



# THE STANDARD

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March 17–23, 2023



## 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.

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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

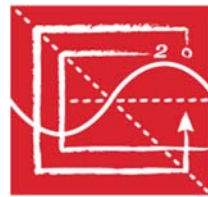
If interested please email: [rick.huett@bels.alabama.gov](mailto:rick.huett@bels.alabama.gov)



# COMMUNITY NEWS



The Mississippi Engineering Society will be hosting the MS/AL Engineering Society Meeting at the Lodge at Gulf State Park in Gulf Shores, AL. The attendees will include Chemical, Civil, Mechanical, Electrical, and Safety Engineers. These engineers represent private practice, industry, government, education, and construction.



**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.

	<b>Year</b>	<b>Date</b>
Structural Vertical	2023	Oct 26
Structural Lateral	2023	Oct 27

Registration for the April 2023 pencil-and-paper PE Structural exams was closed on February 16, 2023, at 3:00 p.m. EST. Registration for the computer-based FE and PE exams is open year-round.

## 2023 Board Meeting Calendar

- May 24, 2023
- July 18, 2023
- September 19, 2023



# NCEES NEEDS YOU



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NCEES is currently seeking metallurgical and materials engineers to participate in a professional activities and knowledge study, or PAKS, for PE Metallurgical and Materials exam. The results of this online survey will be used to update the content of the exam, which is a process that occurs every six to eight years. If you are a licensed professional engineer, we would appreciate your input by completing the online survey.

The survey can be completed in 20-40 minutes. Participation in the survey is voluntary. Your answers are anonymous, and responses will be reported only in the aggregate. You will be asked to rate the importance of the knowledge areas required by a newly licensed professional metallurgical and materials engineer, as well as the tasks performed to practice in a manner that safeguards the health, safety, and welfare of the public. The survey will also include demographic and professional questions that will be used to assess sample representativeness.

**[Click here for access to the online survey.](#)**

The survey will be open until May 8, 2023. Please help spread the word about this important study by sharing this information with any colleagues who are licensed metallurgical and materials engineers. NCEES sincerely thanks you for your contribution to ensure the PE Metallurgical and Materials exam is reflective of the current practice of P.E.s.

For more information, contact NCEES Exam Development Engineer Andy Bindewald, P.E., at [abinderwald@ncees.org](mailto:abinderwald@ncees.org).

# ADMINISTRATIVE RULE CHANGE EFFECTIVE MAY 15, 2023

On January 18, the Board met in Montgomery for its bimonthly meeting. During the course of the meeting the Board determined to submit a change to its Administrative Code. The change follows:

**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:

## **Previous Language**

(n) Experience prior to graduation is evaluated by the Board on a case by case basis. Any experience prior to graduation is limited to a 2-year maximum.

## **New language**

(n) Surveying experience prior to graduation is evaluated by the Board on a case by case basis. Engineering experience prior to graduation is evaluated by the Board on a case by case basis and is limited to a 2-year maximum.



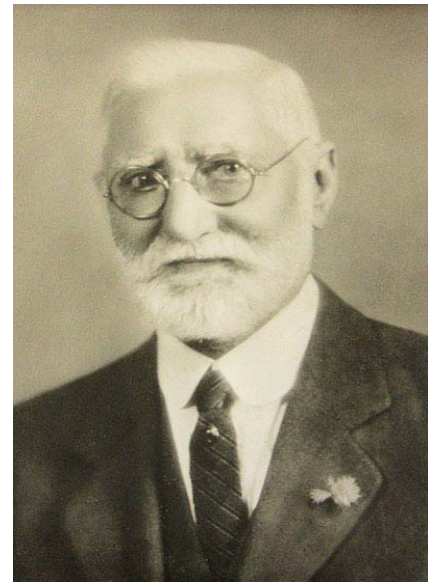


# ENGINEERING A LEGACY

Since the late 1800's, Schoel Engineering has been a fixture in engineering in Alabama. Schoel was instrumental in the development of Birmingham, Alabama and has grown to be a state-wide company that works in every aspect of land development.

