

# THE STANDARD

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PO Box 304451 | Montgomery, Alabama 36130-4451 | [www.bels.alabama.gov](http://www.bels.alabama.gov)



ON THE COVER --

Pilgreen Engineering, Inc. Field Supervisor Michael Allen was surveying a lot in downtown Montgomery.

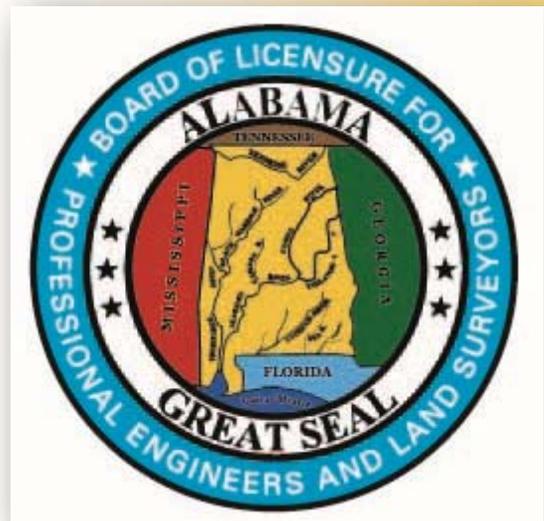
### BOARD INFORMATION

- 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.

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:  
[e.johnson@bels.alabama.gov](mailto:e.johnson@bels.alabama.gov)

# COMMUNITY NEWS



## ASPLS 59th Annual Fall Conference & Tech Expo

October 24-27

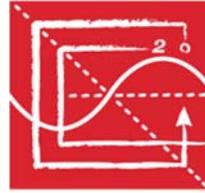


Lake Guntersville State Park Lodge

1155 Lodge Dr  
Guntersville, AL 35976

If you need continuing education, SOP, or ethics courses, contact ASPLS about the conference.

We are also needing volunteers to help with reviewing the ALSS state specific exam for possible changes. Stop by our booth for more details.



# 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 the last scheduled pencil and paper exams.

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

## 2022 Board Calendar—4th Quarter

ASPLS Fall Conference - Oct. 24-27

ASPE Ethics Day - Nov. 4

BELS Board Meeting - Nov 15



# NEWEST BOARD MEMBER



BELS is excited to introduce our newest board member, Mr. James Pegues. Mr. Pegues comes to the Board from Southern Company where he is an Engineering Manager. His staff is responsible for performing geotechnical explorations at Southern Company affiliate facilities for retrofit and capital projects, at potential new generation facility sites or as “Owner’s Engineer” representatives when such services are outsourced to private engineering and geotechnical firms.

Mr. Pegues holds a BS and Masters Degree in Civil Engineering from Auburn University. He has personally prepared or reviewed hundreds of Federal and State regulatory compliance and permitting documents.

Mr. Pegues is an active participant on the EPRI committees relating to Coal Combustion Products. Mr. Pegues hold memberships in the American Society of Civil Engineers, Deep Foundations Institute, and the ASCE GeoInstitute. He is also a Diplomate with Geotechnical Engineering which is an academy for Geo-Professionals. He also maintains memberships in the Electric Power Research Institute as well as the Association of State Dam Safety Officials.

When asked why he wanted to join the Board, Mr. Pegues said “ The profession has been good to me for many years and I saw this as an opportunity to contribute back to the profession.”

When not working and serving on the Board, Mr. Pegues enjoys traveling with his wife along with spending time with his grandchild.

We are certainly excited to have Jim on the Board and look forward to his many years of service.

# State of Alabama Engineering Hall of Fame

By Dr. Gary April, Secretary/Treasurer, AEHOF

The 200-year history of Alabama has been woven around the profession of engineering. Certainly, the magnificence of landing a man on the moon and placing a research laboratory into earth's orbit are examples of how engineers worked in Alabama's Rocket City to achieve these objectives. The Saturn V rocket, the Hubble Telescope and the Space Shuttle are examples of projects touched by Alabama's engineers. The Artemis Project continues that tradition, and the internationally recognized Davidson Center, host of NASA's Space Camp, bring the world to Alabama while introducing students to S.T.E.M. disciplines important in the education of future engineers.

Other things on our planet are equally exciting. The recently completed I20/59 central business replacement project in Birmingham, Corridor X (I22) and the I565 interchange are civil engineering projects that provide easy access for the delivery of goods and services that power the State's industries. Similarly, the Bankhead Tunnel, the Africatown Bridge, the Mobile Bay Twin Bridges, or Horace King's experience as Alabama's master bridge builder, are other examples of engineering skill and foresight to get people to important destinations.

