

THE STANDARD

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IEEE

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ISSUE No. 10

ON THE COVER --

Abbreviations of the Organizations that make-up the Board Member Nominating Committees.

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 meeting are held every two months beginning in January and are open to the public.

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

Staff Contact Information can be found by using the following link:
<https://bels.alabama.gov/about/staff/>



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



The Alabama Chapter of ASCE held a press conference in Montgomery on March 31, 2022 in reference to the Release of the ASCE Alabama Infrastructure Report Card and Legislative Day. Lt. Governor Will Ainsworth and Senator Clyde Chambliss spoke to the attendees.

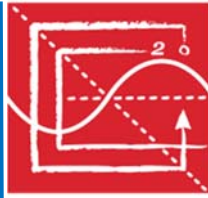
National Surveyors Week March 20 - 26



The Code Officials Association of Alabama will host its annual education conference May 2 - 6 in Orange Beach.

NOMINATING COMMITTEE MEETING

The PE Board Member Nominating Committee will meet May 19, 2022 to consider candidates for an up-coming vacancy on the Board. The Committee will select three candidates to submit to Governor Ivey for her consideration.



NCEES
*advancing licensure for
engineers and surveyors*

NCEES EXAMS

The NCEES Structural exams are moving to a computer based format by 2024. The following dates are possibly the last scheduled pencil and paper exams.

	Year	Date
Structural Vertical	2022	Apr 21, Oct 20
	2023	Apr 13, Oct 26
Structural Lateral	2022	Apr 22, Oct 21
	2023	Apr 14, Oct 27

LUNCH WITH ARCHITECTS



ALABAMA BOARD OF
ARCHITECTS

The Board will host Lunch with The Architect's Board later this year. This is a chance for the two boards to get together to discuss issues of mutual interest to both professions.

2022 Board Calendar—3rd Quarter

- April 25 State Holiday
- April 26 Last day of Legislature
- May 19 Board Meeting
- May 19 PE Nominating Committee Meeting
- May 30 Memorial Day
- June 6 State Holiday

The CA Sub-Committee met on March 28, 2022, and discussed possible changes to the current Certificate of Authorization requirements.

HELP WANTED

“Help Wanted” signs are everywhere these days and the Board is no exception.

I’ll get back to that in a moment, but first let me send a **Great Big Thank You!!!** to the professional engineers and professional land surveyors serving as Board Technical Advisors who currently provide so much of their time assisting the Board to conduct fair and impartial investigations. This work is essential when an allegation has been made that a professional may have acted outside their area of competency.

Now that being said, - We need more Advisors.

What does an Advisor do? Here is a general overview of the process:

A review of the questioned documents is conducted by the Advisor at their location. If possible, an Advisor residing in a different geographic region of the State than where the alleged violation occurred is selected to review the design plans or survey documents for violations of the applicable standards of practice. The Advisor provides a review of the documents, then submits a report to the Investigator. The subject of the investigation is then provided a copy of the report with the Advisor’s identification removed. The Subject can provide a response to the report and that response is submitted to the Advisor for review. The Advisor then notifies the Investigator if the information provided by the Subject changed their opinion.

If the matter must be presented at a formal hearing the Advisor would be subpoenaed to testify at the hearing. Formal hearings requiring an Advisor to attend are rare; but they do happen. If subpoenaed the advisor is eligible for reimbursement for mileage and overnight per diem at the applicable state rate.

The Board understands there will be times when an Advisor may not have sufficient time to commit to a review. Simply let us know and another Advisor will be selected.

If interested, (and I hope you are) please email a brief resume of your practice area, education and experience to robert.herbert@bels.alabama.gov. We hope to hear from you soon!

A perk - Advisors can earn up to 10 pdh per year for the work they do for the Board.

COMPLAINTS RECEIVED					
	Professional Engineers	Professional Land Surveyors	Unlicensed Engineering	Unlicensed Surveying	Total
FY2022	7	4	13	0	24
FY2021	11	6	14	2	33
FY2020	8	9	10	2	29
FY2019	15	5	11	0	31

FOCUS ON SOCIETIES

Board Member Nominating Committees for professional engineers and professional land surveyors are made up of State chapters of professional societies or associations. The PE nominating committee will meet in May to consider individuals for a Board member position that would begin in July. The committees consists of a representative from nine organizations and a brief description of each member organization follows:



The Alabama Section of the American Society of Civil Engineers (ASCE) is a non-profit professional organization representing over 1,600 Civil Engineers and civil engineering students throughout the great state of Alabama. The Section provides its membership with professional and technical opportunities to advance the science and profession of civil engineering. The organization provides programs and opportunities for the community, educators and students to learn about the Civil Engineering profession.