Schoel Engineering started with one man; Mr. Herman Schoel came to the United States to distance himself from the militarization of Germany. He came to Birmingham and was originally employed with Elyton Land Company, which was formed to found and promote the City of Birmingham. In 1888, Herman left Elyton and started a consulting firm. As a licensed engineer and a land surveyor he worked to survey, design, and map some of the original developments in Birmingham.

Five generations later, the Schoel family is still working to help develop Alabama. Taylor Schoel is a 5<sup>th</sup> generation engineer and spoke about his family's history and legacy in Alabama.



*Herman Schoel*

When asked if the family all shared the same discipline Taylor replied, “Yes, for the most part. Herman, Walter Senior, Walter Jr, Walter III, and I all practiced, or currently practice, as civil engineers. While our individual areas of focus and skill sets are varied, we have continuously operated under the civil engineering umbrella with a current focus on “general civil engineering” associated with land development projects.”



*Taylor Schoel*

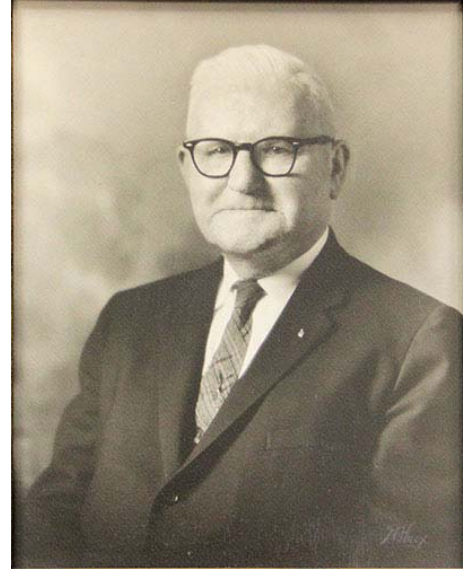
“Walter III, my father, is a PhD with a specialty in the field of hydrology. Brooks Schoel, my brother, is our current company CFO, as he has a business background and received an MBA. I also have a Master of Science in Civil Engineering with a focus on water and an MBA.”

“Herman, Walter Sr, and Walter Jr were also licensed land surveyors. It was common for civil engineers of their eras to also practice as licensed land surveyors.”

# ENGINEERING A LEGACY

For the past 50 or so years, most of Schoel's business has been focused on the fields of land surveying and site civil engineering design. These areas of practice are associated with land development projects of any kind (commercial, residential, industrial, entertainment, municipal, medical, institutional, etc.).

Land development projects involve several players in the planning and design phase, to include a developer, architect, land surveyor, civil engineer, specialized engineers such as mechanical, plumbing, electrical, traffic, and environmental engineers. Each of these plays an important role in land development. The developer has a vision for a property and the architect locates and designs the building as well as the program for the development.



*Walter Schoel, I*



*Walter Schoel, II*

A land surveyor will survey the topography and property boundary to establish a base to be used by the design team. A civil engineer will shape the topography of the site to fit the proposed improvements, ensure the site has proper drainage to avoid flooding or other drainage issues, design the utility services to the building (water mains, sewer mains, pump stations, etc.), and protect the land and water bodies from damage caused by erosion and sedimentation.

The mechanical, electrical, and plumbing engineers design the building systems. The structural engineer will design the structure of the building and site walls, then is followed by a landscape architect to design the site amenities including site hardscape, design and plan the feel for the improvements outside the building, and the landscaping. A traffic engineer will ensure the development will not adversely impact the adjacent roads and traffic and if so, to recommend traffic improvements. Environmental engineers and consultants help with environmental assessments, permits, and any compliance issues.

Schoel currently employs people that practice in land surveying, civil engineering, landscape architecture, and environmental consulting. The civil engineering services of Schoel include a water resources department with a specialty in hydrology.

# ENGINEERING A LEGACY

Taylor is a fifth-generation engineer. When asked what drove him to continue in this profession, he said that he always felt a sense of duty and purpose to continue the legacy of Schoel Engineering that was built by his ancestors. They all have played a part in shaping the physical environment of Birmingham and the surrounding areas. He takes great pride in knowing his family has been such an integral part of the development of the City of Birmingham and Alabama as a whole. Growing up, Taylor's scholastic talents and interests leaned heavily towards math and science, so engineering as a profession made sense from that standpoint. Working at Schoel also presented him with a great opportunity in terms of his future career path. Taylor has strong ties to Birmingham and enjoyed growing up in the Birmingham area. When he decided to move back home and become an engineer, Schoel was the only choice.