The RSA's Robert Trent Jones golf trail, with its associated hotels and spas, has been singled out for its reliance on engineering know how and for the impact that it has had on Alabama's Tourism Industry. It is a classic example of moving earth around to create purpose and advantage for the State.

The emergence of iron and steel in Alabama's Magic City is rooted in the talent and skill of those we call engineers. We see evidence of this era when we see the Sloss Furnaces, the Statue of Vulcan standing majestically over Birmingham, the U.S. Steel Fairfield Works and the Tannehill Furnaces.

The crafting of the CSS H.L. Hunley, the first operational submarine built in Mobile during the Civil War, shows the creativity associated with this innovative technology. Much later, the Mercedes-Benz USI M-class facility ushered in Alabama's automotive industry.

# State of Alabama Engineering Hall of Fame (Cont.)

And what of the future? Where will the next breakthroughs occur? Rest assured that answers to those very questions are now being formulated by Alabama engineers. It has been said that a successfully engineered product is one that becomes a part of the fabric of life, seemingly vanishing within the structure of our existence and not to be noticed at all. Whether that is flipping a switch to provide light and heat to our homes, riding to work over well-designed and constructed roads and bridges, designing medications that heal our tired and weak bodies, or sharing the pride when an American flag is planted on the surface of the moon, be certain that an engineer was involved.

The State of Alabama Engineering Hall of Fame, established in 1987, commemorating the 150<sup>th</sup> anniversary of formal engineering education in Alabama, is dedicated to the annual recognition of Individuals, Corporations and Projects that tell the story of the State's rich relationship with the engineering profession throughout its history. The organization has honored over 215 Individuals, 33 Corporations and 46 Projects in its 34-year history (see [engrhof.org](http://engrhof.org) for details about who we are and what we do).

But more importantly, people honor engineering achievement each day when they flip that switch, drive that car or pop that morning pill, with little or no thought that the results they expect will be delivered. **That's Alabama engineering success at its best.**



*2022 Hall of Fame Inductees*

*Dr. Gary April is a Professor Emeritus at the University of Alabama. He was the head of the chemical engineering department until his retirement in 2007. He and three colleagues conceived the idea for a State of Alabama Engineering Hall of Fame. Dr. April has served as the Secretary/Treasurer for the AEHOF for the past 30 years. Dr. April says his current successes are that he still is married to the same lady, proud of his kids and granddaughters and especially happy to still get excited about waking up each day and having the chance to play golf with his friends.*

# PROPOSED ADMINISTRATIVE RULE CHANGES

The BELS Board met in August for their bimonthly meeting. During their discussions, several rule changes were proposed by Director Huett. These proposals were based on changes with the law as well as making duties of the Board staff more productive. This is how the process goes with rule changes:

1. Board determines at a board meeting the need for a rule change or new rule.
2. Executive Director files the necessary paperwork to announce the notice of proposed rule change with the Legislative Agency Services (LAS). The notice must include:
  - A. A comment period of not less than 35 days or more than 90 days
  - B. Identify the deadline for written comments
  - C. State date and time of public hearing

The 35 - 90 day clock begins when the Administrative Monthly is published on the last day of the filing month. The filing deadline for publication in the Administrative Monthly is usually the 21<sup>st</sup> day of the month.

3. Completion of the notice of proposed rule change is defined as the end of the comment period designated in the notice of intended action as the final date for comments.
4. Board holds public hearing, then reviews comments received during the hearing and written comments received during the comment period.
5. Board certifies the proposed rule with or without change.
6. Director files certified copy of an adopted rule with LSA no later than 15 days after the meeting and less than 90 days of initial notice publication.
7. Change to the existing rule (deletion or amendment) or a new rule is effective 45 days from the date certified by LSA.

# PROPOSED ADMINISTRATIVE RULE CHANGES

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

(7) Licensure as a professional engineer or professional land surveyor is granted in accordance with the Military Family Jobs Act #~~2018-540~~ 2022-92 as codified at Code of Alabama 1975 § 31-1-6, provided the “eligible individual” possesses a valid license or certificate in good standing in another, state, district, or territory of the United States, or in any branch of the United States Armed Forces, including the National Guard, that is substantially similar to the license issued by the board.

An “eligible individual” is the spouse of any of the following: (1) An active duty, reserve, or transitioning member of the United States Armed Forces, including the National Guard, who is on active duty status or on separation leave within 24 months of retirement, (2) a surviving spouse of a service member who at the time of his or her death, was serving on active duty who is relocated to and stationed in the State of Alabama under official military orders, (3) an individual currently employed by the United States Department of Justice or any of its encompassed Offices, agencies, institutes, and bureaus, including, but not limited to, the Federal Bureau of Investigations (FBI), the U.S. Attorney’s Office, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Drug Enforcement Administration (DEA), and the United States Marshall Service (USMS), who is relocated to Alabama by order of their employer, (4) or an individual currently employed at the National Aeronautics and Space Administration who is relocated to Alabama by order of their employer.

