

THE STANDARD

A large red tower crane is the central focus of the image, extending from the bottom towards the top. The crane's lattice structure is clearly visible. The background is a bright blue sky with scattered, light white clouds. The crane's horizontal jib extends across the top of the frame.

INSIDE:

Community News

Rule Changes

Enforcement News

Front Cover:

Crane at New State House Job Site



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

COMMUNITY NEWS

Upcoming Events

- Oct 3rd ACEC Annual Fall Shoot
- Oct 14-17 ASPLS Fall Conference
- Oct 28-30 AAFM Fall Conference
- Nov 1 ASPE Ethics Day

Office Calendar

- Oct 8th **Board Meeting**
- Oct 14th Holiday - Office Closed
- Nov 11th Holiday - Office Closed
- Nov 28th Holiday - Office Closed
- Nov 29th Holiday - Office Closed
- Dec 10th **Board Meeting**
- Dec 25th Holiday - Office Closed

PDH Opportunity

ASPE

Will hold its annual
“Ethics Day”

8 am – 12 Noon on Friday November 1, 2024. It’s free for ASPE Members and \$35 for non-members. You can register online at www.myaspe.com

Elaine Walton Reappointed to the Board



On August 27, 2024, Governor Ivey reappointed Ms. Elaine Walton to the Board. Ms. Walton was originally appointed to the Board in 2019 and will now continue to serve until July 23, 2029. Ms. Walton is employed at Rexel, USA dba Mayer Electric Supply Company as Senior Transportation & Logistics Specialist. She is responsible for maintaining fleet ordering and the delivery of Rexel company vehicles to employees.

COMMUNITY NEWS

Nanette Baldwin, Board Chair



On October 1, 2024, Nanette Baldwin began her duties as Board Chair. Nan is the first Public Member in Board History to serve in this position, and has previously served as Vice Chair and Board Secretary.

Nan has vast experience in non-profit operations management, community relations, public relations, non-profit board leadership and organizational management. She has a proven track record of building strong community relationships, networking and public diplomacy.

Her professional credentials include: IOM-Institute for Organization management, APR-Accredited in Public Relations, and a Master's Certificate in Project Management.

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.

PROPOSED RULE CHANGES

As part of Governor Ivey’s “Red Tape” Reduction the Board has been tasked to review the rules contained in its Administrative Code, and to reduce by 25%, the number of discretionary regulatory restrictions that are not directly mandated by state or federal statute or regulation.

The Board requests you provide any comments and/or recommendations you may have concerning the current Administrative Code via email to email rick.huett@bels.alabama.gov.

The Administrative Code Section Titles start below and the Administrative Code can be located by clicking the following link:

<https://bels.alabama.gov/wp-content/uploads/2024/08/2024-08-12-Admin-Code-Review.pdf>

The Board will hold the first discussion of the rules at its October 8, 2024, meeting. The proposed changes will then be submitted to the Legislative Services Agency to be advertised. A public hearing on the proposed rule changes will be set for 9 am, December 10, 2024.

The October 8th and December 10th meetings will also be live streamed, and attendees will be able to participate online or in person at the office of the Board.

If interested in speaking at the public hearing, please email rick.huett@bels.alabama.gov to be placed on the schedule.

330-X-1-.03	Board Members Compensation
330-X-1-.05	Executive Director
330-X-1-.06	Rules of Order
330-X-1-.07	Meetings
330-X-1-.08	Procedure Questions
330-X-1-.09	Voting
330-X-1-.10	Use of Forms
330-X-1-.11	Records
330-X-1-.12	Declaratory Rulings
330-X-1.13	Nominating Guidelines
330-X-1-.14	Authority of Rules
330-X-2-.01	Definitions of Terms
330-X-3-.01	Form of Application for Certification and Licensure
330-X-3-.02	Reconsideration of Denied Applications
330-X-3-.03	Disposal of Applications
330-X-4-.01	Method of Payment
330-X-4-.02	Application, Certification and Licensure Fees
330-X-4-.03	Examination Fees
330-X-4-.04	Fees Not Refundable
330-X-4-.05	Renewal and Reinstatement Fees
330-X-4-.06	Roster
330-X-4-.07	Bad Checks