The Alabama Society of Professional Engineers, was founded in 1951 to protect and promote the profession of engineering as a social and economic influence vital to society. ASPE is a State Society of the National Society of Professional Engineers. ASPE's members include licensed professional engineers, engineer interns, engineering students in all disciplines of the profession. ASPE members work in industry, government, private practice and education.



ACEC's mission is to strengthen the business environment for its Member Firms through advocacy, promoting public awareness, improving business and professional practices, and providing effective member programs and services. Its vision is a council of engineering companies, working collaboratively for the benefit of society, our communities, and the profession we serve while promoting the business interests of Member Firms.



IEEE's core purpose is to foster technological innovation and excellence for the benefit of humanity. The Alabama Section, established on May 22, 1929, is the largest in the state, covering 46 of Alabama's 67 counties. It includes not only the greater Birmingham area, but also the Montgomery Subsection, and in the year 2000 had 759 Members, 177 Senior Members, and 18 Fellows. Two other Sections in Alabama are located in Huntsville and Mobile.

FOCUS ON SOCIETIES



SEA of AL was founded in 1998 to advance and advocate excellence in structural engineering and to aid in safeguarding the public. In 2018, it celebrated 20 years of living its mission in Alabama.



The Association of County Engineers of Alabama is an affiliate of the Association of County Commissions of Alabama. The ACEA was established on September 4, 1952 in order to promote sound road and bridge infrastructure along county roads across Alabama through an exchange of ideas among engineering professionals and by maintaining cooperation between the Alabama counties and the Alabama Department of Transportation.

ACEA is comprised of the County Engineers and Assistant Engineers from all of Alabama's sixty seven (67) counties. The purpose of the Association is to promote the construction and maintenance of good roads in the Counties of Alabama, to promote the spirit of cooperation between the County Road Departments and the Alabama Department of Transportation, and by the exchange of ideas, to give all Counties the advantages of the Engineering profession.

SME The **Alabama Section** is a legally constituted unit of the Society for Mining, Metallurgy & Exploration, Inc., encompassing a specific geographical area. Its members are given the opportunity to network with their peers and hear valuable presentations through its activities.

AIChE and ASME are not featured in this issue.

PROFESSIONAL LAND SURVEYOR NOMINATING COMMITTEE



The **Alabama Society of Professional Land Surveyors** is a non-profit organization of Licensed Land Surveyors, para-professionals, students, and businesses promoting the continued education of its members and dedicating itself to the promotion and protection of the profession of land surveying.

FY 2021-2022 CREDENTIALS ISSUED

<u>Credentials</u>	<u>1st Quarter</u>	<u>2nd Quarter</u>	<u>3rd Quarter</u>	<u>4th Quarter</u>	<u>FY 2022 Total</u>
Engineer Intern	84	66	-	-	150
Surveyor Intern	1	2			3
Professional Engineer	354	310	-	-	664
Professional Land Surveyor	2	5			7
Engineering Company	90	75	-	-	165
Land Surveying Company	10	5			15

POLICY CHANGE

At its March 8, 2022 meeting the Board determined to revise its policy regarding qualifying licensure experience gained via “Remote Supervision”. The updated policy is on the Board’s website in the “Applications” area. It states the following:

“While it cannot be disputed that the benefits of face-to-face mentoring and supervision of engineer or land surveyor interns cannot be overemphasized; it is also recognized that a certain degree of benefit can be realized through mentoring and supervision by using electronic communication platforms. With the need to conduct business not only in person, but virtual interaction with business clients becoming more acceptable and necessary in today’s business climate, the use of technological communication tools have become a necessity in modern business interactions. This is true not only for client interactions, but it is also essential for employee communication and training.

The Board will recognize remote supervision of engineers and land surveyors, but only on a case-by-case basis.

