

THE STANDARD

The background of the cover is a photograph of a construction site. On the left, there are several large, grey concrete pillars supporting a structure. To the right, a tall yellow tower crane stands against a bright, orange-hued sky, likely at sunset or sunrise. In the lower right, the skeletal frame of a building under construction is visible, with rebar protruding from the concrete. The overall scene is industrial and captures a moment of active construction.

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The Proposed Rule Changes become effective January 14, 2022. Look inside for details.

BOARD INFORMATION

- BELS is comprised of nine members. Five professional engineers, two professional land surveyors, and two public members.
- 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.



NEED A SPEAKER?

We cover the following:

PDH / CEU topics include:

- Enforcement Case Studies
- Ethics
- Law and Rules

If interested please email:

r:ick.huett@bels.alabama.gov

COMMUNITY NEWS



Joseph F. Breighner, Jr., P.L.S.

CHAIR

At its September meeting the Board elected officers for FY 2021-2022. Joseph F. Breighner Jr., PLS was elected Chair, Donald W. Vaughn, P.E., Vice Chair, and John E. Averrett, P.E., Secretary.

Chair Breighner is Executive Vice President and Chief Land Surveyor for Walter Schoel Engineering Company Inc, located in Birmingham.

Vice Chair Don Vaughn retired in 2012 as the Chief Engineer of the of Alabama Department of Transportation.

Secretary John Averrett is Executive Vice President - Electrical Engineering for Goodwyn Mills and Cawood Inc., a Montgomery based firm.



Donald W. Vaughn, P.E.

VICE CHAIR



John E. Averrett, P.E.

SECRETARY

2022 BOARD CALENDAR

Board Meetings, Holidays and Other Significant Dates for the Board.

| | |
|---------------------|---|
| January 1 | New Year's Day |
| January 11 | First Day of legislature |
| January 11 | Board Meeting |
| January 17 | Martin Luther King Jr. Day |
| February 17 | Mardi Gras Day (Observed only in Baldwin & Mobile Counties) |
| February 20-26 | Engineering Week |
| February 21 | Presidents Day |
| March 8 | Board Meeting |
| March 21-27 | Surveying Week |
| April 25 | State Holiday |
| April 26 | Last day of Legislature |
| May 10 | Board Meeting - Lunch with Architects |
| May 30 | Memorial Day |
| June 6 | State Holiday |
| July 4 | Independence Day |
| July 26 | Board Meeting |
| September 5 | Labor Day |
| September 20 | Board Meeting |
| October 10 | Columbus Day |
| November 11 | Veteran's Day |
| November 15 | Board Meeting |
| November 24 | Thanksgiving |
| December 25 | Christmas Day (office closed on December 26) |

Eastern Wild Turkey

Official Game Bird of Alabama

The wild turkey is one of the most common gamebirds in the United States. It is also one of the most difficult to hunt because of its craftiness and very timid nature. The Alabama Game and Fish Division of the Department of Conservation and Natural Resources established a wild turkey restocking program in the 1940s to compensate for a turkey shortage caused by over-hunting. Now, Alabama has one of the largest per acre populations of wild turkeys of any state in the United States. (*Alabama Department of Archives website*)



FROM THE ENFORCEMENT DESK

Audit, Then and Now

Throughout the years we have been asked why we conduct an audit and if it's even needed in the first place. In the past an audit took place a few months after a renewal cycle. Approximately 5% of the renewed licensees were selected for audit via a computer process. Also, in the past the Board staff who reviewed those selected for audit were provided with a wide variety of documents to show the licensee earned the required continuing education hours for renewal. These documents included everything from hotel receipts, airline tickets, receipts from a conference, training schedule, etc... Many times, it would take months to complete the review process of these audits. Most years there would be several licensees that did not comply with gaining the appropriate number of continuing education hours as required to renew, and an investigation would be opened regarding their conduct.



In past audits both professional engineers and professional land surveyors have been found to have blatantly ignored the required continuing education hours as required by the law and code. The investigation that resulted would go through its processes and ultimately the licensee would be held accountable for their actions with disciplinary action taken against their license.