*Walter Schoel, III*

Many changes have taken place since the beginning of Herman Schoel's first job. The nature and pace of the design and construction process was obviously quite different in the late 1800s than it is now. This is mostly due to the rise of technology that has dramatically increased the efficiency in which deliverables (design drawings, maps, surveys) can be produced and how the information in the field used to build surveys is captured. Herman's work (mapping, design plans, etc.) was produced by hand and now most of the work (excluding some preliminary design work) is produced using computer automated design software. Taylor says he loves reviewing Herman's old City of Birmingham hand drawn maps and cannot imagine the time it took to create them. "The older generation of land surveyors were truly half-surveyor and half-artist!"

Schoel now employs over 100 people, which has grown from a one-person firm working in one market to a hundred-plus person firm working across the state and, at times, the southeast.



*Brooks Schoel*

As far as future advances for the company, Taylor says he wants to continue to see the company grow at a controlled and sustainable rate. Taylor says he is hopeful that "...if we continue to be technically excellent, innovative in our approach to problem solving, and focused on putting our clients and the project's success first, we will continue to move our company forward into the future." He wants to see continued growth in Schoel's geographical presence as well at their areas of expertise. "In short, I want to continue the growth of Schoel while staying committed to the fundamentals that have kept us in continuous operation for 135 years."



# ALABAMA AND THE 4TH INDUSTRIAL REVOLUTION

By: Dr. Gary April

Today, engineering requires the use of the most advanced technologies in parallel with established scientific principles to find innovative solutions to real world problems. It is difficult to over-emphasize the impact that engineering has had on human history – and there is no reason to believe that things will change in the future.<sup>1</sup>

The 35<sup>th</sup> Annual Induction Ceremony of the State of Alabama Engineering Hall of Fame, honoring six individuals and one corporation in the class of 2023, provides further evidence that engineering in Alabama is ready to meet this challenge.



*Shown is a picture of the AEHOF inductees for 2023. L to R: Stuart R. Bell, Milton A. Davis, Jr., Steve Cook (accepting for Dynetics), Rey Almodovar, Michael W. Wicks, and Melanie Talbot Booker, Teresa Talbot, Grace Talbot Pate, John Cassimus (accepting for Thomas F. Talbot).*

# ALABAMA AND THE 4TH INDUSTRIAL REVOLUTION

**Dr. Stuart R. Bell**, the 29<sup>th</sup> President of the University of Alabama, was honored for his leadership in the development of STEM degree programs in Alabama. His recognition of the unique role that universities have in providing well informed, diverse and productive workforces are matched with action to educate those who are able to make quality-of-life decisions at all levels of society. New degree programs in computer engineering, musical audio engineering, and cybersecurity complement those already addressing the education of future leaders in electric vehicle production, in-space manufacturing and other manufacturing systems requiring knowledge in machine learning and artificial intelligence.

**Rey Almodovar** and **Michael W. Wicks** were honored for their life-long commitment to our nations national defense systems. Both are considered to have expertise in developing teams of engineers that addressed some of the most complex problems in areas of hypersonic thermal protection, virtual reality training, cyber security, data analytics, cloud engineering, artificial intelligence and machine and digit engineering. Mr. Almodovar formed INTUITIVE and, along with the U. S. Space and Rocket Center, led efforts creating the INTUITIVE Planetarium -- a state-of-the-art facility highlighting STEM programs across the State. Mr. Wicks, after his very productive career in missile defense systems, joined Diakonos Research in Houston and leads the company's development of state-of-the-art cancer immunotherapies.

Joining these individual honorees, is **Dynetics Incorporated**. Formed nearly 50 years ago by Herschel Matheny and Steve Gilbert, Dynetics has steadily grown to 3000 employees, the majority of whom resident in north Alabama. The company continues to develop new technology through research, development, testing and rapid prototyping of systems needed to keep the United States ahead of those who might pose a threat to United States security. The company is also recognized for its culture of lifetime learning, the investment in continuing education and professional development of its employees and a commitment to the communities in which they operate.

