

# THE STANDARD

2024

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2024



## 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

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



Fred R. DeLeon Jr. PE

## New Board Member

On October 11, 2023 Governor Ivey appointed Fred R. DeLeon Jr., to the Board. With over 30 years of experience, Mr. DeLeon also holds degrees in geology, engineering, and law and is a registered professional engineer and professional geologist, as well as a licensed attorney.

## Board Calendar

March 19, 2024	<b>Meeting</b>
May 13, 2024	<b>Meeting</b>
July 30, 2024	<b>Meeting</b>
October 8, 2024	<b>Meeting</b>
December 10, 2024	<b>Meeting</b>

Donald W. Vaughn, completed his service to the Board in 2023 and was presented with a plaque and Senate Resolution at the January 23, 2024 Meeting. Don was appointed to the Board by Governor Kay Ivey and served in all leadership roles which included Secretary, Vice Chair and Chair.

In previous service to Alabama, Don was appointed by Governor Riley to serve as the Chief Engineer of the Alabama Department of Transportation, and served faithfully in that position from June 2005 to June 2012.

Don was inducted into the Alabama Engineering Hall of Fame in 2013.



Donald W. Vaughn. PE

# VOLUNTEERS NEEDED

BELS relies heavily on the expertise of professional engineers and professional land surveyors serving as Board Technical Advisors to assist the investigative process when complaints are received that concern the competency of a professional engineer or professional land surveyor. These reviews generally involve the review of a questioned document for compliance with engineering and/or surveying standards.

A Tech Advisor can earn up to 10 PDH per year for conducting these document reviews. If interested, please contact Bob Herbert by telephone at 334-242-5089 or email: [robert.herbert@bels.alabama.gov](mailto:robert.herbert@bels.alabama.gov).

Questions?

Check out our FAQs at:

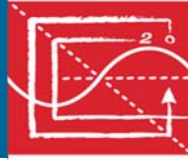
<https://bels.alabama.gov/faqs/>



## 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.



## **ARCHITECTURAL ENGINEERS**

NCEES is seeking architectural engineers to participate in a professional activities and knowledge study, or PAKS, for the PE Architectural Engineering exam. The results of this online survey will be used to update the content of the PE exam, which is a process that occurs every six to eight years.

NCEES requires a cross section of licensed professional engineers practicing architectural engineering—including those working in industry, consulting, the public sector, and academia—to complete the survey. If you are a licensed professional engineer, we would appreciate your input. The survey can be completed in about 20–30 minutes.

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

The survey will be open until **April 24, 2024**. Please help us spread the word about this important study by sharing this information with any colleagues who are licensed architectural engineers. NCEES sincerely thanks you for your contribution to ensure the PE Architectural Engineering exam is reflective of the current practice of P.E.s.

For more information, contact NCEES Exam Development Engineer Sonya Dawson, P.E., at [sdawson@ncees.org](mailto:sdawson@ncees.org).

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## **ENVIRONMENTAL ENGINEERS**

NCEES is seeking licensed environmental engineers to participate in a professional activities and knowledge study, or PAKS, for the PE Environmental exam. The results of this online survey will be used to update the content of the PE exam, which is a process that occurs every six to eight years.

NCEES requires a cross section of licensed professional engineers practicing environmental engineering—including those working in industry, consulting, the public sector, and academia—to complete the survey. If you are a licensed professional engineer, we would appreciate your input. The survey can be completed in about 15–20 minutes.

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

The survey will be open until **May 5, 2024**. Please help us spread the word about this important study by sharing this information with any colleagues who are licensed environmental engineers. NCEES sincerely thanks you for your contribution to ensure the PE Environmental exam is reflective of the current practice of P.E.s.

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

# LIABILITY INSURANCE DISCLOSURE

In the 2023 legislative session a bill was passed that became effective on September 1, 2023. This new law requires design professionals to have professional liability insurance or to notify their clients that they do not.

Act #2023-477 states in part: “Before entering into a verbal or written agreement to provide services, a design professional, as defined in Section 41-9A-3(a), who is not covered by professional liability insurance, shall disclose that fact in writing to the client. The disclosure shall be signed by the client and notarized before the design professional may perform any work for that client.”

