

# THE STANDARD

**INSIDE:**

**Community News**

**Rule Changes**

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Front Cover:

Bicentennial Park near Capitol



## 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 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?

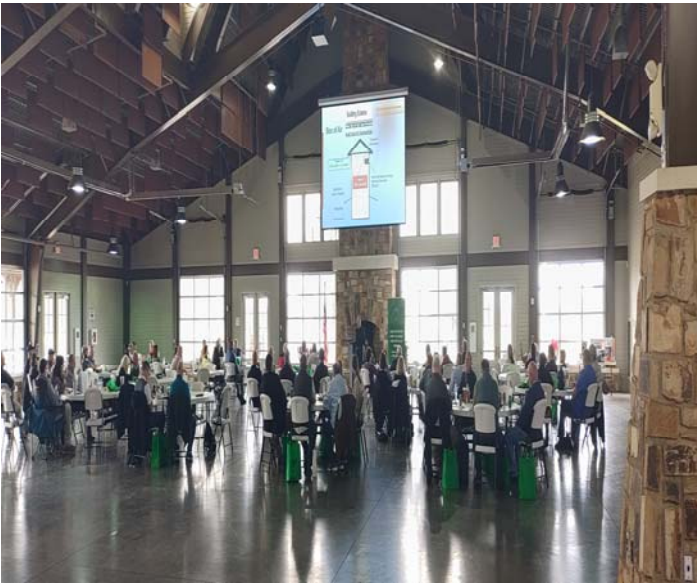
We cover the following:

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)

# ANACO CONFERENCE



On November 13-14, 2024, BELS Investigators Bill Hamil and Michael Darden attended the North Alabama Code Officials Conference in Decatur, Alabama. They talked with attendees and answered questions about BELS.

## OFFICE CALENDAR

Jan 20th    Holiday - Office Closed

Feb 17th    Holiday - Office Closed

Feb 11th    Board Meeting

Mar 11th    Board Meeting

Feb 16-22   Engineers Week

Mar 16-22   Surveyors Week

## 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.

# RED TAPE REDUCTION

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 held a scheduled a public hearing at its December 10<sup>th</sup> meeting, which was also live streamed. After discussion of the comments received the Board determined to propose changes to sections of its Administrative Code.

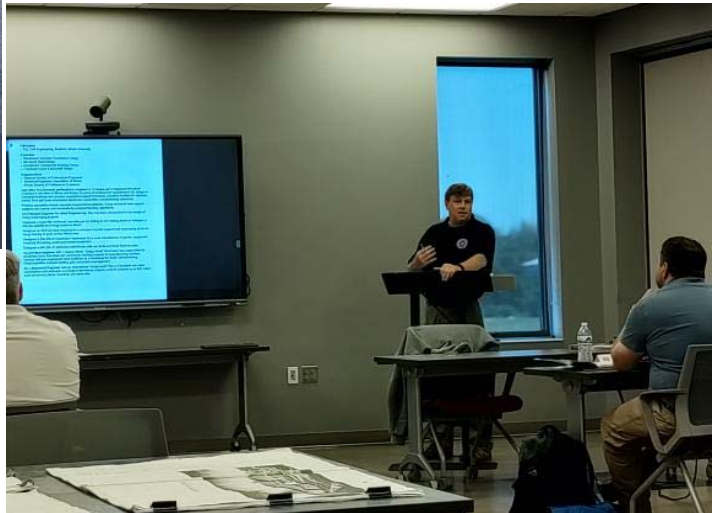
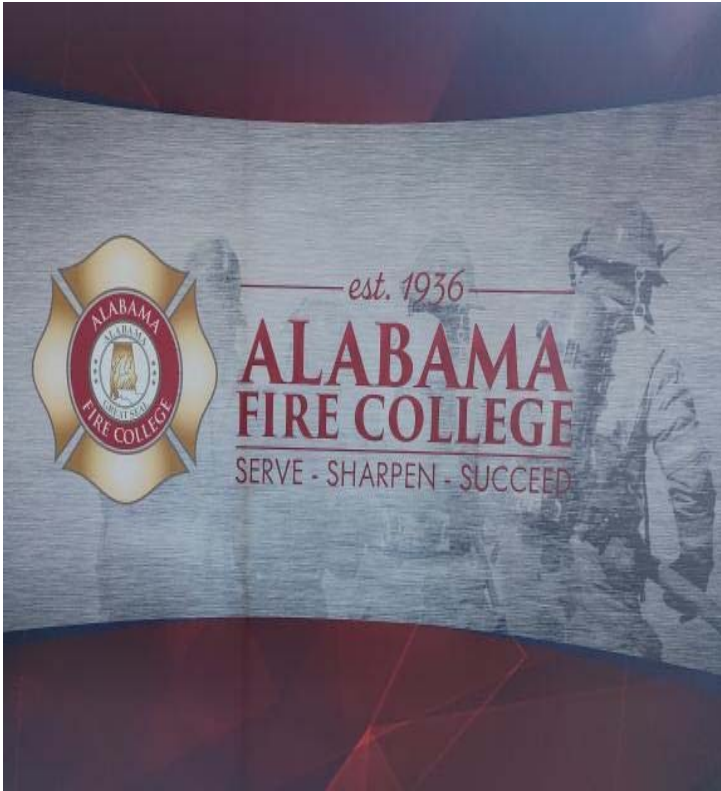
On December 11, 2024, the proposed changes were submitted to the Legislative Services Agency for certification. Once the certification time period is complete (February 14, 2025) the Board’s Administrative Code will be revised to reflect the changes.