~~with licensing and certification requirements greater than or substantially similar to the licensing requirements of the board, and he shall be approved to work in his or her profession upon relocation to the State of Alabama for such time as normally allotted with receipt of a licensure from the board.~~

(8) A Temporary Permit as a professional engineer or professional land surveyor is granted in accordance with the Military Family Jobs Act# ~~2018-540~~ 2022-92 as codified at Code of Alabama 1975 31-1-6, to an “eligible individual” ~~that possesses a license in another state, district, or territory of the United States, or in any branch of the United States Armed Forces, including the National Guard” effective for at least period of 180 360 days, to allow the eligible individual to meet the specific requirements while the Board deliberates the application to obtain a license or certificate in this state, to obtain a license or certificate in this state that were not required in the original issuing state.~~

# PROPOSED ADMINISTRATIVE RULE CHANGES

## **330-X-2-.01 Definitions of Terms.**

(10) The term “Signature” shall mean handwritten or digital as follows:

(a) A handwritten message identification containing the name of the person who applied it; or

(b) A digital signature ~~that is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must~~ have reasonable security measures in place which include but are not limited to: be:

1. Unique to the person using it,
2. Capable of verification, and
3. Under the sole control of the person using it, ~~and~~
4. ~~Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.~~
5. ~~A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in subsections (b)1. through (b)4. above.~~

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## **330-X-2-.01 Definitions of Terms.**

**Standard of Care:** The standard of care for all Professional Engineers and Professional Land Surveyors will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality.

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## **330-X-13-.02 Continuing Professional Competency**

(12) Records - The responsibility of maintaining records which can be used to support credits claimed is the responsibility of the licensee. Records required are documents from the sponsoring organization showing course completion or presentation, or 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.

# PROPOSED ADMINISTRATIVE RULE CHANGES

## **330-X-2-.01 Definitions of Terms.**

**Branch Office** – any location other than the firm’s principal office location identified by any means to the public or customers as a location at which engineering or surveying services may be offered and/or performed where final engineering or land surveying designs or decisions are made under the responsible charge of a licensed individual.

**Home Office** - is not required to be identified as a branch office unless one of the following occurs:

- 1)Office advertises on signage, print or other media.
- 2)The address is shown on the firm’s website.
- 3)Solicitations for work are made from the location.
- 4)The address is shown on final design drawings or reports.

If the Home Office performs any of the listed actions, it must meet all “Branch” office requirements.

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## **330-X-3-.03 Disposal of Applications.**

(4) Inactive Applications - If all necessary information required for Board review is not received within ~~six months after the application has been filed, the application will be placed in the inactive file and the applicant will be notified. The application will close one year from the date an application was initiated, of being placed in the inactive file and the applicant must submit a new application.~~

(5) Deferred, denied, and inactive applications will be maintained ~~on file in the Board office~~ in accordance with the Records and Retention Schedule prepared by the Department of Archives and History.

# PROPOSED ADMINISTRATIVE RULE CHANGES

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

(9) If a current, complete, properly executed NCEES Record is provided the professional engineer or professional land surveyor applicant will be required to complete only ~~the~~ certain sections of the Alabama application form ~~dealing with general information and licensure in other jurisdictions.~~

(10) For all applicants, other than those holding an NCEES Record, when there is a degree required, the Board requires an official transcript to be sent directly from each school where the applicant received an engineering, engineering technology, land surveying, land surveying technology or related science degree. The transcript(s) must show degree(s) issued and date of issuance. It is the responsibility of the applicant to see that the transcript is sent directly from the institution to the Board office, or to NCEES and no action will be taken by the Board until such information is received. In the event it is impossible to have a transcript sent directly from the institution to the Board, the Board reserves the authority to evaluate and accept a transcript received from a different source.

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## **330-X-5-.01 Curricula Approved by the Board.**

The term “a graduate of an approved engineering curriculum” shall mean a graduate of a baccalaureate engineering program accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two year period of graduation. This term shall also mean a graduate of a master or doctoral degree program offered by a school or college of engineering offering at least one EAC/ABET baccalaureate engineering program provided the school or college of engineering has petitioned the Board for approval for this degree and the Board has granted this approval. ~~This term shall also mean a graduate of an EAC/ABET accredited master’s degree.~~

# PROPOSED ADMINISTRATIVE RULE CHANGES

## **330-X-6.01 Qualifying Experience.**

(n) Experience prior to graduation is evaluated by the Board on a case by case basis. ~~In order for co-op experience to be considered, it must be listed on the college transcript and must be verified using the procedures as outlined in Rule 330-X6.01(b) and (c). For every two months of accepted co-op experience one 1 month experience will be granted up to a maximum of six months.~~ Any experience prior to graduation ~~other than co-op~~ is limited to a 2-year maximum.

