

**ALABAMA BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
MINUTES – MAY 13, 2024
Montgomery, Alabama**

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 swift and effective discipline for those individuals or entities who violate the applicable laws or rules.

Board meeting notices are posted on the Open Meetings area of the website of the Secretary of State, and the Board’s website under Dates and Deadlines. The public can also attend the meeting virtually via the “Board Meeting” link on the website.

Chair Averrett called the meeting to order at 8:00 A.M., Monday May 13, 2024, at the Board Office in Montgomery, Alabama. He noted there was a quorum of Members present. The following Members and Staff were in attendance.

Officers and Members Present:

John E. Averrett	Chair
Nanette T. Baldwin	Vice Chair
Gregory O. Robinson	Secretary
James C. Pegues	Member
Joseph F. Breighner Jr.	Member
Fred R. DeLeon Jr.	Member
Elaine B. Walton	Member
Randall D. Whorton	Member
Nathan G. Johnson	Member

Staff Present:

William R. Huett	Executive Director
Bonnie L. Kelly	Executive Assistant
Robert Herbert	Chief Special Investigator

Legal Counsel:

Benjamin Albritton	Assistant Attorney General
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The proposed meeting agenda was reviewed.

Minutes of the meeting of the 2023-2024 Board held on March 19, 2024, were reviewed.

24-081. IT WAS MOVED by Mr. DeLeon and seconded by Mr. Breighner that the minutes of the meeting held March 19, 2024, be approved. MOTION CARRIED 9-0.

APPLICATIONS – Mr. Nathan G. Johnson, Advisor

The Board previously authorized the Executive Director to approve applications for licensure, intern certification, and examinations if the application is in order and all requirements have been met.

Applications of those applying for Professional Engineer licensure since March 19, 2024, as provided by Section 34-11-4(1)a.1 and a.2, of the Licensure Law having previously passed the FE and PE Examination in Alabama or in another jurisdiction, were considered.

Applications of those applying for Professional Engineer licensure by comity since March 19, 2024, as provided by Section 34-11-4(1)(b) of the Licensure Law, were considered.

Applications of those applying for Intern certification since March 19, 2024, as provided by Section 34-11-4(2) of the Licensure Law, were considered.

Applications of those applying for Professional Land Surveyor licensure since March 19, 2024, as provided by Section 34-11-4(3)a and b of the Licensure Law, were considered.

24-082. IT WAS MOVED by Mr. Breighner and seconded by Mr. Johnson to approve for licensure the professional engineer application of Mitzi Erin Brett. MOTION FAILED 3-5-1 with Mr. Breighner, Mr. Johnson and Mr. DeLeon voting for the motion; Mr. Averrett, Mr. Robinson, Mr. Whorton, Mr. Pegues and Ms. Walton voting against the motion and Ms. Baldwin abstaining from the vote.

24-083. IT WAS MOVED by Mr. Robinson and seconded by Mr. Pegues to defer for licensure the professional engineer application of Mitzi Erin Brett. MOTION CARRIED 6-3 with Mr. Averrett, Mr. Robinson, Mr. Whorton, Mr. Pegues, Ms. Baldwin and Ms. Walton voting for the motion; and Mr. Breighner, Mr. Johnson and Mr. DeLeon voting against the motion.

24-084. IT WAS MOVED by Mr. Pegues and seconded by Ms. Walton to approve for licensure the professional engineer application of Collin Jay Rosson. MOTION CARRIED 9-0.

24-085. IT WAS MOVED by Mr. Robinson and seconded by Ms. Baldwin to deny for licensure the professional engineer applications of Dean Steven Hotsinpillar, Sanjay Paul, Michael Anthony Venturella, Tomislav Puljic, Joseph Franklin Smith, III, Warren Canant and the professional land surveyor application of Jon Michael Mothershed. MOTION CARRIED 9-0.

24-086. IT WAS MOVED by Mr. Robinson and seconded by Mr. Breighner that the Board ratify the approval of licenses issued since the March 19, 2024, meeting and the list of those be included in the minutes on **Attachment #1**. MOTION CARRIED 9-0.

24-087. IT WAS MOVED by Ms. Walton and seconded by Mr. Johnson that the Board ratify the approval of exam applicants since the March 19, 2024, Board Meeting and approve for examination the applicants listed on **Attachment #2**. MOTION CARRIED 9-0.

24-088. IT WAS MOVED by Mr. Johnson and seconded by Mr. Pegues that the Board ratify the approval of Intern Certifications issued since the March 19, 2024, Board Meeting

and that the list of those be included in the minutes on **Attachment #3**. MOTION CARRIED 9-0.

CERTIFICATES OF AUTHORIZATION – Mr. James C. Pegues, Advisor

The Board authorizes the Executive Director to issue certificates of authorization to applying firms if the application is in order and all requirements have been met. A list of the certificate of authorizations issued since the March 19, 2024, Board Meeting were reviewed.

24-089. IT WAS MOVED by Mr. Breighner and seconded by Mr. Robinson that the Board ratify the approval of the Engineering and Land Surveying Certificates of Authorization issued since the March 19, 2024, Board Meeting and the list of those issued be included in the minutes on **Attachment #4**. MOTION CARRIED 9-0.

