

**ALABAMA BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
MINUTES – NOVEMBER 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. The public can also attend the meeting virtually via the “Board Meeting” link on the website.

Chair Breighner called the meeting to order at 8:07 A.M., Tuesday November 16, 2021, at the Board Office in Montgomery, Alabama. He 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:**

Joseph F. Breighner Jr.	Chair
Donald W. Vaughn	Vice Chair
John E. Averrett	Secretary
Nanette T. Baldwin	Member
Randall D. Whorton	Member
Gregory O. Robinson	Member
Elaine B. Walton	Member
Nathan Johnson	Member

**Officers or Members Participating Remotely:**

M. Helen Adams-Morales	Member
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**Staff Present:**

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

The proposed meeting agenda was reviewed.

22-001. IT WAS MOVED by Mr. Averrett and seconded by Mr. Robinson to adopt the agenda as proposed. MOTION CARRIED 9-0.

Minutes of the meeting of the 2020-2021 Board held on September 14, 2021, were reviewed.

22-002. IT WAS MOVED by Mr. Johnson and seconded by Ms. Walton that the minutes of the meeting held September 14, 2021, be approved. MOTION CARRIED 9-0.

**APPLICATIONS** – Mr. Nathan G. Johnson, Advisor

Board staff asked the Board for guidance regarding applications in which the individual fails to answer a question on the application completely or truthfully. The Board gave general guidance and instructed that this type issue be evaluated on a case-by-case basis.

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 since September 14, 2021, as provided by Section 34-11-4(1)a.1 and a.2, of the Licensure Law having previously passed the FE Examination in Alabama or in another jurisdiction, were considered.

Applications of those applying for Professional Engineer licensure by comity since September 14, 2021, as provided by Section 34-11-4(1)(b) of the Licensure Law, were considered.

Applications of those applying for Engineer Intern certification since September 14, 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 September 14, 2021, as provided by Section 34-11-4(3)a and b of the Licensure Law, were considered.

22-003. IT WAS MOVED by Ms. Baldwin and seconded by Mr. Robinson that the Board ratify the approval of licenses issued since the September 14, 2021, meeting and the list of those be included in the minutes on **Attachment #1**. MOTION CARRIED 9-0.

22-004. IT WAS MOVED by Mr. Vaughn and seconded by Mr. Averrett to deny for licensure the professional engineer applications of Justin Ronald Deel, Dane A. Stivers, II, Wesley Randolph Godwin, Christopher Patrick Noble, Jr., and Nicholas Ryan Lowe. MOTION CARRIED 9-0.

22-005. WAS MOVED by Mr. Averrett and seconded by Mr. Vaughn that the Board ratify the approval of Intern Certifications issued since the September 14, 2021, Board Meeting and that the list of those be included in the minutes on **Attachment #2**. MOTION CARRIED 9-0.

**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 September 14, 2021, Board Meeting were reviewed.

22-006. IT WAS MOVED by Ms. Walton and seconded by Mr. Robinson that the Board ratify the approval of the Engineering and Land Surveying Certificates of Authorization issued since the September 14, 2021, Board Meeting and the list of those issued be included in the minutes on **Attachment #3**. MOTION CARRIED 9-0.

Fiber Rise Communications submitted a certificate of authorization for engineering application that indicated its managing agent, was not physically located in the designated Huntsville office full time. After it's review and discussion the Board made the following motion:

22-007. IT WAS MOVED by Ms. Baldwin and seconded by Mr. Averrett to deny the certificate of authorization application of Fiber Rise Communications LLC. MOTION CARRIED 9-0.

**LAW ENFORCEMENT** – Ms. Elaine B. Walton, Advisor

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

22-008. IT WAS MOVED by Mr. Vaughn and seconded by Ms. Walton that the Board accept the proposed Consent Order and issue a Final Order thereby closing Case 2021-10. MOTION CARRIED 8-0 with Mr. Johnson recused.

22-009. IT WAS MOVED by Mr. Johnson and seconded by Mr. Whorton that the Board accept the proposed Consent Order and issue a Final Order thereby closing Case 2021-16. MOTION CARRIED 8-0 with Mr. Vaughn recused.

22-010. IT WAS MOVED by Mr. Robinson and seconded by Ms. Baldwin that the Board accept the proposed Consent Order and issue a Final Order thereby closing Case 2021-33. MOTION CARRIED 8-0 Mr. Breighner recused.

22-011. IT WAS MOVED by Ms. Baldwin and seconded by Mr. Averrett that the Board accept the recommendations of the investigative committee and close Case 2021-31 with a letter of caution. MOTION CARRIED 8-0 with Ms. Adams-Morales recused.

22-012. IT WAS MOVED by Ms. Walton and seconded by Mr. Averrett that the Board accept the proposed Consent Order and issue a Final Order thereby closing Case 2020-22. MOTION CARRIED 8-0 Mr. Johnson recused.