From start to finish the audit process to include the investigation could take from four to six months. This is very taxing for the limited Board investigative staff that is charged with both the audit evaluations as well as the more comprehensive investigations.

In 2014 the requirements for the type of documents required to show completion of continuing education courses changed. The Administrative Code Section 330-X-13-.02 (12) now states: *Records - The responsibility of maintaining records which can be used to support credits claimed is the responsibility of the licensee. Records required are **completion certificates** showing PDH credits earned. These records must be maintained for a period of four years and copies must be furnished, if requested, to the Board for audit verification purposes. These records should not be furnished with the renewal application.*

The audit process was evaluated by Board staff over the years to simplify the process as well as make it easier for all licensees. As of October 5, 2021, a new Board Licensing Management System was implemented and changes to the audit process have been integrated into the new system. You will be notified during the renewal process if you are selected for audit. When you get to the step regarding continuing education hours it will require you to: log the training, the number of hours earned, and upload a certificate of completion.

Continued on Page 7

FROM THE ENFORCEMENT DESK

David Alan Milstead - Case # 2020-22

An investigation determined David Milstead, a licensed architect, performed engineering services for two projects in the State of Alabama that included engineering work that was more than incidental to the practice of engineering.

Mr. Milstead agreed to a consent order that required him to pay a \$1,500 civil penalty to the State of Alabama General Fund, to pay the Board \$300 for the cost of the investigation, and the consent order and final order would be public records.

Ronald J. Lott - Case # 2021-10

An investigation determined Ronald J. Lott, an unlicensed individual, entered into an agreement with a client to provide construction services for a commercial remodel project in Alabama. Mr. Lott represented that in the past he had been an engineer and architect, and created design plans that were submitted to structural, mechanical and electrical professional engineers for their review, signature and professional seal.

Mr. Lott agreed to a consent order that required him to pay a \$3,500 civil penalty to the State of Alabama General Fund, to pay the Board \$192 for the cost of the investigation, to cease and desist the practice of engineering until he is issued a professional engineer license by the Board, and the consent order and final order would be public records.

Bobby G. Bailey, PE - Case # 2021- 16

An investigation determined that between December 2019 and December 2020, Bobby Bailey, professional engineer, submitted multiple Applications for Permits to Install a Small Flow On-site Sewage Disposal System to the Health Department that contained errors and inaccurate information.

Mr. Bailey agreed to a consent order that required him to pay a \$1,000 fine to the Board, to submit a monthly list of clients with the understanding that clients will be selected from the list to determine if the work performed is compliant with the standards of practice for engineering, to complete two Board approved educational courses for the Installation of Small Flow Onsite Sewage Disposal Systems and the associated guidelines required by the Alabama Department of Public Health, and the consent order and final order would be public records.

COMPLAINTS RESOLVED

| | Professional Engineers | Professional Land Surveyors | Unlicensed Engineering | Unlicensed Surveying | Total |
|-------------------|------------------------|-----------------------------|------------------------|----------------------|-------|
| FY2022 1st Qtr | 1 | 0 | 4 | 0 | 5 |
| FY2021 | 8 | 9 | 10 | 1 | 28 |
| FY2020 | 11 | 8 | 10 | 2 | 31 |
| FY2019 | 20 | 5 | 17 | 2 | 44 |

FROM THE ENFORCEMENT DESK

Bobby G. Bailey, PE - Case # 2021- 16

for engineering, to complete two Board approved educational courses for the Installation of Small Flow Onsite Sewage Disposal Systems and the associated guidelines required by the Alabama Department of Public Health, and the consent order and final order would be public records.

Taylor & Viola Structural Engineers - Case # 2021- 33

An investigation determined the firm, Taylor & Viola Structural Engineers, offered engineering services for five projects in the State of Alabama without being issued a certificate of authorization for engineering by the Board.