Three additional individual honorees complete the class of 2023. All have shown leadership in their fields and a dedicated commitment to the education of citizens whose training and decision-making skills increase Alabama's position in attracting diverse industries and the workforces that they need to be successful.

# ALABAMA AND THE 4TH INDUSTRIAL REVOLUTION

**Dr. Thomas Talbot** started his career with the Tennessee Coal and Iron Division of U. S. Steel. As a professor at the University of Alabama at Birmingham, he also served as a member of the Alabama Board of Licensure for Professional Engineers and Land Surveyors from 1985-2005. His advice and council touched the lives of many Alabama resident engineers, ensuring that the standards for practicing engineering in Alabama, and across the United States, remained professionally and ethically sound.

**Milton A. Davis, Jr.** worked in the Birmingham area for M. W. Kellogg/RUST Engineering, BE&K Engineering & Construction Co. and B. L. Harbert International. He now serves as Vice President for Community Development with Clayco. As the Governor's appointee on the Alabama Community College System Board of Trustees, Mr. Davis is at the forefront of examining and approving measures that ensure the success of residents, businesses and industry at Alabama's 24 community and technical colleges.

**Tim McCartney**, alongside his father at McCartney Construction, developed the National Center for Asphalt Testing at Auburn. This center demonstrates a commitment to the maintenance of the State's road systems. It also provides support for the importance of continuing education, especially in those fields vital to maintaining the State's infrastructure. Mr. McCartney is an active member of the Business Council of Alabama, the Alabama STEM Council Advisory Board, and the Alabama Computer Science Advisory Board.

This year's AEHOF class of honorees answer, with their careers and committed service to the profession and the State, the question of readiness to meet the challenges of Alabama's third century.

*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.*



# OCTOBER 2023



- Renewals Start October 4, 2023—December 31, 2023
- Tip—File as soon as possible to avoid the rush at the end of the year. December 30th and 31st are on a weekend and no staff will be available to answer any questions you may have on those days.
- Note: 75% of licensees renew from mid-December to December 31st.

## Audit

- Tip—If you are selected for audit, you will be required to list your courses and upload your certificates during the renewal process. Please do not wait until the last week in December to file your renewal. Your renewal must be reviewed by staff and the holidays may cause delays.

## Continuing Education Log

You are not required to list your continuing education courses unless you are selected for audit during the renewal process. The Log is for your convenience.

## Carry Forward Hours

- You can find your carry forward hours in your MyBELS account. See “How To” on website.
- You can also see the date you were licensed, date you renewed, date your license expires and get a copy of your pocketcard in your MyBELS account.

## New Email Address

- Tip—If you’ve changed email addresses and that email address is not in your MyBELS account and you are unable to log in, you can now gain access to your account by hitting Forgot Password, then Start Account Recovery and enter your date of birth and social security number and the email address you want to the reset password to go to. Once you get in, you can change your email address.
- Fact—You must have separate emails if you have multiple licenses. We are still working with the vendor to use one email. If you Start Account Recovery and put in your date of birth or social security number 3 times, it will lock you out of your account and you will need to contact the Board office.

## Help Renewing

- Tip—Check the website under “How To” for renewal instructions and check “Staff” to see who you need to contact for help with your questions.

# FROM THE DIRECTOR'S DESK

## Remote Supervision of Experience

When a candidate for initial licensure submits an application that indicates their experience was supervised remotely the Board requires that candidate to be able to produce documentation which demonstrates how that supervision occurred.

The Board's Remote Supervision Policy instructs Companies to develop a remote supervision plan to ensure their future engineers will be able to meet the Board's experience supervision requirements. Recently applicants were denied licensure because they could not provide documentation that showed they had received adequate supervision to be awarded licensure.

The Board's Remote Supervision Policy is located on the Board's website by clicking on the word "Applications" on the home page. The policy outlines the Board's expectations for firms when they create their remote supervision plans. The policy states the following:

- 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.

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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.

# HAPPENINGS



Special Investigator Everette Johnson spoke with members of the Mobile-ASHRAE society regarding updates at the Board along with Ethics for the Engineering profession.



The Board held 3 public hearings in January regarding violations of its law and code. The results of those hearings are included in this newsletter.