A quick look at Section 41-9A-3(a) defines a design professional as “a person or entity who is licensed or authorized in this state to practice architecture, landscape architecture, surveying, engineering, interior design, or geology.”

Since this disclosure is now required by law, during the meeting with the client to sign the document to be notarized would be a perfect time to also discuss the scope of services required to bring the project to a successful conclusion.

Without going into more detail than you care to read, generally a scope of services describes the objectives of the work to be performed, timelines, deliverables, work activities, costs, and the acceptance of the scope by the client.

A common complaint we hear from the public is that no scope of services was discussed and the complainant and professional just had a verbal agreement relating to the requested services. This often leads to a very he said, she said kind of back and forth, especially when the client doesn't have a clear understanding of the amount of effort and time needed to complete the job.

For example in a recent investigation the complainant spoke with the professional on the phone, was unaware the professional had started working when he arrived at the property, and the cost quoted verbally was much less than the price on the invoice he received. A scope of services provided to, and agreed upon by the client, could easily stop most of these type complaints.

## CREDENTIALS ISSUED – FY2023-2024

<u>Credential</u>	<u>1st Quarter</u>	<u>2nd Quarter</u>	<u>3rd Quarter</u>	<u>4th Quarter</u>	<u>Total</u>
Engineer Intern	46	60			
Surveyor Intern	1	2			
Professional Engineer	328	337			
Professional Land Surveyor	6	11			
Engineering Company	72	65			
Land Surveying Company	10	7			

# ENFORCEMENT NEWS

The firm agreed to a consent order that required it to pay a \$10,000 fine to the Board, and the consent order and final order would be a public record.

## Moore Engineering Company - Complaint # 2024-03

An investigation determined that Moore Engineering Company provided land surveying services for a project in Alabama without obtaining a certificate of authorization for land surveying or engineering from 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 \$55 to the Board for the cost of the investigation, and the consent order and final order would be a public record.

## Stewart Moore, PLS - Complaint # 2024-04

An investigation determined Mr. Moore applied his State of MS professional land surveyor seal to a project in Alabama.

Mr. Moore agreed to a consent order required him to pay a \$500 fine to the Board, and the consent order and final order would be a public record.

## COMPLAINTS RECEIVED

FY	Professional Engineers	Professional Land Surveyors	Unlicensed Engineering	Unlicensed Surveying	Total
2023-2024					
Quarter 1	8	7	1	1	17
Quarter 2	5	2	5	0	12

## COMPLAINTS RESOLVED

FY	Professional Engineers	Professional Land Surveyors	Unlicensed Engineering	Unlicensed Surveying	Total
2023-2024					
Quarter 1	1	3	5	0	9
Quarter 2	2	6	2	1	11

Our investigators not only conduct investigations of complaints, but they are also available to answer your questions concerning routine issues that occur and relate to compliance with the Code of Alabama and/or the Board's Administrative Code. Please feel free to send them an email or give them a call with your questions or concerns.

Their Contact Information:

Chief Special Investigator Bob Herbert: robert.herbert@bels.alabama.gov, or 334-242-5089

Special Investigator Bill Hamil: william.hamill@bels.alabama.gov, or 334-242-5049

# ENFORCEMENT NEWS

## **Blanchard AE Group, LLC, - Complaint # 2023-38**

An investigation determined Blanchard AE Group, LLC, provided engineering design services for three projects in Alabama without obtaining a certificate of authorization for engineering from the Board.

The firm agreed to a consent order that required it to pay a \$1,500 civil penalty to the State of Alabama General Fund, to pay \$40 to the Board for the cost of the investigation, and the consent order and final order would be a public record.

## **Macon Gooch III - Complaint # 2023-39**

An investigation determined Mr. Gooch applied his State of GA professional engineer seal to a project in Alabama without being licensed to perform engineering work in the State of Alabama.

Mr. Gooch agreed to a consent order required him to pay a \$1,000 civil penalty to the State of Alabama General Fund, to pay \$95 to the Board for the cost of the investigation, to cease and desist the offering of engineering services in Alabama until such time as he becomes licensed by the Board, and the consent order and final order would be a public record.