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## **330-X-7.02 References.**

(1) The applicant shall furnish on the application for licensure five reference names, their contact information, ~~addresses~~ and if licensed, the jurisdictions in which they are licensed.

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## **330-X-8.07 Examination Offerings For The ALSS Examination.**

If an application is closed, in order to be considered for further examinations, an applicant must file a new application, ~~listing experience gained and verified since the previously filed application~~, and pay the application fee as required by Law. ~~No transcripts, or additional references will be required.~~ The applicant must meet the eligibility requirements of the current Law and Administrative Code.

~~(e) An application approved prior to July 1, 2018, will be retained on file for two years. After two years, the application will be closed.~~

~~(3) An application approved prior to July 1, 2018, will be retained on file for two years. After two years, the application will be closed.~~

# PROPOSED ADMINISTRATIVE RULE CHANGES

## **330-X-13-.01 Renewals.**

- (1) All licenses expire on December 31 of a specified year. Each licensee will be notified no later than two months prior to the date the license expires. Renewal must be accomplished online. The licensee's submission of the renewal form reaffirms agreement to abide by the Rules of Professional Conduct (Code of Ethics), Rule 330-X-14.
  - (2) No renewal fees will be accepted prior to the renewal date specified in the Board renewal notification.
  - (3) Reinstatement fees for expired licenses and certifications are set each year by the Board.
  - (4) The responsibility for ~~the timely~~ renewal rests solely with the individual. Failure to receive notice of renewal or to respond to a Board renewal inquiry does not relieve you of your duty to renew on time.
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## **330-X-13-.02 Continuing Professional Competency**

- (f) Credit for active participation in professional and technical societies (limited to 2 PDH per organization, per year but a maximum of 6 PDH total per renewal cycle), requires that a licensee serve as an officer and/or actively participate in a committee of the organization
  - (13) Disallowance - If the Board disallows claimed PDH credit ~~after~~ during the renewal or reinstatement process ~~has been processed~~, the licensee ~~shall have 90 days after notification to~~ must substantiate the original claim or ~~to~~ earn other credit to meet the ~~mini-~~ minimum requirement.
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# PROPOSED ADMINISTRATIVE RULE CHANGES

## **330-X-13-.02 Continuing Professional Competency**

~~(b) Failure to respond within 60 days of audit notification will result in a temporary suspension of the license and the license will remain suspended until such time as the audit requirements are met.~~

(b) Licensees should respond to audit inquiries within 14 days of notification. Failure to respond to an audit inquiry, and/or provide requested documentation, will result in a reinstatement fee being applied to the renewal fee on January 15<sup>th</sup>.

## **330-X-16-.01 Complaints.**

All disciplinary cases involving geology/engineering or other professional overlaps will be referred to the board issuing the license for hearing and disposition. The complaining board may have a board member or designated representative at the hearing for liaison and evidence as necessary.

## **CHAPTER 330-X-4 FEES**

### **Renewal Fees**

Professional Engineer/Professional Land Surveyor- Act 2018-540 Eligible Individuals	\$100
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### **Reinstatement Fees for Expired License**

Professional Engineer/Professional Land Surveyor (0-2 years)	\$250 + \$100	<u>\$350</u>
CA Reinstatement (0-2 years)	\$250 + 100	<u>\$350</u>

### **Other Fees**

Roster	\$15
Copy charges per sheet	\$.25
Duplicate Certificate	\$25
Bad Check	\$30

# HAPPENINGS AT THE BOARD

Investigators of BELS attended the Alabama Society of Civil Engineers in Orange Beach, Alabama. During their time, Chief Investigator Bob Herbert and Special Investigator Bill Hamil discussed the ethical challenges involving engineers along with presenting recent cases the Board has investigated concerning engineers.



# HAPPENINGS AT THE BOARD

Investigators of BELS attended the American Society of Heating, Refrigerating and Air-Conditioning in Vestavia Hills, Alabama. During their time, Special Investigators Everette Johnson and Bill Hamil discussed the ethical challenges involving engineers along with presenting recent cases the Board has investigated concerning engineers.



# HAPPENINGS AT THE BOARD

Investigators of BELS attended Troy University to speak with upper classmen in the Department of Geospatial Informatics. During their time, Special Investigators Everette Johnson and Bill Hamil discussed the ethical challenges involving land surveyors along with presenting recent cases the Board has investigated concerning the profession. Thanks to Doctor Steve Ramroop and his staff for their dedication to the land surveying.