## ADMINISTRATIVE RULE SECTIONS WITH CHANGES

330-X-2-.01	Definitions of Terms
330-X-3-.03	Disposal of Applications
330-X-4-.01	Method of Payment
330-X-4-A	Appendix
330-X-4-.07	Bad Checks
330-X-5-.01	Curricula Approved by the Board
330-X-6-.01	Qualifying Experience
330-X-8-.05	Study Information
330-X-8-.08	Examination Results
330-X-8-.10	Examination for Record Purposes
330-X-10-.04	Professional Engineer Retired, Professional Land Surveyor Retired
330-X-10-.05	Roster Designations
330-X-14-.06	Ethics (Canon V)
330-X-15-.03	Reconsideration of Denied Applications
330-X-15-.04	Renewal Procedures
330-X-16-.01	Complaints
330-X-16-.05	Disciplinary Hearings

# WHAT'S HAPPENING AT BELS

## ALABAMA FIRE COLLEGE



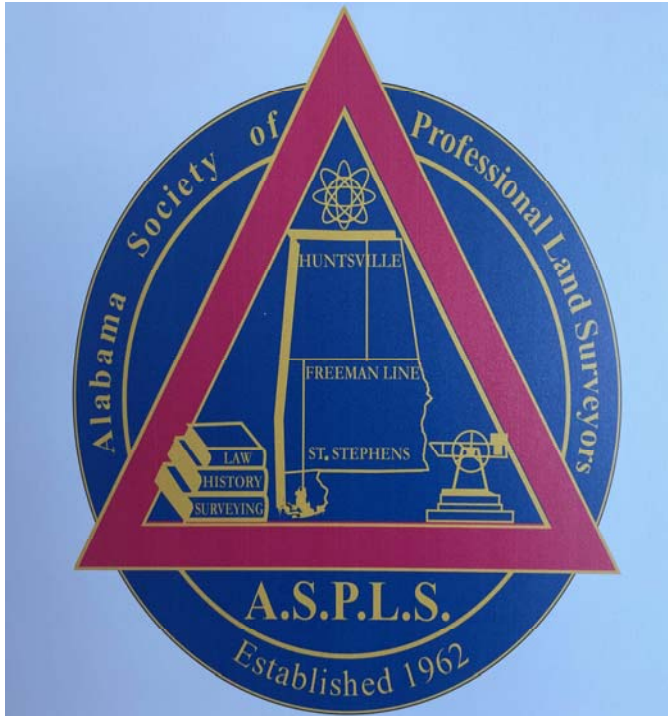
Investigators Bill Hamil and Mike Darden spoke with the Plans Examiners class on Thursday October 10, 2024, at the Alabama Fire College. We appreciate the work these professional examiners do to ensure the safety of our citizens through code compliance.