Special Investigator Bill Hamil met with Engineering students at Tuskegee University in March to discuss licensure requirements and ethics issues. We wish to shout out a Big “Thank You” to Dr. Olakunle Harrison for the invite!



# HAPPENINGS



Special Investigator Everette Johnson attended the Association of Lower Alabama Code Officials Fall Conference in Mobile, Alabama.



Special Investigator Everette Johnson spoke with Engineering students at the University of Alabama at Huntsville. He discussed the licensure process, how to become a PE, along with the ethics for engineers. Go Chargers!



# HAPPENINGS



Special Investigators Bill Hamil and Everette Johnson attended the Alabama Fire Marshals Association Conference in Guntersville. We spoke with several code officials and fire marshals who are working to keep our communities safe.



# ENFORCEMENT NEWS

## James P. Lovelace, Case # 2022-05

On January 18, 2023, a hearing was held regarding charges filed against James P. Lovelace, a licensed architect, for possibly violating the Code of Alabama Chapter 34.

The Board alleged Mr. Lovelace provided engineering services for the Belle Mor project in Huntsville, Alabama that included engineering and architectural services, however no structural engineering design plans were submitted to the City of Huntsville for plan review. The City accepted the architectural design plans as the structural engineering plans for the project. The design plans were reviewed by a Board Technical Advisor, and he stated in part the “drawings clearly represent the practice of structural engineering as defined by Alabama Law which requires special training and experience.”

An Administrative Law Judge (ALJ) presided over the hearing and afterward provided a recommendation to the Board that was reviewed at the Board’s March 28, 2023. After review and discussion, the Board accepted the recommendations of the ALJ, found Mr. Lovelace guilty of the charges, and issued an Order that required him to pay a \$2,000 civil penalty to the State of Alabama General Fund and to pay \$785.25 to the Board for the cost of the hearing.

## Travis Pitts, Case # 2022-16

On January 24, 2023, a hearing was held regarding charges filed against Travis Pitts, an unlicensed individual for possibly violating the Code of Alabama Chapter 34. The Board alleged that Mr. Pitts applied for employment with a firm as a licensed professional engineer. After being employed he provided the license number of another professional engineer, and then unable to provide a license number he resigned from the company.

An Administrative Law Judge (ALJ) presided over the hearing and afterward provided a recommendation to the Board that was reviewed at the Board’s March 28, 2023. After review and discussion, the Board accepted the recommendations of the ALJ, found Mr. Pitts guilty of the charges, and issued an Order that required him to pay a \$2,000 civil penalty to the State of Alabama General Fund and to pay \$785.25 to the Board for the cost of the hearing.

## COMPLAINTS RECEIVED

FY2023 Stats are as of March 29, 2023.

	Professional Engineers	Professional Land Surveyors	Unlicensed Engineering	Unlicensed Surveying	Total
<b>FY2023</b>	<b>8</b>	<b>5</b>	<b>8</b>	<b>3</b>	<b>24</b>
<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>



# ENFORCEMENT NEWS

## **Daniel Allen, PE39578 Case # 2022-23**

On January 18, 2023, a hearing was held regarding charges filed against Daniel Allen, an unlicensed individual for possibly violating the Code of Alabama Chapter 34. The Board alleged that Mr. Allen placed his professional engineer seal on the structural, electrical, and mechanical (HVAC and plumbing) design drawings for the Rural King Supply in Albertville, Alabama project that were outside his area of competency. Documents related to the structural, electrical, and mechanical engineering design plans were reviewed by professional engineers serving as Board Technical Advisors (BTA) qualified in each specific area for review. Each BTA reviewed Mr. Allen's education and experience as well as information related with the engineering design. Errors were found in the structural, mechanical and electrical engineering design plans bearing Mr. Allen's professional engineer seal.

An Administrative Law Judge (ALJ) presided over the hearing and afterward provided a recommendation to the Board that was reviewed at the Board's March 28, 2023. After review and discussion, the Board accepted the recommendations of the ALJ, found Mr. Allen guilty of the charges, and issued an Order that required him to pay a \$1,000 fine to the Board, to pay \$785.25 to the Board for the cost of the hearing, and revoked his professional engineer license.

## **Noelle Warren, PE25101 Case 2022-32**

An investigation determined that the Florida professional engineer license of Noelle Warren was suspended by the Florida Board of Professional Engineers on May 17, 2022, for her failure to respond to the Florida Board's request for information.