# HAPPENINGS AT THE BOARD

The Special Investigators along with staff members of the **Alabama Board of Architects** also went to the Alabama Fire College in Tuscaloosa, Alabama to discuss with Plans Examiners how they can determine if plans submitted to them are safe and certified to be approved. Topics discussed were BELS Law and Codes as well as cases investigated where issues were found that would affect Plans Examiners.



# THE DIRECTOR'S DESK

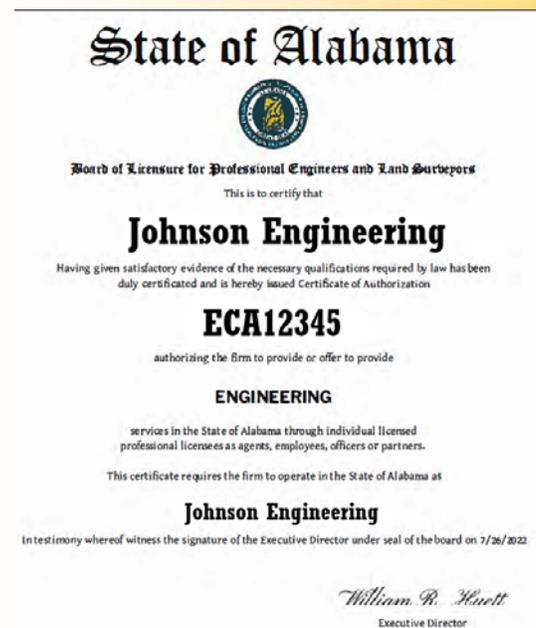
The Board Investigators have recently been involved with several cases of companies performing or advertising engineering services without obtaining a Certificate of Authorization (CA). This is possibly due to some confusion as to when a CA is needed. We wanted to help clear up that confusion for you.

Alabama Law states “A firm that practices or offers to practice engineering or land surveying is required to obtain a certificate of authorization from the board in accordance with rules adopted by the board.” (Section 34-11-9 (a) (1). Corporate and Partnership Practice.)

Whenever a business or individual wishes to offer engineering or surveying services under a fictitious name in Alabama a certificate of authorization is required. A fictitious name is considered anything that is not the person's name. For example, John H. Doe, PLS is considered a person's name and title, while John H. Doe Surveying would require a certificate of authorization. The word “surveying” not being part of the person's name.

Firms operating in multiple states face the task of insuring they comply with the requirements of each state. While one state may allow the use of fictitious names based on the method of how the firm is formed, others may not. In Alabama, corporations, limited liability companies (LLCs), and limited liability partnerships (LLPs) are required to register with the office of the Secretary of State and reserve a name. If the name of the firm has been issued to another firm that already exists in the state, the new firm must register with doing business as (dba) firm name.

When issued a certificate of authorization the firm must use the name on the certificate of authorization if it chooses to place the name of the firm on documents. The firm should not alter its name by abbreviation, or otherwise simply to make the name fit in a specific area of the document.



# ENFORCEMENT NEWS

## Kevin Ashley (PE) Case #2021-13

The investigation determined Ashley provided engineering services for 6 engineered septic projects. The Alabama Department of Public Health (ADPH) advised all 6 projects had significant issues that Mr. Ashley had not been addressing per their requirements. The projects were submitted to a Board Technical Advisor, and he found multiple projects that contained errors and mistakes in his standard of care for the engineered projects. The Technical Advisor also noticed a communications problem between ADPH and the engineer. The Technical Advisor stated that the engineer has to comply with ADPH requirements and needs to work with them to solve these projects problems.

Mr. Ashley agreed to a consent order that required the following:

- He must pay a \$2,000 fine to the Board.
- His license is suspended for 2 years with the suspension stayed.
- He must attend two Board approved educational courses regarding the installation of septic systems and the guidelines required by the ADPH.
- The Consent Order and Final Order will be a public record.

## COMPLAINTS RECEIVED

FY2022 Stats are as of October 2022.

	Professional Engineers	Professional Land Surveyors	Unlicensed Engineering	Unlicensed Surveying	Total
<b>FY2022</b>	<b>16</b>	<b>12</b>	<b>23</b>	<b>2</b>	<b>53</b>
<b>FY2021</b>	<b>11</b>	<b>6</b>	<b>14</b>	<b>2</b>	<b>33</b>
<b>FY2020</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>2</b>	<b>29</b>
<b>FY2019</b>	<b>15</b>	<b>5</b>	<b>11</b>	<b>0</b>	<b>31</b>
<b>FY2018</b>	<b>13</b>	<b>7</b>	<b>9</b>	<b>4</b>	<b>33</b>

# ENFORCEMENT NEWS (cont.)

## Moore and Associates Engineering and Consulting, Inc - Case # 2022-06 and 2022-07

This investigation indicated Moore and Associates Engineering and Consulting, Inc. managing agent, Wayne Moore, failed to ensure that a Certificate of Authorization was obtained for the Firm prior to offering engineering services in Alabama. Mr. Moore disclosed his firm had been working in Alabama since 2014; however, a Certificate of Authorization was not obtained by the Board until December 8, 2021. Mr. Moore advised in 2021 the Firm offered or provided engineering services on twenty-nine (29) jobs in Alabama without being certificated.