- An active formal training and supervision plan must be developed by a company wishing to employ remote supervision techniques, that describes, in detail, the methodologies to be employed for remote supervision, the frequency of in person face-to-face interaction, and the frequency of virtual contact between the engineer and/or land surveyor intern and the supervisor.
- The company will be responsible for implementing and maintaining a plan that is consistent for all interns, guides the intern towards progressive knowledge and responsibility, and shall include a requirement stating that a majority of the supervised training shall be in person face-to-face interaction.
- Documented evidence must be provided to the Board that clearly shows adherence to the remote supervision plan demonstrates increased responsibility.”

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

Truth or Consequences?

When the Alabama Board of Professional Engineers and Land Surveyors receives an application for licensure it goes through a review process. In the past, the applications were submitted by paper and the numerous pages were evaluated by hand.

The licensure application was somewhat limited on the amount of wording/clarification that could be provided on the form. At times an individual would answer “No” if they had been arrested for a misdemeanor/felony when they actually had been but due to the lack of space for additional clarification language in the question this was erroneously interpreted by the applicant.

The background review process for all applicants has been standard with our agency for nearly 20 years. In reviewing the applicants background history, the Board staff process each applicant through Alacourt, Accurint (once known as LexisNexis), and NCEES Enforcement Exchange to verify if they had any criminal or disciplinary actions taken against them. This is compared to the answers the applicant has provided on their application.

If during the process a red flag arises from what is discovered by the background check then that information is forwarded to the Board’s investigators for a more in-depth evaluation. The investigators research the listed jurisdictions for any criminal disposition of cases as well as reach out to any of those governmental agencies for documentation. The investigators will also contact any listed state boards that disciplinary action was taken to gain additional information.

The Board purchased a new database system that went operational in October 2021. The application process is now fully automatic. During the new application process, the applicant is provided with more detailed clarification instructions and are advised and asked numerous questions to include the following:

Instructions:

You are required to read all questions in their entirety. All States do not ask the same questions. **Background checks are performed on all applicants.** Any misrepresentation or untrue statements will be cause for an **Automatic 1-year denial** of your application, **regardless if unintentional.**

Additional Instructions:

On the next page is a list of actions that are misdemeanors and should be reported (this is not a complete list, if you are unsure if the action is a misdemeanor, you would need to contact the Board office)



Chief Special Investigator Bob Herbert

FROM THE ENFORCEMENT DESK

Cont: from Page 6

DUI / DWI

Reckless driving with or without alcohol

Open Container

Alcohol - minor buying alcohol or providing alcohol to minor

Hunting on baited field. Hunting at night, Overlimit

Overlimit on waterfowl or fish, illegal catch of fish

The questions asked concerning disciplinary actions are as follows:

“Have you ever been disciplined or do you have any complaints pending against you in another jurisdiction? Have you ever been disciplined or do you have any complaints pending against you in another jurisdiction? Have you ever been convicted, plead guilty, placed on probation, had adjudication withheld, accepted pre-trial diversion for a felony or misdemeanor?”

Depending on what is discovered during this process several things can occur. First the information will be reported back to the licensing staff for their determination on what happens with the application. The staff may ask for additional documentation and clarification from the applicant for what was discovered. Depending on the response the applicant may find out as stated above “Any misrepresentation or untrue statements will be cause for an Automatic 1-year denial of your application, regardless of if unintentional.”

The information that was uncovered may also lead to opening an investigation into the conduct of the applicant. Enforcement cases in the past that were originated from initial application have led to several disciplinary actions for performing engineering / land surveying in Alabama without a license.

The moral of this story is to be truthful. As one who is applying for licensure should expect that their answers will be reviewed, and background checks may uncover wrong doings of one’s past. Not all disciplinary actions or criminal actions will keep you from gaining licensure but answering wrong because you forgot or didn’t know it was a misdemeanor or your secretary or wife wasn’t aware of the action, lying, or assuming it won’t be found will delay licensure for a year.