Ms. Warren agreed to a consent order that required her Alabama professional engineer license to be suspended until such time her Florida professional engineer license is reinstated, and the consent order and final order would be public records.

## **John Corbett Thomason, PE29061 Case 2022-36**

The Board received a complaint that the engineering design drawings Mr. Thomason provided for a Dunkin Donuts project located in Montgomery, Alabama in May 2022 may contain standards of care violations. A Board Technical Advisor provided a review of the mechanical portion of the plans and provided a report that indicated "the mechanical portion of the package that I reviewed seems to be a minimal effort at providing directions to a contractor(s) for the installation of the mechanical portions of the equipment. Many, if not most of the details of installation of the mechanical portions of this project are not defined in a precise and exact manner."

Mr. Thomason agreed to a consent order that required him to pay a \$2,500 fine to the Board, to submit a list of his Alabama clients to the Board every 90 days for one year, and the consent order and final order would be public records.

# ENFORCEMENT NEWS

## **Matthew Kountz, PLS 20359 Case 2023-01 & Geo Surveying Case 2022-37**

On December 14, 2022, a hearing was held regarding charges filed against Matthew Kountz and his firm, Geo Surveying for possibly violating the Code of Alabama Chapter 34. The Board alleged that Mr. Kountz accepted money to provide surveying services and then failed to provide the services in a timely manner, that he provided surveying services during the time a court injunction was in place that required him to cease and desist offering surveying services, and failed to provide documents to the Board in a timely manner.

An Administrative Law Judge (ALJ) presided over the hearing and afterward provided a recommendation to the Board that was reviewed at the Board's January 18, 2023. After review and discussion, the Board accepted the recommendations of the ALJ, found Mr. Kountz guilty of the charges, and issued an Order that required him to pay a \$8,000 fine to the Board, to pay \$277.51 to the Board for the cost of the hearing, and suspended his license until the injunction against Geo Surveying Inc, was lifted.

## **James C. Bagley, Case 2022-38**

The Board received a complaint that Mr. Bagley, a licensed architect, sealed engineered design plans for a structural foundation that were submitted to the City of Montgomery for the Kappa Alpha PSI Fraternity House project without being issued a professional engineer license by the Board. A Board Technical Advisor reviewed the related structural foundation design for the Kappa Alpha PSI Fraternity House and advised the engineered design could only be legally signed and sealed by an Alabama Licensed Professional Engineer. Additionally, the BTA advised the foundation in this project was well beyond what could be considered "incidental" engineering.

Mr. Bagley agreed to a consent order that required him to pay a \$2,000 civil penalty to the State of Alabama General Fund, and the consent order and final order would be public records.

## **Curtis Pierce, PLS16175 Case 2022-43**

The Board received a complaint that alleged Mr. Pierce completed measurements, showed his clients, Pamela and Miguel Echevarria, the location of the boundary lines, and provided a survey that contained errors. A Board Technical Advisor (BTA) reviewed the survey and provided a report that indicated the survey contained the following violations of the Standards of Practice for Land Surveying In Alabama: conflicting survey dates; the bearing reference and source of information was not noted; the survey did not close mathematically; after determining the boundary, four of the six corners were identified as trees; the witness corners should have been placed; the error of closure in the survey was 1 foot in 81 feet.

Mr. Pierce agreed to a consent order that required him to pay a \$4,000 fine to the Board, that his professional land surveyor license is suspended for six months, and the consent order and final order would be public records.

# ENFORCEMENT NEWS

## **Charles Garrard, PLS20354 Case 2022-48**

A complaint alleged Mr. Garrard violated the standards of practice for land surveying in Alabama by providing a survey of property in Haleyville, Alabama that contained errors. A Board Technical Advisor (BTA) reviewed documents relating to the survey and determined Mr. Garrard failed to properly conduct courthouse research and provided an inaccurate survey. The report provided by the BTA stated in part: “the prudent surveyor would have completed courthouse research and used the evidence to determine the boundaries of the adjoining parcels, and then established the boundary of the new parcel. If the new parcel creates an overlap or conflict, that is an opinion in conflict with appropriate boundary law principles and the surveyor would be in violation of Rule 1.02, which would also be a violation of Rule 1.03, since the survey would not be an accurate determination of the location of the property boundary”.