Mr. Moore and the Firm agreed to a consent order that required the following:

- Firm must pay a \$5,000 civil penalty to the General Fund.
- Mr. Moore must pay a \$2,000 fine to the Board.
- Firm must pay \$150 to the Board for the cost of the investigation.
- The Consent Order and Final Order will be a public record.

## COMPLAINTS RESOLVED

FY2022 Stats are as of October 2022.

	Professional Engineers	Professional Land Surveyors	Unlicensed Engineering	Unlicensed Surveying	Total
<b>FY2022</b>	<b>14</b>	<b>8</b>	<b>16</b>	<b>3</b>	<b>41</b>
<b>FY2021</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>1</b>	<b>28</b>
<b>FY2020</b>	<b>11</b>	<b>8</b>	<b>10</b>	<b>2</b>	<b>31</b>
<b>FY2019</b>	<b>20</b>	<b>5</b>	<b>17</b>	<b>2</b>	<b>44</b>
<b>FY2018</b>	<b>12</b>	<b>6</b>	<b>11</b>	<b>5</b>	<b>34</b>

# ENFORCEMENT NEWS (cont.)

## **Palmer Engineering - Case #2022-20**

The investigation indicated the managing agent of Palmer Engineering, Bakulesh Patel, a licensed professional engineer in Alabama, admitted his firm failed to obtain the required Certificate of Authorization. He stated, “I was unaware of the CoA was required in Alabama and applied immediately”. Additionally, Patel disclosed that within the last five years, the Firm has completed nineteen other engineering projects in Alabama while being uncertificated.

The Firm agreed to a consent order that required the following:

- The Firm pays a \$10,500 civil penalty to the General Fund.
- The Firm pays \$95 to the Board for the cost of the investigation.
- The Consent Order and Final Order will be a public record.

## **Michael Maher (PLS) - Case #2022-21**

This investigation indicated that Maher did knowingly and unethically violate the standards of practice for land surveyors. He admitted that he knowingly signed and sealed an incomplete survey, and provided this survey to his client as being accurate.

A Technical Advisor reviewed information in this case and emphasized that Maher signed a plat showing a survey that was incomplete. Additionally, he advised Maher’s survey did not show building setbacks from the property lines, property corners were not set, the existing fences were not listed on the plat, the survey drawing did not show utilities, distances from the fence corners to the property lines were not listed, and the monuments along U.S. Highway 29 were not located or shown on the survey plat.

Mr. Maher confirms the Technical Advisor was accurate and admitted that he failed to properly complete the job before the survey was sealed and provided to the client.

Mr. Maher agreed to a consent order that required the following:

- He paid a \$2,000 fine to the Board.
- The Consent Order and Final Order will be a public record.

# ENFORCEMENT NEWS (cont.)

## **Thomas Mitchell (PLS) - Case #2022-29**

The investigation determined that in 2018 Mr. Mitchell conducted a survey of property in Athens, Alabama. In 2021, Mr. Mitchell was asked by a client to survey and separate a thirty-acre portion of the entire property for the client to purchase. Mr. Mitchell received a \$6,000 check for a retainer to complete the job. However, according to Mr. Mitchell he did not complete the work due to the area being overgrown in vegetation and his inability to move around on the property. Mr. Mitchell learned that the client backed out of purchasing the property, but he did not refund the retainer to the client. He indicated that he did not have contact information for the client.

The Mr. Mitchell agreed to a consent order that required the following:

- He will pay a \$4,000 fine to the Board.
- His license is suspended for 2 years with the suspension stayed.
- The Consent Order and Final Order will be a public record.

## **Tyler Bius (PLS) -Case #2022-30**

The investigation determined Mr. Bius performed an ALTA survey for a project located in Mobile, AL that did not conform to the standards of practice for land surveying in Alabama as there were errors for distances and a pin location contained in the survey. A second survey was produced a few days later that corrected the errors of the first survey.

Mr. Bius agreed to a consent order that required the following:

- He will pay a \$2,000 fine to the Board.
- The Consent Order and Final Order will be a public record.