**CONTINUING PROFESSIONAL COMPETENCY** – Ms. Helen Adams-Morales, Advisor

Mr. Rich Deerman submitted a request that the Board provide clarification on Rule # 330-X-13-.02(12) which outlines the records needed to support continuing professional competency course completion. After its discussion the Board determined that it would not propose any changes to the rule at this time; but would review the rule again at a future date.

**FINANCE** – Mr. John E. Averrett, Advisor

The monthly financial report for September was briefed.

## **PUBLIC HEARING – PROPOSED RULE CHANGES**

The Board was advised at its September 14, 2021 meeting that the proposed rule changes previously discussed had been submitted to the Legislative Services Agency and published in the Administrative Monthly on August 31, 2021.

At 10:00 AM, a public hearing convened regarding the proposed rule changes. Mr. Eric Fontenot, and Mr. Larry Atkinson spoke to the Board via web conference. The Board then reviewed the written comments received; and discussed the proposed rule changes. The Board then made the following motions:

22-013. IT WAS MOVED by Mr. Johnson and seconded by Mr. Vaughn to amend the proposed rule change regarding Rule # 330-X-9-.01 by replacing the word “and” with “or” in one location, and Rule # 330-X-14-.03 by replacing the word “and” with “or” in four locations. MOTION CARRIED 9-0.

22-014. IT WAS MOVED by Mr. Johnson and seconded by Mr. Vaughn to submit the proposed rule changes as amended to the Legislative Services Agency for certification. MOTION CARRIED 9-0.

## **EXECUTIVE DIRECTOR’S REPORT**

The Board discussed scheduling a lunch meeting with the Architect’s Board for Tuesday May 10, 2022, to discuss mutual issues.

The Board chose Chair Breighner, Vice Chair Vaughn, and Member Adams-Morales to serve as its NCEES funded delegates to the NCEES Southern Zone Meeting to be held in April 2022.

## **CORRESPONDENCE**

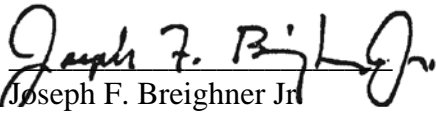
The Board reviewed a list of individuals requesting to use the title "Professional Engineer, Retired" or "Professional Land Surveyor, Retired."

22-015. 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 9-0.

The Board reviewed and approved a draft letter to be sent to Dr. George Flowers of Auburn University regarding a request made by Dr. Michael A. Perez. The letter concerns a graduate certificate in Construction Engineering being developed by the Civil and Environmental Engineering Department of the University

## **ADJOURN TIME**

The Board adjourned at 11:45 AM The next scheduled meeting of the Board is January 11, 2022, at the Board office in Montgomery beginning at 8:00 AM.



Joseph F. Breighner Jr

Chair



John E. Averrett

Secretary



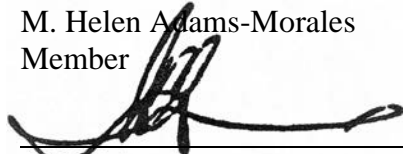
Nathan G. Johnson

Member



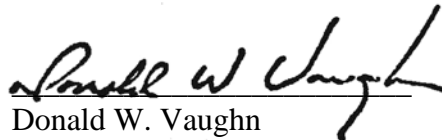
M. Helen Adams-Morales

Member



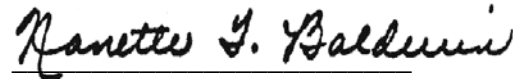
Gregory O. Robinson

Member



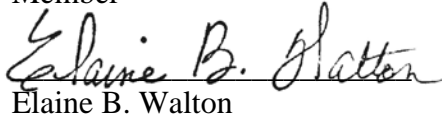
Donald W. Vaughn

Vice Chair



Nanette T. Baldwin

Member



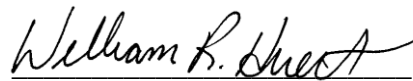
Elaine B. Walton

Member



Randall D. Whorton

Member



Submitted by: William R. Huett

Executive Director

**Attachment #1, November 16, 2021.**

22-003. IT WAS MOVED by Ms. Baldwin and seconded by Mr. Robinson that the Board ratify the approval of licenses issued since the September 14, 2021, meeting and the list of those be included in the minutes on **Attachment #1**. MOTION CARRIED 9-0.

**Attachment #2, November 16, 2021.**

22-005. WAS MOVED by Mr. Averrett and seconded by Mr. Vaughn that the Board ratify the approval of Intern Certifications issued since the September 14, 2021, Board Meeting and that the list of those be included in the minutes on **Attachment #2**. MOTION CARRIED 9-0.

**Attachment #3, November 16, 2021.**

22-006. IT WAS MOVED by Ms. Walton and seconded by Mr. Robinson that the Board ratify the approval of the Engineering and Land Surveying Certificates of Authorization issued since the September 14, 2021, Board Meeting and the list of those issued be included in the minutes on **Attachment #3**. MOTION CARRIED 9-0.