COMPLAINTS RESOLVED

	Professional Engineers	Professional Land Surveyors	Unlicensed Engineering	Unlicensed Surveying	Total
FY2022*	5	2	7	1	15
FY2021	8	9	10	1	28
FY2020	11	8	10	2	31
FY2019	20	5	17	2	44

FROM THE ENFORCEMENT DESK

James Cameron Thorne - Case # 2021-12

An investigation determined that in 2019, James Cameron Thorne, a professional engineer, prepared a structural design for the roof of a commercial building that utilized bar joists 3' 0" O.C. with purling hookers 2' 0" P.T. 2x4 purlings, 26 gauge Galvalume roof panels, and Galvalume sidewall flashing. Architectural information appeared in the background of the drawing with the structural roof design. Mr. Thorne did not clarify on his drawings that his PE stamp was only related to the roof system and not the architectural information. The absence of this clarification would lead someone to interpret that his PE stamp was also meant to approve the architectural information on the plan.

Mr. Thorne agreed to a consent order that required him to pay a \$2,000 fine to the Board, to pay the Board \$303 for the cost of the investigation, and the consent order and final order would be public records.

Fred Hollon, PLS - Case # 2021-23 and 2021-25

In December 2020 (Case No. 2021-23) Mr. Hollon failed to properly review deed information involving a survey he performed. A Board Technical Advisor (BTA) reviewed the documents related to the surveying services he performed and provided a report that indicated the survey bearing his professional seal and signature contained errors and inaccurate information.

In October 2019 (Case 2021-25) Mr. Hollon performed a survey of property and the documents related to the surveying services he performed were reviewed by a BTA. The Advisor provided a report that indicated the survey bearing Mr. Hollon's professional seal and signature contained errors and inaccurate information.

Mr. Hollon agreed to a consent order that required him to voluntarily surrender his professional land surveyor license and that it would not be eligible for reissuance, to pay the Board \$125 for the cost of the investigation, and the consent order and final order would be public records.

Allen Engineering Corporation - Case # 2021-32

An investigation determined Allen Engineering Corporation, an un-certificated firm, provided engineering design drawings for a project in Alabama. These documents contained the firm's name in the title block on the structural, electrical, plumbing and mechanical sections of the design drawings during a time when the firm did not possess a certificate of authorization for engineering issued by the Board.

The firm agreed to a consent order that required it to pay a \$1,000 civil penalty to the State of Alabama General Fund, to pay the Board \$100 for the cost of the investigation, and the consent order and final order would be public records.

FROM THE ENFORCEMENT DESK

SE Consultants Inc - Case # 2022-03

An investigation determined SE Consultants Inc, an un-certificated firm, provided engineering design drawings for ten projects in Alabama without being issued a certificate of authorization for engineering from the Board which would authorize the firm to offer or provide engineering services in the State of Alabama.

The firm agreed to a consent order that required it to pay a \$5,500 civil penalty to the State of Alabama General Fund, to pay the Board \$40 for the cost of the investigation, and the consent order and final order would be public records.

Gartek Engineering Corp - Case # 2022-10

An investigation determined Gartek Engineering Corp, an un-certificated firm, provided engineering design drawings for a project in Alabama without being issued a certificate of authorization for engineering from the Board which would authorize the firm to offer or provide engineering services in the State of Alabama.

The firm agreed to a consent order that required it to pay a \$1,000 civil penalty to the State of Alabama General Fund, to pay the Board \$100 for the cost of the investigation, and the consent order and final order would be public records.

CERTIFICATES OF AUTHORIZATION

The Board has seen a rise in the number of violations by firms failing to obtain a certificate of authorization for engineering or land surveying prior to offering and/or providing services in the State of Alabama. When an individual is granted initial licensure in Alabama they are sent an email that has links to information regarding seals and certificates of authorization. A portion of the Certificate of authorization information in the link follows:

What is a Certificate of Authorization or also referred to as a CA?