RULE SECTIONS

330-X-5-.01	Curricula Approved by the Board
330-X-6-.01	Qualifying Experience
330-X-6-.02	Non-Qualifying Experience
330-X-7-.01	Statement of Policy
330-X-7-.02	References
330-X-7-.03	Confidentially of References Replies
330-X-8-.01	Classification of Exams
330-X-8-.07	Examination Offerings For The ALSS Examination.
330-X-8-.11	Candidates with Disabilities
330-X-8-.12	Materials Permitted in ALSS Examination
330-X-9-.01	Classification of Licensure
330-X-10-.02	Certificates of Licensure
330-X-10-.03	Reissuance of Certificate
330-X-10-.04	Professional Engineer Retired, Professional Land Surveyor Retired
330-X-10-.05	Roster Designations
330-X-11-.01	Seal of the Board
330-X-11-.02	Seal of the Licensee
330-X-11-.03	Seal on Documents
330-X-11-.04	Seal Signature and Date on Certifications
330-X-13-.01	Renewals
330-X-13-.02	Continuing Professional Competency
330-X-13-.03	Expirations & Reinstatements
330-X-14-.01	Preamble
330-X-14-.02	Conflict of Interest
330-X-14-.03	Qualified by Education Examination or Experience
330-X-14-.04	Confidences of Clients and Employers
330-X-14-.05	Practice
330-X-14-.06	Ethics
330-X-14-.07	Responsibility of Conduct
330-X-14-.08	Convictions
330-X-15-.01	Requirements
330-X-15-.02	Application Procedures
330-X-15-.03	Reconsideration of denied Application
330-X-15-.04	Renewal Procedures
330-X-16-.01	Complaints
330-X-16-.02	Probable Cause
330-X-16-.03	Charges

RULE SECTIONS

330-X-16-.04	Pre-hearing Discovery
330-X-16-.05	Disciplinary Hearings
330-X-16-.06	Disciplinary Actions
330-X-16-.07	Reissuance of Licensure or Certification after Revocation, Surrender, or Suspension.
330-X-16-.08	Conflict or Bias
330-X-17-.01	Severability
330-X-18-.01	Petition for Adoption of Rules
330-X-18-.02	Notice
330-X-18-.03	Public Comments
330-X-18-.04	Board Decision
330-X-18-.05	Emergency Rules
330-X-18-.06	Compliance with Administrative Procedures Act

CREDENTIALS ISSUED – FY2023-2024



<u>CREDENTIAL</u>	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	<u>Total</u>
Engineer Intern	46	60	82	57	245
Surveyor Intern	1	2	1	3	7
Professional Engineer	328	337	284	235	1184
Professional Land Surveyor	6	11	7	4	28
Engineering Company	36	65	84	74	259
Land Surveying Company	10	7	10	6	33

ENFORCEMENT NEWS

2023-43 Alexander Zuendt, PE35287

On May 13, 2024, the Board held a formal hearing in reference to Alexander Zuendt, professional engineer possibly having his North Carolina PE license revoked, and not responding to Board investigators in reference to the investigation. On July 30, 2024, the Board reviewed the recommendations of the Administrative Law Judge and issued an Order that required the following: Mr. Zuendt's Alabama PE license was revoked, he was required to pay a \$5,000 fine, and to pay \$1,063 for the cost of the hearing.

2024-05 David R. Palmer, PE39097

An investigation determined that Mr. Palmer placed his PE seal on the structural, plumbing, electrical, HVAC, and fire sprinkler systems design plans for an apartment complex that contained errors. The design plans were submitted to Board Technical Advisors (BTA) for review with the BTAs for the structural, mechanical, and fire suppression disciplines, providing assessments that the plans contained violations of the standards of practice.