The firm agreed to a consent order that required it to pay a \$3,000 civil penalty to the State of Alabama General Fund, to pay the Board \$42 for the cost of the investigation, and the consent order and final order would be public records.

INTERN CERTIFICATES AND PROFESSIONAL LICENSES ISSUED 10/1/2021 TO 12/31/2021

| INTERNS | Issued | <u>FY 2022</u> <u>Total</u> | LICENSEES | Issued | <u>FY 2022</u> <u>Total</u> |
|---------------|--------|--------------------------------|---------------|--------|--------------------------------|
| Engineer | 83 | 83 | Professional | 200 | 200 |
| Intern | | | Engineer | | |
| Land Surveyor | 0 | 0 | Professional | 1 | 1 |
| Intern | | | Land Surveyor | | |

COMPANY CERTIFICATES ISSUED 10/1/2021 TO 12/31/2021

| Certificate Type | Issued | FY 2022 Total |
|------------------|--------|---------------|
| Engineering | 84 | 84 |
| Land Surveying | 8 | 8 |

RULE CHANGES

Part of moving to the new Licensing Management System required changes to the format in which documents are submitted to the Board. The language in the rules now refers to a different format that matches the new processes. The rule changes updated the following:

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

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.

(From Page 4)

Once you have entered the required number of hours for renewal and completed the rest of the renewal process it will be sent electronically to a Board Investigator for review. The investigator will review all information and documents associated with the audit and if they find an issue with any of the entered information, they will send an inquiry back to you to answer. This may include you having to provide additional documentation for the listed training. Once you have supplied all needed information back to the investigator it will once again be evaluated. If the audit information is accepted, then the renewal application will be authorized, and you will be notified that your renewal has been accepted. If the reviewer does not accept the returned documentation as information that would support the training hours listed, then you would be notified that the information was rejected. You would then need to provide additional information for the continuing education hours listed; or earn additional continuing education hours to replace that rejected training course. If a course you reported is rejected, you will have 90 days to replace it with another course.

The new system has significantly expedited the audit process and will reduce the number of investigations regarding the continuing education requirements.

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.

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.

FINANCIAL STATS

REVENUE

| | |
|---|------------------|
| FY 2021 Carry Forward | \$1,885,168.04 |
| Renewals | \$320,400 |
| Late Penalties | \$34,850 |
| Reinstatements / Reissuance | \$21,200 |
| Applications Licensure | \$173,175 |
| Exams | \$1,900 |
| Fines Costs Civil Penalties | \$25,120 |
| Civil Penalties to General Fund | (\$14,750) |
| Duplicate Certificates | \$375 |
| Less Returned Online Renewal Payments | (\$100) |
| Less Returned Check Charges | (\$100) |
| Sale of Surplus & Miscellaneous | \$145.60 |
| Total FY 2021 Recognized Revenue | \$562,070 |

BELS is a self-funded agency. Its authorization to spend funds is granted by the state legislature through the annual passage of the General Fund Budget. The funds needed to cover expenditures are derived from licensure related fees, and fines collected from disciplinary actions regarding licensees and certificated companies. Monetary penalties collected from unlicensed individuals or firms offering engineering or land surveying services are transferred to the General Fund. BELS is permitted to carry over a portion of its funds