LAW ENFORCEMENT – Ms. Elaine B. Walton, Advisor

The Board was briefed on the 2023-2024 enforcement statistics and reviewed the status of the files pending with the Investigators, and the Investigative Committee. The cases were discussed in a sanitized format to avoid compromising due process for the Respondent in the event the Board determined another course of action.

24-090. IT WAS MOVED by Mr. Pegues and seconded by Mr. Breighner that the Board accept the recommendations of the Investigative Committee and issue a Final Order thereby closing Complaint 2024-10, 2024-11, and 2024-13. MOTION CARRIED 8-0 with Mr. Averrett recused.

24-091. IT WAS MOVED by Mr. Breighner and seconded by Ms. Walton that the Board accept the recommendations of the Investigative Committee and issue a Final Order thereby closing Complaint 2024-18. MOTION CARRIED 7-1 with Mr. Johnson voting against the motion and Ms. Baldwin recused.

24-092. IT WAS MOVED by Mr. DeLeon and seconded by Mr. Breighner that the Board accept the recommendations of the Investigative Committee and issue a Final Order thereby closing Complaint 2024-20. MOTION CARRIED 8-0 with Mr. Robinson recused.

24-093. IT WAS MOVED by Mr. Johnson and seconded by Ms. Baldwin that the Board accept the recommendations of the Investigative Committee and issue a Final Order thereby closing Complaint 2024-21. MOTION CARRIED 8-0 with Ms. Walton recused.

DISCIPLINARY HEARING

At 9:00 the Board held a hearing regarding Alexander Zuendt, a professional engineer whose license was currently listed as expired - reinstatement eligible. Mr. Zuendt virtually participated in the hearing. Administrative Law Judge Randy Salle presided over the hearing, and at the conclusion of the hearing advised he would provide the Board his recommendations prior to the next scheduled Board meeting.

APPLICATION HEARING

Randall Jonathan Hogan whose professional engineer licensure application was denied at the March 19, 2024, meeting, met with the Board at 10:30 AM. Mr. Hogan provided information regarding his application and answered all Board Member questions. The Board advised Mr. Hogan that it would make its decision on the appeal later in the meeting.

Gerry Carl Mertsching whose professional engineer licensure application was denied at the March 19, 2024, meeting, met with the Board at 10:45 AM. Mr. Mertsching provided information regarding his application and answered all Board Member questions. The Board advised Mr. Mertsching that it would make its decision on the appeal later in the meeting.

COMMUNICATIONS & PUBLICATIONS – Ms. Nanette Baldwin, Advisor

The Board was briefed on outreach events Board staff attended and planned to attend in the next three months.

LEGISLATIVE, LAW AND RULES – Mr. Randy Whorton, Advisor

The 2024 legislative session was briefly discussed.

CONTINUING PROFESSIONAL COMPETENCY – Mr. James Pegues, Advisor

Mr. Pegues spoke to the Board regarding a recent question concerning the acceptance of professional development course work in half hour increments. After discussion, the Board determined course work consisting of 30-minute increments is acceptable when the individual provides supporting documentation that indicates the course work was completed.

FINANCE – Mr. John E. Averrett, Advisor

The monthly financial reports for February 2024 and March 2024 were briefed.

PERSONNEL – Mr. Randy Whorton, Advisor

The Board discussed the performance of Executive Director Rick Huett, and made the following motion:

24-094. IT WAS MOVED by Mr. Whorton and seconded by Mr. Pegues that the Board approve a 5% raise for Executive Director Rick Huett. MOTION CARRIED 9-0.

LAND SURVEYING – EDUCATION & EXAMINATION

The Board reviewed the Fundamentals of Surveying (FS) and Principals and Practice of Surveying (PS) exam statistics for the First and Second quarter of FY 2023-2024.

The Board reviewed correspondence from Mr. Gary Thompson requesting the Board submit a letter to NCEES requesting it develop a PS Mapping Science Exam. After review and discussion, the Board determined to advise Mr. Thompson that it would not submit a letter requesting NCEES develop the exam.

EXECUTIVE DIRECTOR'S REPORT

The Board reviewed the licensing stats showing the number of individuals licensed as Professional Engineers (337), Professional Land Surveyors (11), Engineer Interns (60), Surveyor Interns (2), and companies issued engineering (65) and land surveying (7) certificates of authorization for the second quarter of 2023-2024.

After review of their resumes the Board approved Mr. Campbell Cook, PLS, Mr. H. Michael Richards, PE, and Mr. Richard C. Powell, PE, to serve as Volunteer Board Technical Advisors.

The Board reviewed information relating to the Mutual Recognition Agreement (MRA) between the National Council of Examiners for Engineering and Surveying and the U.K. Engineering Council. After review and discussion the Board had concerns regarding some member nations of the organization and chose not to participate at this time.

CORRESPONDENCE

The Board reviewed a list of individuals requesting to use the title "Professional Engineer, Retired" or "Professional Land Surveyor, Retired."