# ENFORCEMENT NEWS (cont.)

## M&J Fabrication - Case #2022-44

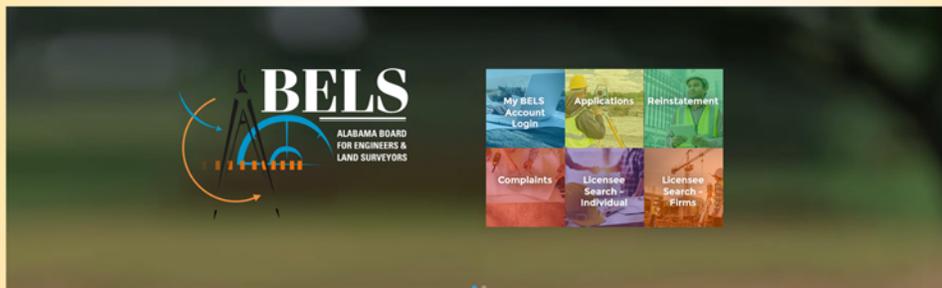
During the investigation it was discovered that M&J Fabrication had been advertising engineering services through their website to clients without first obtaining a Certificate of Authorization. The advertisement had been on the website for approximately two years. The investigation further discovered that M&J Fabrication did not seal engineering projects since starting operations in 2015. However, those engineering projects were sent to a third-party engineering firm for review and stamping. The investigation also discovered that M&J Fabrication was designing shop drawings to give to the machinist to create items used based on customer drawings. Once the discovery was made of the advertising issue, M&J Fabrication applied for and obtained a Certificate of Authorization.

The Firm agreed to a consent order that required the following:

- Firm must pay a \$1,000 civil penalty to General Fund.
- Firm must pay \$54 to the Board for cost of investigation.
- The Consent Order and Final Order will be a public record.

## PUBLIC HEARING

On August 2, 2022, the BELS Board proposed changes to its Administrative Code. A public hearing is scheduled for **Tuesday, November 15, 2022**. Any interested party may attend in person at the Board office or virtually by clicking on the “Board Meeting Nov 15, 2022” link on the Board’s website.



# WE NEED YOUR HELP!

BELS is always looking for professional engineers and land surveyors to assist us as technical advisors. An Alabama licensed Professional Engineer or Surveyor who lives in Alabama may be eligible. That person will volunteer to assist the Board when a complaint is filed that concerns the competency of a professional engineer or land surveyor. They will also look for any failure to adhere to the acceptable standards of practice regarding engineering or surveying by providing a report to the Board.

## **What is Involved to be a Board Technical Advisor?**

The Technical Advisor is initially contacted to determine if they will have time to review the documents. Usually the Board requests a report to be provided within 15-30 days. We understand the amount of time necessary to provide an examination of documents submitted for review and realize the burden it may place on a technical advisor. The Board limits the amount of cases assigned to the Advisor per year and selects the Advisor from a different geographical area from the respondent in the case.

Board Technical Advisors do not get compensated. However, the benefit of not paying for a technical advisor is that it shows in a hearing that the technical advisor is independent of the Board when providing their opinion.

If you are a Board Technical Advisor and you are selected to review a complaint that is under investigation, you will receive professional development hours for your work on that case.

Per our Administrative Code, credit for service to the Board as a volunteer Technical Advisor may be earned on an hourly basis not to exceed 10 PDH per year.

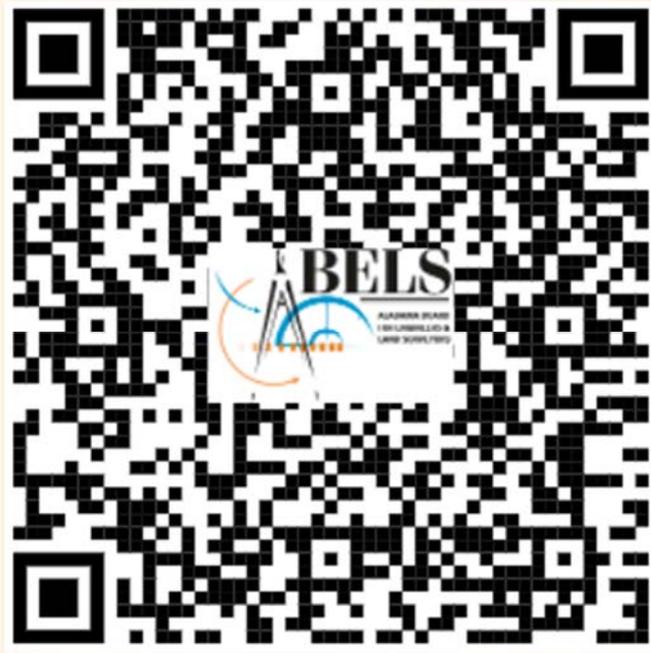
If this interest you, please contact the BELS office to discuss how to apply.