## CREDENTIALS ISSUED IN FY2023-2024

Type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
PE	328	337	284	235	1,184
PLS	6	11	7	4	28
EI	46	60	82	57	245
LSI	1	2	1	3	7
ECA	36	65	84	74	259
LSCA	10	7	10	6	33

# WHAT'S HAPPENING AT BELS

## ASPLS FALL CONFERENCE



On October 15-17, 2024 BELS Staff members attended the 2024 ASPLS Fall Conference held at the beautiful Lake Guntersville State Lodge. Staff were available to answer questions from current and future land surveyors. Staff also met several Troy University Land Surveying students that were excited to be at the conference and to see the different vendors.

## TROY UNIVERSITY

On October 21, 2024, BELS Special Investigators Bill Hamil and Mike Darden traveled to Troy University and talked with Dr. Steve Ramroop's Land Surveying students on the importance of Ethics as a Professional Land Surveyor. It's always a pleasure to meet and speak to our future Land Surveyors.



# CERTIFICATES OF AUTHORIZATION

## 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.

## Recent Fines/Penalties from CA Violations

Complaint #	Fine	Civil Penalty	Board Cost
2024-34	\$3,500		
2024-36		\$2,000	\$56
2024-37		\$2,500	\$85
2024-39		\$2,500	\$200
2024-48	\$3,000		
2024-49		\$3,500	\$75

# WHAT'S HAPPENING AT BELS

## AAFM FALL CONFERENCE



On October 28-30, 2024, Investigators Bill Hamil and Michael Darden attended the 2024 Alabama Association of Floodplain Managers Fall Conference in Orange Beach, AL. They gave a presentation on Ethics and Investigative Case Reviews.

## ASCE Lunch and Learn



BELS Investigators Bill Hamil and Michael Darden attended ASCE's Lunch and Learn at the Alabama Department of Transportation on November 12, 2024 and presented a one hour session on Ethics and Complaint Investigations.



# ENFORCEMENT NEWS

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 334-353-1047

## **2024-33 Albritton Land Surveying LLC, LSCA1023**

An investigation determined that when submitting a certificate of authorization reinstatement application the firm's owner answered "YES" to the affidavit question in the application which asks: "Has the firm offered or performed surveying services through any of its office locations for projects in the State of Alabama during the time the firm did not hold a valid Certificate of Authorization issued by the Alabama Board?" The owner advised his firm had provided land surveying services for projects between January 1, 2024, to May 13, 2024, which was during the time its CA was expired. The Firm agreed to a consent order that required it to pay a \$2,000 fine to the Board, and the Consent Order and Final Order to be a public record.

## **2024-38 Frank Garrett, PLS 9500 / 2024-39 J M Garrett & Sons LLC, LSCA30**

An investigation determined that on June 4, 2024, Mr. Garrett submitted a professional land surveyor reinstatement application that indicated he had not performed surveying services during the time his license had not been renewed (January 1, 2024 - June 3, 2024). However, on June 5, 2024, when submitting his firm's certificate of authorization for surveying reinstatement application he self-reported that he had performed land surveying services while not having a current Certificate of Authorization. Mr. Garrett is licensed as both a professional engineer and a professional land surveyor and was sent several email notifications concerning the renewal/reinstatement of his licenses and his firm's certificates of authorization. Mr. Garrett and his firm provided land surveying services for projects in 2023 and 2024 which was during the time his PLS license and his firm's certificate of authorization were lapsed. Mr. Garrett and his firm agreed to a consent order that required him to pay a \$2500 fine to the Board and his firm to pay a \$2,500 civil penalty to the State of Alabama General Fund and to pay the Board \$200 for the cost of the investigation, and the consent order and final order to be a public record.