## **Donald Jackson, PLS - Complaint # 2023-40**

An investigation determined Mr. Jackson conducted a survey of property for Andrews Methodist Church in Coosa County Alabama, that failed to omit a one acre parcel that had been sold, which resulted in the filing of a survey that contained errors.

Mr. Jackson agreed to a consent order that required him to pay a \$2,500 fine to the Board, to \$72 to the Board for the cost of the investigation, to provide a copy of the corrected survey and legal description to his client, and the Consent Order and Final Order to be a public record.

## **Holland Homes LLC, - Complaint # 2023-41**

An investigation determined Holland Homes LLC provided engineering services for eleven engineering projects in the State of Alabama between the years 2020-2023, without obtaining a certificate of authorization for engineering from the Board.

The firm agreed to a consent order that required it to pay a \$2,500 civil penalty to the State of Alabama General Fund, to pay \$95 to the Board for the cost of the investigation, and the consent order and final order would be a public record.

## **Consulting Construction Engineering LLC, - Complaint # 2023-42**

An investigation determined Consulting Construction Engineering LLC provided engineering services for numerous engineering projects in the State of Alabama between the years 2022-2023, during a time its certificate of authorization for engineering was expired.

The firm agreed to a consent order that required it to pay a \$10,000 fine to the Board for the and the consent order and final order would be a public record.



# ENFORCEMENT NEWS

## **Matthew Kountz, PLS & Geo Surveying LLC, Complaint # 2023-07 / 2023-25 / 2023-29 / 2024-14**

An investigation determined Mr. Kountz, accepted payments to provide land surveying services that he did not provide. Mr. Kountz also failed to respond to Board inquiries regarding the complaints. A formal disciplinary hearing was held on January 23, 2024 regarding the complaints and Mr. Kountz's failure to communicate with the Board.

Mr. Kountz was found guilty of the charges against him and on March 19, 2024, the Board issued a Hearing Order that revoked his professional land surveyor license.

## **Victor M. Long - Complaint # 2023-28**

An investigation determined Mr. Long submitted a report that identified him as the "Lead Engineer" for the firm "Achieving Visionary Solutions", and included language that stated: "Engineering Reports for Insured and Insurer" without being issued a license to practice engineering in the State of Alabama by the Board. A formal disciplinary hearing was held on February 13, 2024 regarding the issues discovered in the investigation.

Mr. Long was found guilty of the charges and on March 19, 2024, the Board issued a Hearing Order that required him to pay a \$250 civil penalty to the State of Alabama General Fund, to pay \$957.25 for the cost of the hearing.

## **Global Tech Solutions - Complaint # 2024-19**

An investigation determined Global Tech Solutions provided engineering services for engineering projects in the State of Alabama between without obtaining a certificate of authorization for engineering from the Board.

The firm agreed to a consent order that required it to pay a \$2,500 civil penalty to the State of Alabama General Fund, to pay \$53 to the Board for the cost of the investigation, to cease and desist the offering of engineering services until such time it has been issued a certificate of authorization by the Board, and the consent order and final order would be a public record.

## **Stewart Moore, PLS - Complaint # 2024-23**

An investigation determined Mr. Moore, placed his signature and professional land surveyor seal on a "preliminary" document that was submitted and recorded, without being identified as a "working drawing."

He agreed to a consent order that cautioned him to review documents carefully, to pay a \$1,000 fine to the Board, and the consent order and final order to be a public record.

# CERTIFICATES OF AUTHORIZATION

Recently Board staff has noticed a significant increase in firms failing to obtain a certificate of authorization for engineering and/or land surveying before offering or performing engineering or land surveying services in Alabama. Included are some applicable portions of the Code of Alabama that address certificate of authorization requirements. Keep in mind – new licensees are allowed 30 days to obtain a certificate of authorization for their firm if needed.

## **Section 34-11-9. Corporate and partnership practice.**

(a) (1) 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.

(6) For the purposes of this section, a certificate of authorization shall be required by a firm practicing under a fictitious name, offering engineering or land surveying services to the public. Where a licensee is practicing engineering or land surveying in his or her own given name, the licensee shall not be required to qualify under this section.