Mr. Palmer agreed to a consent order that required him to pay a \$2,500 fine to the Board, to limit the engineering services he provides to the areas in which he is qualified, and the consent order and final order to be public record.

2024-22 Hunter Structural, Un-certificated

An investigation determined Hunter Structural, an uncertificated firm, placed its logo on design plans for a Mavis Tire Center project located at 1301 Pike Road, Alabama without being issued a certificate of authorization by the Board. The owner indicated he did not wish to obtain a certificate of authorization for his firm; and in the future he would offer engineering services using his proper name.

Mr. Hunter agreed to a consent order that required the firm to pay a \$500 civil penalty to the State of Alabama General Fund, to pay the Board \$75 for the cost of the investigation and the consent order and final order to be a public record.

2024-24 & 2024-29, Bobby Bailey, PE12502

An investigation determined that Mr. Bailey provided engineering services during the time he had not renewed his professional engineer license. Mr. Bailey's PE license expired on December 31, 2023, and he placed his PE seal on four projects prior to submitting a license reinstatement application on April 10, 2024.

Mr. Bailey agreed to a consent order that required him to pay the Board a \$3,500 fine, a 2 year stayed suspension of his PE license and the consent order and final order to be public record.

Our investigators are 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

Special Investigator Mike Darden: michael.darden@bels.alabama.gov, or 334-353-1057

ENFORCEMENT NEWS

2024-25, Jackson Hedden, Unlicensed

An investigation determined that in response to a client request Mr. Hedden provided a professional engineer seal bearing his name, and a number issued to another individual without being licensed as a professional engineer in the State of Alabama.

Mr. Hedden agreed to a consent order that required him to pay a \$5,000 civil penalty to the State of Alabama General Fund, to cease and desist identifying himself as a professional engineer until such time as he has been issued a license by the Board, and the consent order and final order to be a public record.

2024-32, Pursuit Engineering Inc, ECA5006

An investigation determined that Pursuit Engineering Inc provided engineering services for sixteen projects during the time it did not hold a valid certificate of authorization. The firm's certificate expired on December 31, 2023, and was reinstated on April 26, 2024.

The firm agreed to a consent order that required it to pay a \$1,600 fine to the Board and the consent order and final order to be a public record.

Complaint Closed Actions

Method Complaint Closed	No Action	Informal Action (Not Discipline)	Formal Action (Discipline)
Professional Engineers	3	3	6
Unlicensed Engineering - Individual	2	-	5
Professional Land Surveyors	5	1	7
Engineering Companies	-	-	2
Land Surveying Companies	-	-	1
Unlicensed Engineering Company	-	1	9
Total	10	5	30

2023-2024 COMPLAINT STATS

RECEIVED

RESOLVED

Professional Engineers	21	Professional Engineers	12
Unlicensed Engineering - Individual	6	Unlicensed Engineering - Individual	7
Professional Land Surveyors	11	Professional Land Surveyors	13
Unlicensed Surveying - Individuals	0	Unlicensed Surveying - Individuals	0
Engineering Companies	3	Engineering Companies	2
Land Surveying Companies	2	Land Surveying Companies	1
Unlicensed Engineering Company	14	Unlicensed Engineering Company	10
TOTAL	57	TOTAL	45

2024-36, Livers Calhoun Engineers PLLC, ECA51102

An investigation determined that Livers Calhoun Engineers PLLC, provided engineering services for a New Day Car Wash project during the time it did not hold a valid certificate of authorization. The firm later submitted a certificate of authorization application to the Board and self-reported that it had offered services for 8 projects in Alabama prior to being issued a certificate of authorization by the Board.

The firm agreed to a consent order that required it to pay a \$2,000 civil penalty to the State of Alabama General Fund, to pay \$56 to the Board for the cost of the investigation, and the consent order and final order to be a public record.