**HELP WANTED**

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We are attempting to increase our engagement on social media. By using your camera on your phone, scan the below code to have direct access to our Facebook page.

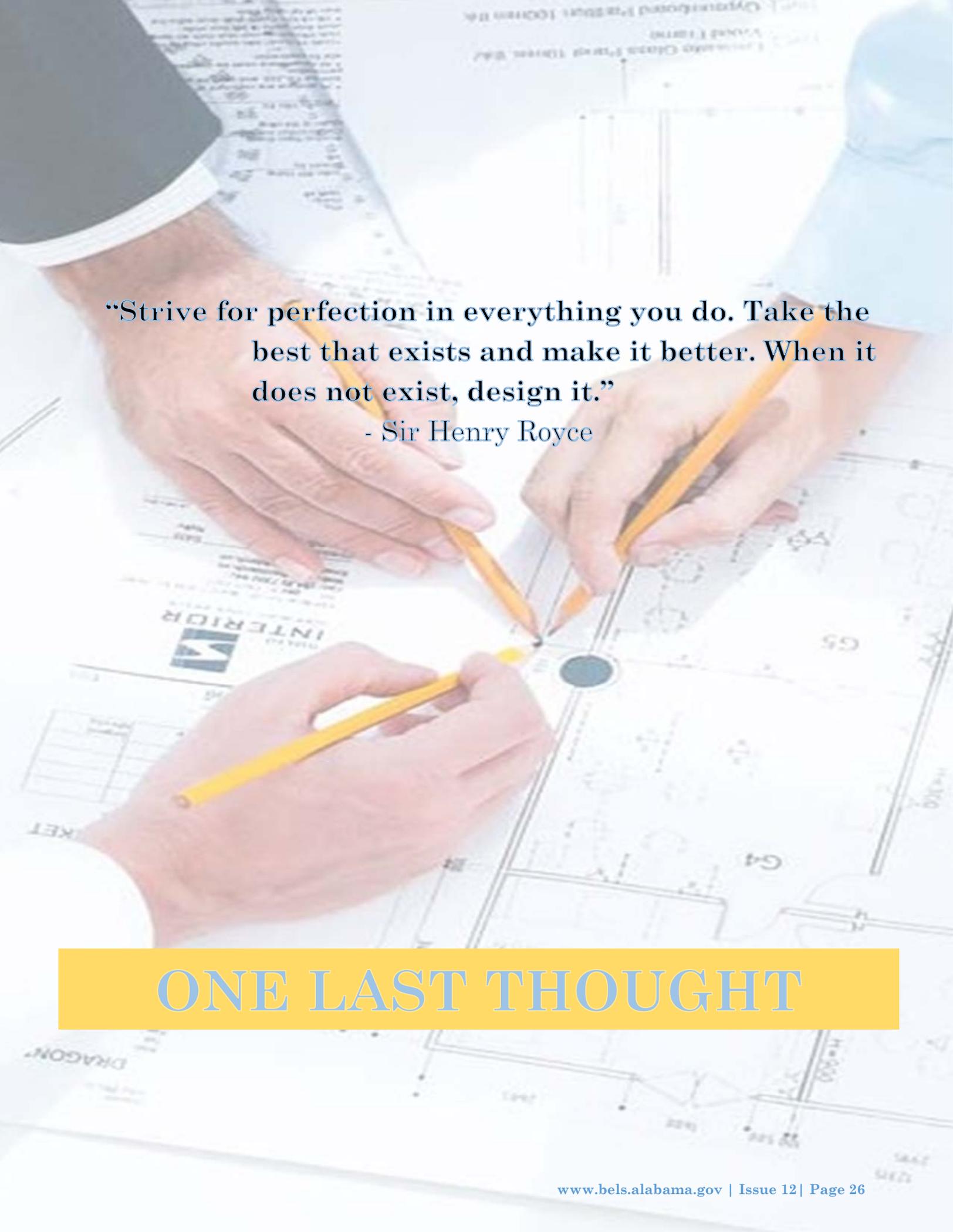


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## *our* MISSION

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.

A close-up photograph of three hands, each holding a yellow pencil, working on a set of architectural blueprints. The hands are positioned around a central point on the drawing, where they appear to be making a mark or adjustment. The blueprints contain various lines, circles, and text, including the word 'INTERIOR' and 'DRAGON'. The background is slightly blurred, focusing attention on the hands and the drawing.

**“Strive for perfection in everything you do. Take the best that exists and make it better. When it does not exist, design it.”**  
- Sir Henry Royce

**ONE LAST THOUGHT**