(7) The practice of engineering or land surveying incidental to or in connection with production, manufacture, transportation, distribution, or communication may be carried on by any firm engaged in the production, manufacture, transportation, distribution, or communication and does not require a certificate of authorization.

(b) A firm shall designate a managing agent and a resident professional, if offering or performing Alabama services in multiple offices. The managing agent and the resident professional may be the same individual.

(3) A licensee may not be designated as a managing agent for more than one firm unless the firms share a location.

(4) A licensee who renders occasional, part-time, or consulting engineering or land surveying services to or for a firm may not be designated as a managing agent.

(e) A firm shall designate a resident professional engineer or a resident professional land surveyor, as applicable, in each branch office in which engineering or land surveying services for the state are offered or provided. The resident professional shall be responsible for overseeing the daily operations of that branch office. The following criteria shall apply to the firm's designation of a resident professional:

(1) A licensee may not be designated as a resident for more than one firm unless the firms share a location.

(2) A licensee who renders occasional, part-time, consulting engineering or land surveying services to or for a firm may not be designated as a resident professional.

# REMOTE SUPERVISION OF EXPERIENCE

When a candidate for 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 and demonstrates increased responsibility.

# CONSTRUCTION EXPERIENCE

Generally speaking, construction experience will be credited by the Board, if in the opinion of the Board, the experience is of a nature that is responsible and progressively expands the engineering knowledge and skill of the applicant. Alternatively, the mere execution of work designed by a professional engineer, or supervisory oversight as would be performed by a construction foreman or superintendent will not be credited.

The Construction Institute of the American Society of Civil Engineers, (ASCE), in their publication, “GUIDE TO PROFESSIONAL ENGINEERING LICENSURE for the CONSTRUCTION ENGINEER”, emphatically states, “Experience in construction can be valid, but it must demonstrate the use of engineering principles, including design. This is not necessarily design in the traditional sense of the design of the facility. Rather, it is important to understand that engineering design includes design of systems and processes. In construction, the construction engineer is involved in the design of the construction process and the design of systems (for example, safety systems) for execution of that process. Just as costs, specifications, materials, and coordination are part of the appropriate experience of the traditional designer for the facility, they are also part of the appropriate experience of the construction engineer.”

The Board can only consider construction experience as described in the application for licensure. Therefore, the applicant must take care to accurately explain and document relevant construction engineering experience. Construction engineering experience claimed, must have been performed under the oversight and supervision of a Professional Engineer and verified by that same Professional Engineer supervisor. Again, the earlier referenced ASCE publication, offers a listing of construction activities to be considered when evaluating construction engineering experience. Construction engineering activities include:

- Design of equipment fleet operations and productivity; temporary support systems; and formwork systems.
- Design and optimization of project schedule
- Value Engineering
- Quality Control
- Materials testing
- Construction Plant design
- Design of temporary haul roads
- Design, maintenance, and adaptation of Traffic Control plans
- Design, Inspection, and Application of Temporary erosion Control
- Reviewing Shop drawings and Vendor submissions
- Analyzing and correcting construction failures
- Analyzing changed site conditions
- Design Build Coordination
- Design of Rigging and conveyance systems
- Coordination among other Disciplines involved in the construction
- Scheduling and Budget review.

\* This list is not intended to be all inclusive, but is included as a representation of the types of engineering activities performed during construction

# EXPERIENCE



## Always keep in mind:

Experience must be progressive and of an increasing standard of quality and responsibility and usually follows graduation.

**For Engineering Applicants:** Experience must be verified by a licensed professional engineer supervisor, a licensed professional engineer associate or in some other relationship that assures the Board that the experience received is substantially equivalent to supervision by a licensed professional engineer.

**For Surveying Applicants:** Experience must be verified by a licensed professional land surveyor supervisor, a licensed professional land surveyor associate or in some other relationship that assures the Board that the experience received is substantially equivalent to supervision by a licensed professional land surveyor.

Concurrent time, that is time spent in engineering work while attending school, can only be credited as education experience or work experience but not as both.

See “Qualifying Experience” in Section 330-X-6-.01 of the Board’s Administrative Code for more information. It can be found on our website at [www.bels.alabama.gov](http://www.bels.alabama.gov).