## **2024-41 Torris Babbs, PE28692**

An investigation determined Torris Babbs, a professional engineer entered into a contract to provide professional architectural, engineering, and land surveying services to a client wishing to build a home, knowing he was not licensed as a professional architect or professional land surveyor. At some point, the client terminated the contract and requested her money back. Eventually she filed a claim in court, and the judge required Mr. Babbs to return her money. Mr. Babbs also failed to report to the Board when he was disciplined by the Texas Board in 2013, and by the Alabama Home Builders Licensure Board in 2023. Mr. Babbs agreed to a consent order that required him to pay a \$2,500 fine to the Board, his PE license to be suspended for one year with the suspension stayed, and the Consent Order and Final Order will be a public record.

# ENFORCEMENT NEWS

## **2024-48 Kelley Engineering Inc - ECA2037**

An investigation determined the PE managing agent for the firm did not renew the firm's CA in 2022 as required. He advised it was an unintentional oversight on his part and he normally renews his Professional Engineer license at the same time he renews the firm's CA. However, he advised he was not able to renew his CA at the same time and forgot to follow-up. PE stated that he usually communicates through text messages and does not check his email that often, but learned later he did receive the email CA renewal notification. The PE self-reported performing engineering services during the time the firm's certificate was not current, in 2023 and 2024. The Firm agreed to a consent order that required the following: Pay a \$3,000 fine to the Board, Failure to pay the fine within 30 days will cause automatic six month suspension of certificate, and the Consent Order and Final Order will be a public record.

## **2024-50 Anchor Engineering Associates, ECA3992**

The investigation determined in July 2024, during a separate investigation it was discovered the firm had not renewed its certificate of authorization and had been providing engineering services for several projects between January 1, 2022, and July 29, 2024. The Firm agreed to a consent order that required it to pay a \$3,500 fine to the Board and the Consent Order and Final Order will be a public record.

## **2024-54 DOtec PC, ECA51179**

The investigation determined in August 2024, when the firm submitted an application for a certificate of authorization it self-reported that it had provided engineering services without being issued a certificate of authorization by the Board. The firm had provided engineering services for projects since 2018 to the present. The Firm agreed to a consent order that required it to pay a \$5,000 civil penalty to the General Fund, to pay \$75 to the Board for the cost of the investigation and the Consent Order and Final Order will be a public record.

# EXPERTS NEEDED

Board Technical Advisors (BTA) serve a vital role in the investigation of competency based complaints regarding professional engineers and land surveyors. Their expertise is a tremendous asset to the Board's investigative committee in determining if probable cause exists that a violation. 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.

If interested, please contact Chief Special Investigator Bob Herbert at 334-242-5089 or email [robert.herbert@bels.alabama.gov](mailto:robert.herbert@bels.alabama.gov)

# ENFORCEMENT NEWS

## **2024-34 Live Oak Engineering Inc, ECA3397**

An investigation determined that Live Oak Engineering Inc, offered and provided engineering services during a period of time that it had not renewed its certificate of authorization for engineering. The managing agent for the firm advised he was responsible for renewing the certificate in Alabama, as well as all other states. He explained that over the last several years, the firm had increased in the number of state registrations, and he had begun to rely on email alerts for renewals. He advised the notice to renew the Alabama certificate, was received while he was out of the country, and it had “slipped through the cracks.” The Firm agreed to a consent order that required it to pay a \$3,500 fine to the Board, and the Consent Order and Final Order to be a public record.

## **2024-49 Onyx Creative Inc, dba Bluestreak Consulting ECA51223**

An investigation determined Onyx Creative Inc, dba Bluestreak Consulting provided engineering services without being issued a certificate of authorization by the Board. The Chief Financial Officer of the firm misinterpreted the certificate of authorization requirements and believed that since the firm did not have a physical location in Alabama, a certificate of authorization was not required which was incorrect. The Firm agreed to a consent order that required the firm to pay a \$3,500 civil penalty to the General Fund, to pay \$75 to the Board for the cost of the investigation, and the Consent Order and Final Order to be a public record.

