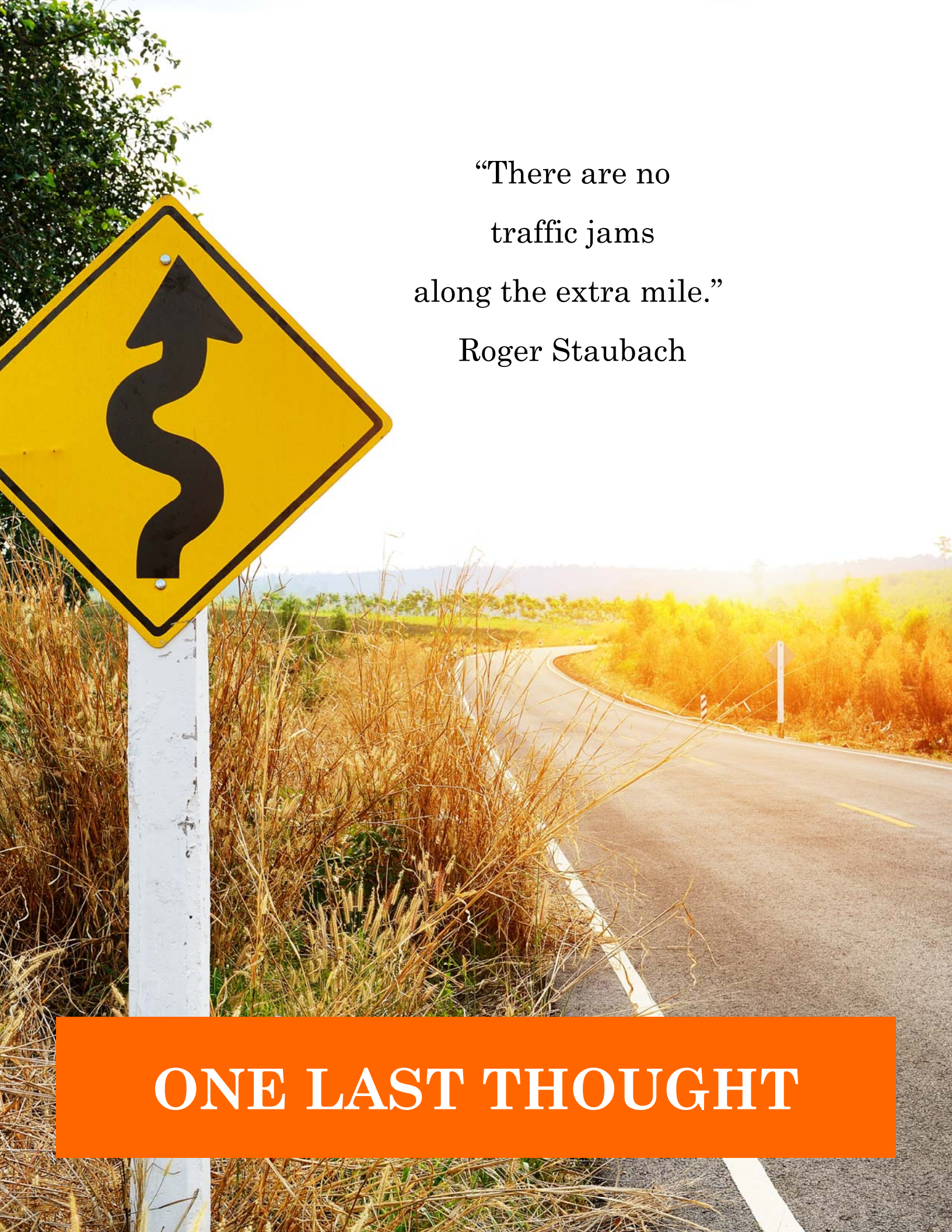
An investigation determined that on January 19, 2021 the North Carolina Board of Examiners for Engineers and Surveyors (NCBEES) revoked the professional engineer license of Kevin R. Adams. The revocation became effective on March 10, 2021. The investigation by NCBEES stemmed from a complaint in 2019 that Mr. Adams "affixed his seal to inadequate design documents, failing to protect the public [.0701 (b)]; failed to properly certify plans by using a facsimile signature [.1103(a)(3)]; and failed to conduct practice in order to protect the public health, safety and welfare [.0701 (b)] by inadequate knowledge of project owner criteria and use and accepting project data and criteria without verifying it, to include verification in the field". Mr. Adams agreed to a consent order that required his Alabama professional engineer license to be suspended until such time as his North Carolina license could be reissued to him, and the Consent Order and Final Order would be public records.

Edwin L. Heim Company - Case # 2021-24

An investigation determined that Edwin L. Heim Company entered into a contract with BAE Systems and provided electrical and mechanical engineering design plans for a project in Aniston, Alabama without obtaining a certificate of authorization issued by the Board. The firm agreed to a consent order that required it to pay a \$1,000 civil penalty to the General Fund, to pay \$123 to the Board for the cost of the investigation, and the consent order and final order would be a public record.

COMPLAINTS RESOLVED

	Professional Engineers	Professional Land Surveyors	Unlicensed Engineering	Unlicensed Surveying	Total
FY2021	8	9	10	1	28
FY2020	11	8	10	2	31
FY2019	20	5	17	2	44
FY2018	12	6	11	5	34
FY2017	12	3	8	0	23



“There are no
traffic jams
along the extra mile.”

Roger Staubach

ONE LAST THOUGHT