

Report on the
**Board of Licensure for Professional
Engineers and Land Surveyors**

Montgomery, Alabama



**Department of
Examiners of Public Accounts**

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May 16, 2018

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Licensure for Professional Engineers and Land Surveyors in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board of Licensure for Professional Engineers and Land Surveyors, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Ronald L. Jones
Chief Examiner

Examiner
Rodney Wagstaff

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PROFILE

Purpose/Authority

The Alabama Board of Licensure for Professional Engineers and Land Surveyors was created in 1935. The Board licenses and regulates the professional practice of engineering and land surveying in the State of Alabama. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-11-1 through 34-11-37.

The following legislation was passed since the last Sunset Review.

Act No. 384, Acts of Alabama 2017 – This legislation added Section 34-11-35.1 to provide legislative intent; to clarify the rule making authority of the Board regarding state and federal antitrust laws; and to establish anti-competitive rules which prioritize public health, life, safety, property, and welfare are permissible. The Act is included in the codification in the appendix of the report.

Act No. 550, Acts of Alabama 2018 – Amended the Board’s code sections to revise definitions and provisions relating to violations, penalties, and disciplinary actions; added two public members; revised the level of funds in the Board’s Fund that triggers a transfer of funds to the General Fund; authorizes the board to adopt rules that allow engineers and land surveyors to solicit certain professional services in accordance with competitive, qualification-based selection policies and procedures.

<u>Characteristics</u>	
Members and Selection	Seven members. Five professional engineers appointed by the Governor from a list of three persons nominated for each appointment by a committee consisting of one professional engineer selected by each of the following professional organizations: <ul style="list-style-type: none">• Alabama Society of Professional Engineers• American Council of Engineering Companies in Alabama• American Institute of Chemical Engineers• American Society of Civil Engineers, Alabama Section• American Society of Mechanical Engineers• Institute of Electrical and Electronics Engineers• Society of Mining Engineers• Structural Engineers Association of Alabama

	<p>Two land surveyors appointed by the Governor from a list of three persons nominated for each appointment by the Alabama Society of Professional Land Surveyors.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-30(a)(b) <i>Administrative Rule</i> 330-X-1-13(3)</p>
Term	<p>Board members serve five-year, staggered terms.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-30(c)</p>
Qualifications	<ul style="list-style-type: none"> • U.S. Citizen and Alabama Resident • Must have an Alabama Professional Engineer/Land Surveyor license in active status • Engaged in the practice of engineering or land surveying for at least 12 years • In responsible charge of important engineering or land surveying work for at least five years <p><i>Code of Alabama 1975</i>, Section 34-11-31</p>
Racial Representation	<p>No specific statutory requirement. No minority members serving.</p>
Geographical Representation	<p>No statutory requirement.</p>
Consumer Representation	<p>No statutory requirement.</p>
Other Representation	<p>To the extent possible, the nominating committee, the Alabama Society of Professional Land Surveyors, and the Governor shall select those persons whose appointments ensure that the membership of the Board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-30(a)</p>
Compensation	<p>Board members receive \$100.00 per diem when actually attending to the work of the Board or any of its committees and for the time spent in necessary travel. Board members are reimbursed necessary travel expenses at the same rates provided for state employees, plus incidental and clerical expenses.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-32</p>