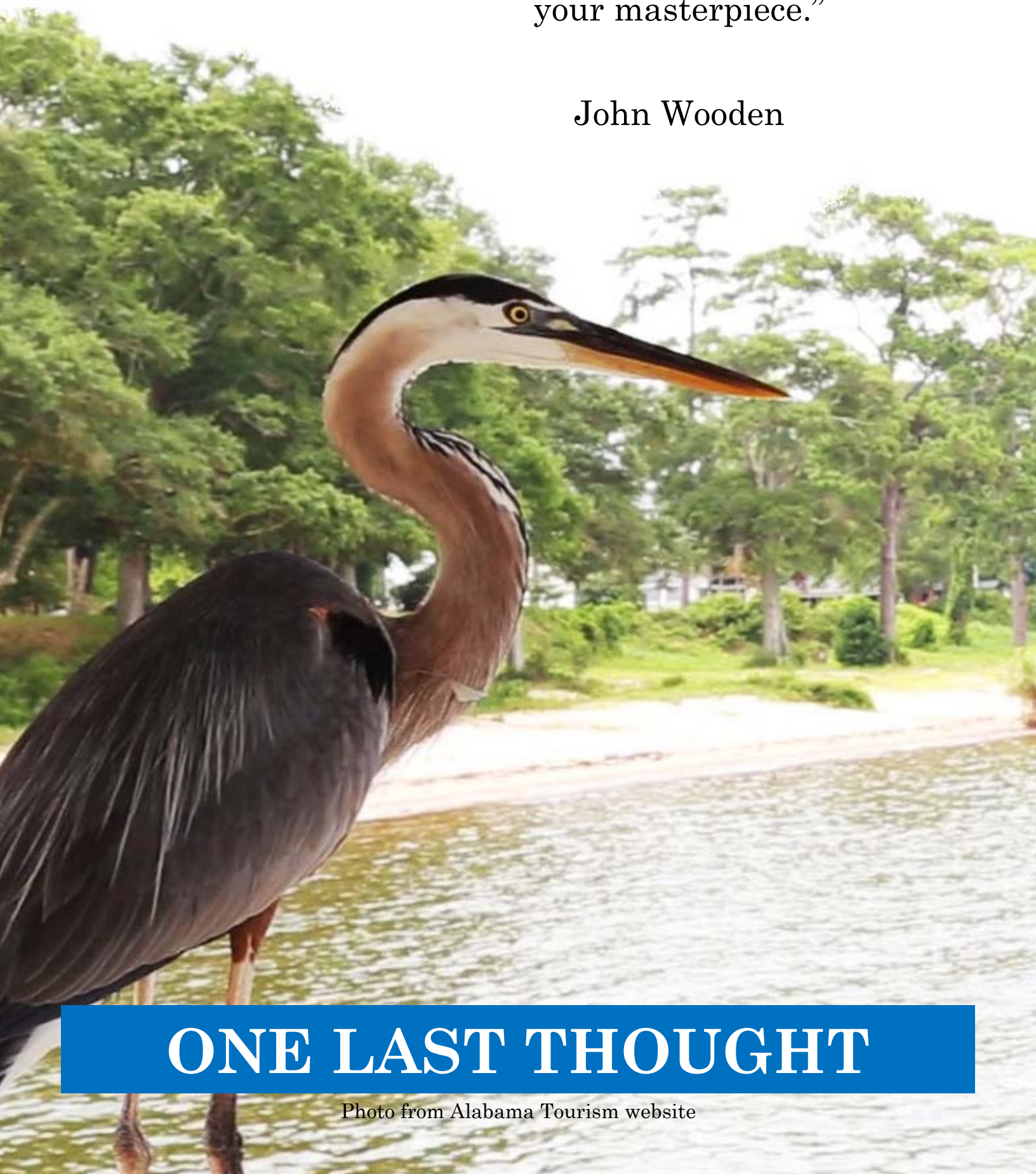
It is a certificate that authorizes companies to perform or offer to perform engineering and/or land surveying services in Alabama. Section 34-11-9(a)(1), Code of Alabama 1975 states any firm offering or performing engineering and/or land surveying services in the State of Alabama may only do so after the issuance of a Certificate of Authorization from the Alabama Board of Licensure for Professional Engineers and Land Surveyors.

When do I need to apply for a Certificate of Authorization?

If you are employed by a firm that will offer or perform engineering and/or land surveying services in the State of Alabama, and the firm does not currently hold a Certificate of Authorization issued by the Alabama Board, the firm must submit an application for a Certificate of Authorization within 30 days of your notification that licensure has been granted. If this is not accomplished, the firm is in violation of the Code of Alabama and could be subject to disciplinary action from the Board.

“Make each day
your masterpiece.”

John Wooden



ONE LAST THOUGHT

Photo from Alabama Tourism website