2024-37, HPMB Consulting Engineers Inc, ECA4485

An investigation determined that HPMB Consulting Engineers Inc, provided engineering services to a client in Alabama between 2018 – 2024 which was during the time it did not hold a valid certificate of authorization. The firm later submitted a certificate of authorization application to the Board and self-reported that it had offered services for 13 projects to one client in Alabama prior to being issued a certificate of authorization by 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 \$85 to the Board for the cost of the investigation, and the consent order and final order to be a public record.

NEW STATE HOUSE



A portion of the construction site of the New State House on July 31, 2024. The building is scheduled to be completed by the end of 2025.

EXPERTS NEEDED

What is Involved to be a Board Technical Advisor?

Board Technical Advisors (BTA) are initially contacted to determine if they currently have time to review questioned documents. If so, the BTA is provided the documents and asked to provide a report within 15-30 days. Understanding the amount of time necessary to provide an examination of documents submitted for review the Board limits the amount of cases assigned to each BTA each year. The BTA is also selected from a different geographical area of the State than were the violation occurred.

Board Technical Advisors receive no monetary compensation for their service, however they can earn up to 10 PDH a year for their service to the Board.

If this interest you, please contact Chief Special Investigator Bob Herbert at 334-242-5089 or email robert.herbert@bels.alabama.gov

CERTIFICATES OF AUTHORIZATION

Recently the number of complaints concerning certificate of authorization (CA) violations has increased. This includes companies with existing certificates continuing to offer services during the time their CA has expired, and new companies failing to obtain the certificate of authorization before offering services.

Things to remember about Certificates of Authorization:

Once licensed - if you plan to offer services through a company, the company must obtain a CA within 30 days. (Code of Alabama Section 34-11-9(a)6)

If you offer services using your proper name - a CA is not required.

The CA is required if you offer engineering or land surveying services to the public under a fictitious name.

Examples:

John Doe, PLS Does not require a CA.

John Doe Surveying Requires a CA.

If you offer both engineering and land surveying services, a separate CA is required for each profession.

Firms can offer or provide engineering or land surveying services provided that the managing agent and all personnel of the firm who act in its behalf as professional engineers or professional land surveyors are licensed in Alabama as provided by Title 34, Chapter 11 of the Code of Ala. 1975, and the firm has been issued a certificate of authorization by the Board.

Firms must have a resident licensed professional engineer or licensed professional land surveyor as the case may be, who exercises direct control and personal supervision of the engineering or land surveying work for each separate office or branch office in which engineering or land surveying services are offered or performed.

The resident engineer or land surveyor must be an employee of the firm and be identified on the CA for a specific branch office.

The managing agent and the designated resident engineer or land surveyor can only be linked to one office location.

ASK OUR STAFF



SEND QUESTIONS ABOUT

- ◆ **PE & PLS Applications, Structural Roster Designation Requests, and the ALSS Exam** to Bonnie Kelly at bonnie.kelly@bels.alabama.gov
- ◆ **Public Records Request, Renewals & Reinstatements** to Rick Huett at rick.huett@bels.alabama.gov
- ◆ **Certificates of Authorization - Applications, Amendments, or Renewals, and Engineer Intern and Land Surveyor Intern Applications** to Pam Faison at pamela.faison@bels.alabama.gov
- ◆ **License Verification Requests.** The vast majority of states use the electronic verification system available on the NCEES website. Just login to your MYNCEES account and request the verification. If a paper verification is needed contact Denise Hooper at denise.hooper@bels.alabama.gov or 334-242-5568
- ◆ **Continuing Education, Audits, Possible law or rules violations, requirements of professional engineers and professional land surveyors,** to one of our investigators:
 - ◆ 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
 - ◆ Special Investigator Mike Darden: michael.darden@bels.alabama.gov, or 334-353-1057