Mr. Garrard agreed to a consent order that required him to pay a \$1,000 fine to the Board, and the consent order and final order would be public records.

## **MTA Engineers Inc, Case # 2022-49**

An investigation determined the firm, MTA Engineers Inc, offered engineering services for projects in the State of Alabama without being issued a certificate of authorization for engineering by the Board. The Firm stipulated that in 2020 it maintained an office in Birmingham, Alabama to provide engineering support for a client, Rausch Coleman Homes, without obtaining a Certificate of Authorization issued by the Board.

The firm agreed to a consent order that required it to pay a \$7,000 civil penalty to the State of Alabama General Fund, to pay the Board \$55 for the cost of the investigation, and the consent order and final order would be public records.

## **Marcus Phillips, Case 2022-50**

On December 14, 2022, a hearing was held regarding charges filed against Marcus Phillips, a previously licensed land surveyor, for possibly violating the Code of Alabama Chapter 34. The Board alleged that Mr. Phillips was paid \$275 by Gordon Sparks to survey property located in Trinity, Alabama as part of a sale of land. Mr. Phillips travelled to the location, conducted surveying activities, and produced a property description bearing the professional land surveyor seal and signature of Benjamin Proctor, a licensed professional land surveyor. The Board further alleged an error in the property description was discovered prior to the closing the sale of the land which led to the discovery that the professional identification of Benjamin Proctor had been used without his knowledge.

An Administrative Law Judge (ALJ) presided over the hearing and afterward provided a recommendation to the Board that was reviewed at the Board’s January 18, 2023. After review and discussion, the Board accepted the recommendations of the ALJ, found Mr. Phillips guilty of the charges, and issued an Order that required him to pay a \$10,000 civil penalty to the State of Alabama General Fund, and to pay the Board \$277.51 for the cost of the hearing.



# ENFORCEMENT NEWS

## Reed Fire Protection Inc, Case # 2022-51

A complaint alleged Reed Fire Protection (Firm) possibly provided engineering services involving the installation of a fire suppression system for the Greater RV Center in Heflin, Alabama without employing a licensed professional engineer. A Board Technical Advisor (BTA) reviewed information in this matter and provided a report that indicated although the Firm, holds a valid Sprinkler System Permit (#3805) issued by the Alabama Department of Insurance, “There are no provisions for a Fire Marshal Certified Sprinkler System Permit holder to design/layout a sprinkler system without the involvement of a licensed professional engineer competent in fire protection design in compliance with professional engineering laws and rules. The application of a NICET identification triangle (which appears to be intended to look like an official stamp) does not relieve this individual/company from utilizing a professional engineer for the design in accordance with state engineering laws/rules.”

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 \$235 for the cost of the investigation, and the consent order and final order would be public records.

## TRC Environmental Corporation, ECA4370 Case # 2022-53

A complaint alleged that TRC Environmental Corporation (Firm) offered engineering services for a project in Alabama from a branch office located in Arlington, Texas that had not been identified on its Certificate of Authorization. The firm also had continued to identify its principal managing agent as a professional engineer who had not been employed by the firm for a period of two years.

The investigation determined that on January 13, 2021, the Firm renewed its Certificate of Authorization and identified Russell Kent Nilsson as its principal managing agent. Russell Kent Nilsson had left the employment of the firm on November 13, 2020. In January 2022, the firm renewed its Certificate of Authorization and identified Nakia Addison as its principal managing agent. In April 2022, the firm offered engineering services for a project in the State of Alabama from an office located in Arlington, Texas that it had not identified as a branch office on its Certificate of Authorization.

The firm agreed to a consent order that required it to pay a \$1,500 fine to the Board and the consent order and final order would be public records.