24-095. IT WAS MOVED by Mr. DeLeon and seconded by Mr. Breighner that the Board ratify the approval of the individuals requesting to use the title "Professional Engineer, Retired" or Professional Land Surveyor, Retired". MOTION CARRIED 8-0.

The Board reviewed a letter from the Alabama Society of Professional Land Surveyors (ASPLS) requesting its consideration of changes it planned to propose to sections of the Code of Alabama Title 35, Chapter 2. After discussion, Mr. Johnson and Mr. Breighner advised they planned to attend the ASPLS summer meeting in June 2024 and would continue to discuss this matter with the Board of Directors of ASPLS.

The Board reviewed a Petition for Order of Limited Relief submitted by David F. Barker, Jr., in which Mr. Barker indicated he wished to pursue licensure as a professional land surveyor once he was released from prison. AG Ben Albritton advised the Board he would provide a no objection response to the Petition.

EXECUTIVE SESSION

At 12:01 pm, the Board determined that it wished to enter Executive Session to discuss the licensure applications of Randall Jonathan Hogan and Gerry Carl Mertsching. Attorney Benjamin Albritton confirmed that it was permissible for the Board to enter Executive Session for this matter.

24-096. IT WAS MOVED by Mr. Robinson and seconded by Mr. Breighner that the Board go into executive session for twenty minutes to discuss the application of Randall Jonathan Hogan and Gerry Carl Mertsching. MOTION CARRIED 9-0 with Ms. Baldwin, Mr. Averrett, Mr. Robinson, Mr. Breighner, Mr. Pegues, Ms. Walton, Mr. Whorton, Mr. Johnson and Mr. DeLeon voting for the executive session.

At 12:15 pm the Board exited Executive Session and made the following motions:

24-097. IT WAS MOVED by Mr. Robinson and seconded by Mr. Pegues to deny for licensure the professional engineer application of Randall Jonathan Hogan. MOTION CARRIED 9-0.

24-098. IT WAS MOVED by Mr. Pegues and seconded by Mr. Robinson to deny for licensure the professional engineer application of Gerry Carl Mertsching. MOTION CARRIED 8-1 with Mr. Whorton voting against the motion.

NEW BUSINESS

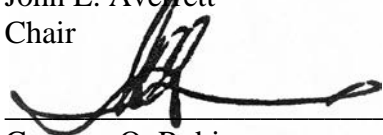
The Board discussed its current Remote Supervision Policy along with other licensure requirements.

ADJOURN TIME

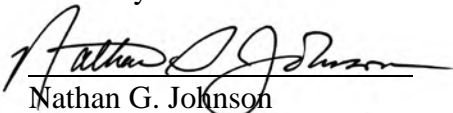
The Board adjourned at 2:00 PM. The next scheduled meeting of the Board is July 30, 2024, at the Board office in Montgomery beginning at 8:00 am.



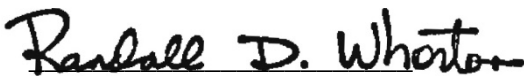
John E. Averett
Chair



Gregory O. Robinson
Secretary



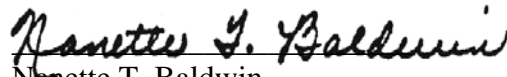
Nathan G. Johnson
Member



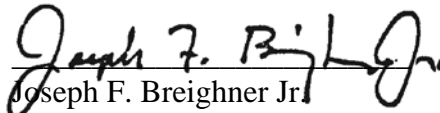
Randall D. Whorton
Member




Fred R. DeLeon Jr.
Member



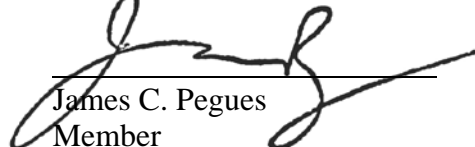
Nanette T. Baldwin
Vice Chair



Joseph F. Breighner Jr.
Member



Elaine B. Walton
Member



James C. Pegues
Member



Submitted by: William R. Huett
Executive Director

Attachment #1, May 13, 2024.

24-086. IT WAS MOVED by Mr. Robinson and seconded by Mr. Breighner that the Board ratify the approval of licenses issued since the March 19, 2024, meeting and the list of those be included in the minutes on **Attachment #1**. MOTION CARRIED 9-0.

Attachment #2, May 13, 2024.

24-087. IT WAS MOVED by Ms. Walton and seconded by Mr. Johnson that the Board ratify the approval of exam applicants since the March 19, 2024, Board Meeting and approve for examination the applicants listed on **Attachment #2**. MOTION CARRIED 9-0.

Attachment #3, May 13, 2024.

24-088. IT WAS MOVED by Mr. Johnson and seconded by Mr. Pegues that the Board ratify the approval of Intern Certifications issued since the March 19, 2024, Board Meeting and that the list of those be included in the minutes on **Attachment #3**. MOTION CARRIED 9-0.

Attachment #4, May 13, 2024.

24-089. IT WAS MOVED by Mr. Breighner and seconded by Mr. Robinson that the Board ratify the approval of the Engineering and Land Surveying Certificates of Authorization issued since the March 19, 2024, Board Meeting and the list of those issued be included in the minutes on **Attachment #4**. MOTION CARRIED 9-0.