## **2024-51 Avila E Group LLC, ECA51163**

An investigation determined when Avila E Group LLC submitted an application for a certificate of authorization for engineering it self-reported that it had been providing engineering services in Alabama without being issued a certificate of authorization by the Board. The firm began offering engineering services in 2021 and was issued a certificate of authorization in 2024. The Firm agreed to a consent order that required it to pay a \$5,000 civil penalty to the General Fund, to pay \$75 to the Board for the cost of the investigation, and the Consent Order and Final Order to be a public record.

## **2025-02 Sykes Consulting Inc, ECA51065**

An investigation determined when Sykes Consulting Inc, submitted an application for a certificate of authorization for engineering it self-reported that it had been providing engineering services in Alabama without being issued a certificate of authorization by the Board. The firm’s Director of Operations stated the firm had performed engineering projects in Alabama and did not realize the firm was not in compliance. They thought they were in compliance by having registered with the office of the Alabama Secretary of State. The Firm agreed to a consent order that required it to pay a \$3,000 civil penalty to the General Fund, to pay \$67 to the Board for the cost of the investigation, and the Consent Order and Final Order to be a public record.

# BOARD REMOTE SUPERVISION OF EXPERIENCE POLICY

EFFECTIVE MARCH 8, 2022

REVISED OCTOBER 8, 2024

While it cannot be disputed that the benefits of face-to-face mentoring and supervision of engineer or land surveyor interns cannot be overemphasized; it is also recognized that a certain degree of benefit can be realized through mentoring and supervision by using electronic communication platforms.

With the need to conduct business not only in person, but virtual interaction with business clients becoming more acceptable and necessary in today's business climate, the use of technological communication tools have become a necessity in modern business interactions. This is true not only for client interactions, but it is also essential for employee communication and training.

The Board will recognize remote supervision of engineers and land surveyors on a case-by-case basis.

- ◆ 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 Board does not preapprove Remote Supervision Plans.**
- ◆ 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. **(template available on Board website).** [Remote-Supervision-Board-Policy-Log-Template-1.pdf](#)

Experience gained while working at an active project site until the project is completed is not considered remote work for the purposes of this policy.

**Remote Supervision experience is typically credited at half credit.** If the company policy and documentation/log are not provided, **no credit will be given** for the Remote Supervision Experience until the policy and log are provided

# SCHOLARSHIP OPPORTUNITY

Applications are now being accepted for the scholarship program developed in conjunction with the American Council of Engineering Companies (ACEC) Research Institute.

Through this initiative, NCEES will provide scholarships to aspiring engineering and surveying students in each state and Washington, D.C. One of the main goals of the program is to help students understand the importance and value of licensure for engineers and surveyors in protecting the health, safety, and welfare of the public.

The ACEC Research Institute is uniquely positioned to assist NCEES in developing and executing this nationwide program. The Institute is leveraging its existing online scholarship application platform, review and scoring processes, and awards program.

The program is designed to award a \$5,000 scholarship grant to one student from each state and Metro Washington, a total of 51 grants annually. Each recipient would also be invited to attend ACEC's Fall Conference, which would include conference registration, airfare, and a one-night hotel stay.

Please share this information and application link to any educators and/or students to register and apply. <https://acecinstitute.awardspring.com/Home/ScholarshipDetails/334880>

## 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](mailto:bonnie.kelly@bels.alabama.gov)
- ◆ **Public Records Request, Renewals & Reinstatements** to Rick Huett at [rick.huett@bels.alabama.gov](mailto:rick.huett@bels.alabama.gov)
- ◆ **Certificates of Authorization** - Applications, Amendments, or Renewals, and **Engineer Intern and Land Surveyor Intern Applications** to Pam Faison at [pame-la.faison@bels.alabama.gov](mailto:pame-la.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](mailto: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](mailto:robert.herbert@bels.alabama.gov), or 334-242-5089
  - ◆ Special Investigator Bill Hamil: [william.hamilton@bels.alabama.gov](mailto:william.hamilton@bels.alabama.gov), or 334-242-5049
  - ◆ Special Investigator Mike Darden: [michael.darden@bels.alabama.gov](mailto:michael.darden@bels.alabama.gov), or 334-353-1057