## COMPLAINTS RESOLVED

As of March 29, 2023

	Professional Engineers	Professional Land Surveyors	Unlicensed Engineering	Unlicensed Surveying	Total
<b>FY2023</b>	11	8	14	0	33
<b>FY2022</b>	14	8	16	3	41
<b>FY2021</b>	8	9	10	1	28

# 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.

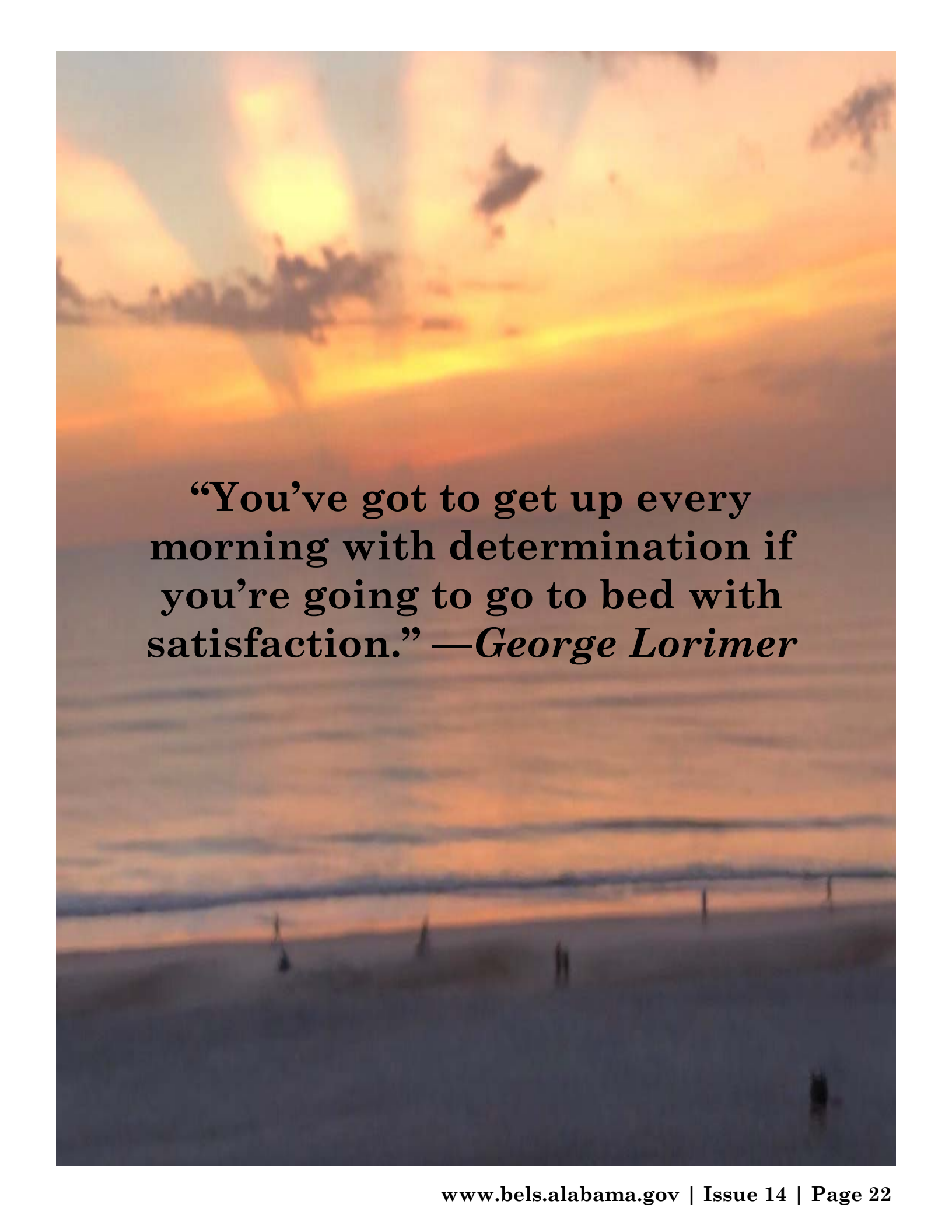
Board Technical Advisors do not get compensated. However, the benefit of not paying for a technical advisor is that it shows in a hearing that the technical advisor is independent of the Board when providing their opinion.

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**

A photograph of a sunset over a body of water. The sky is filled with warm, orange and yellow light, with some dark clouds. The water is dark blue, and several sailboats are visible in the distance. The text is centered in the middle of the image.

**“You’ve got to get up every morning with determination if you’re going to go to bed with satisfaction.” —*George Lorimer***



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