REVENUE

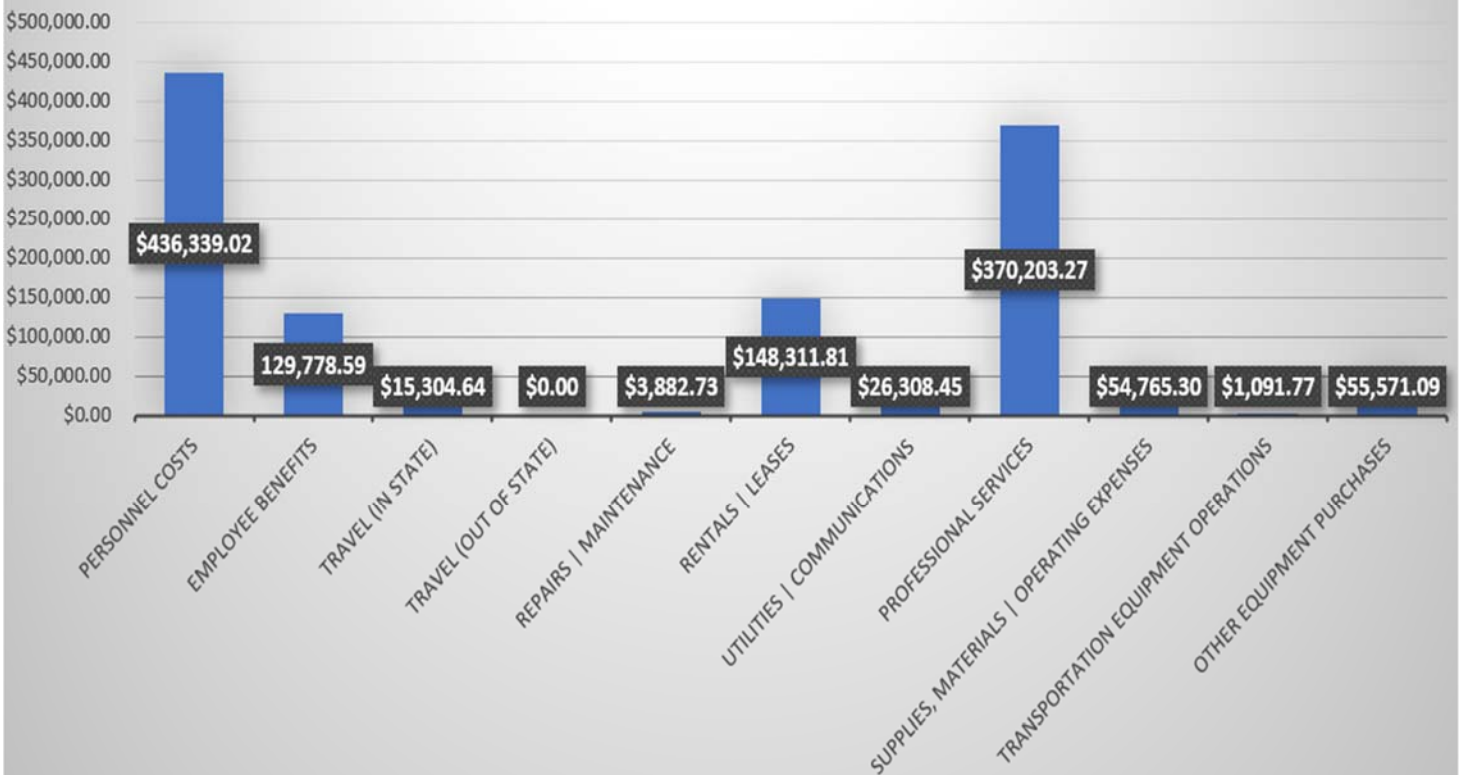


FINANCIAL STATS

EXPENDITURES

| | |
|--|-------------------------|
| Personnel Costs | \$436,339.02 |
| Employee Benefits | 778.59 |
| Travel (In State) | \$15,304.64 |
| Travel (Out of State) | ————— |
| Repairs Maintenance | \$3,882.73 |
| Rentals Leases | \$148,311.81 |
| Utilities Communications | \$26,308.45 |
| Professional Services | \$370,203.27 |
| Supplies, Materials Operating Expenses | \$54,765.30 |
| Transportation Equipment Operations | \$1,091.77 |
| Other Equipment Purchases | \$55,571.09 |
| TOTAL FY 2021 EXPENDITURES | (\$1,241,556.67) |
| TOTAL FY 2020 EXPENDITURES in FY 21 | (\$17,449.04) |
| TOTAL EXPENDITURES | (\$1,259,005.71) |

EXPENDITURES





"If you are working on something exciting that you really care about, you don't have to be pushed.

The vision will pull you."

Steve Jobs

ONE LAST THOUGHT