<u>Operations</u>	
Administrator	<p>William Huett, Executive Director, appointed by the Board. An annual Salary of \$80,287.20 is set by the Board and approved by the State Personnel Department</p> <p><i>Code of Alabama 1975</i>, Section 34-11-36</p>
Location	<p>100 North Union Street, Suite 382 Montgomery, AL 36104 Office hours: Monday – Friday 7:30 am – 4:30 pm</p>
Examinations	<p>Professional Engineers are required to pass the Principals and Practice of Engineering Exam (PE) and the Fundamentals of Engineering (FE) Exam in order to be licensed.</p> <p>Professional Land Surveyors are required to pass the Principals and Practice of Surveying Exam (PS); the Fundamentals of Surveying Exam (FS); and the Alabama Land Surveying Standards, History, and Law Exam (ALSS) in order to be licensed.</p> <p>The National Council of Examiners for Engineering and Surveying (NCEES) prepares, administers, and grades all of the exams; except for the ALSS exam, which is prepared and graded by the Board.</p> <p>The Principals and Practice of Engineering exam is given in April and October in Birmingham and Mobile.</p> <p>The Principals and Practice of Surveying, the Fundamentals of Engineering, and the Fundamentals of Surveying exams are given in a computer-based format at approved Pearson Vue test centers. The test date and test center are selected by the exam candidate. The exam is administered year-round. Approved testing centers are located in Auburn, Birmingham, Decatur, Dothan, Mobile, Montgomery, and Tuscaloosa.</p> <p>The Alabama Land Surveying Standards, History, and Law exam is in a computer-based format and is administered and proctored year-round by the Board.</p> <p>Fees for the national examinations (PE, PS, FE, and FS) are paid directly to NCEES. The fee for the ALSS exam is paid to the Board.</p>

Pass/fail rates for Alabama Educational Institutions are in the appendix of this report.

Code of Alabama 1975, Section 34-11-6

Fundamentals of Engineering Examination

	# of Examinees	# Passed	# Failed	Pass Rate %
Fall 2013	135	58	77	43%
Spring 2014	21	12	9	57%
Fall 2014	44	23	21	52%
Spring 2015	29	19	10	66%
Fall 2015	47	27	20	57%
Spring 2016	42	26	16	62%
Fall 2016	43	24	19	56%
Spring 2017	51	26	25	51%

Principles and Practice of Engineering Examination

	# of Examinees	# Passed	# Failed	Pass Rate %
Fall 2013	172	92	80	53%
Spring 2014	101	65	36	64%
Fall 2014	98	57	41	58%
Spring 2015	102	62	40	61%
Fall 2015	113	80	33	71%
Spring 2016	114	78	36	68%
Fall 2016	151	106	45	70%
Spring 2017	131	91	40	69%

Fundamentals of Surveying Examination

	# of Examinees	# Passed	# Failed	Pass Rate %
Fall 2013	2	1	1	50%
Spring 2014	1	0	1	0%
Fall 2014	0	0	0	0%
Spring 2015	0	0	0	0%
Fall 2015	4	3	1	75%
Spring 2016	3	2	1	67%
Fall 2016	2	0	2	0%
Spring 2017	2	2	0	100%

		Principles and Practice of Surveying Examination																																			
		# of Examinees	# Passed	# Failed	Pass Rate %																																
		Fall 2013	7	5	2	71%																															
		Spring 2014	0	0	0	0%																															
		Fall 2014	6	4	2	67%																															
		Spring 2015	1	1	0	100%																															
		Fall 2015	2	1	1	50%																															
		Spring 2016	4	1	3	25%																															
		Fall 2016	3	1	2	33%																															
		Spring 2017	2	1	1	50%																															
Licenses	Licenses as of January 10, 2018																																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left;">Professional Engineers*</th> </tr> </thead> <tbody> <tr> <td style="width: 70%;">Active</td> <td style="text-align: right;">15,299</td> </tr> <tr> <td>Inactive</td> <td style="text-align: right;">318</td> </tr> <tr> <td>Retired</td> <td style="text-align: right;">1,291</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">16,908</td> </tr> <tr> <th colspan="2" style="text-align: left;">Professional Land Surveyors*</th> </tr> <tr> <td>Active</td> <td style="text-align: right;">1,104</td> </tr> <tr> <td>Inactive</td> <td style="text-align: right;">39</td> </tr> <tr> <td>Retired</td> <td style="text-align: right;">125</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">1,268</td> </tr> <tr> <th colspan="2" style="text-align: left;">Interns</th> </tr> <tr> <td>Engineer</td> <td style="text-align: right;">1,869</td> </tr> <tr> <td>Land Surveyor</td> <td style="text-align: right;">16</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">1,885</td> </tr> <tr> <td>Overall Total Licenses</td> <td style="text-align: right;">20,061</td> </tr> <tr> <td colspan="2">*Some individuals are licensed as both engineers and land surveyors</td> </tr> </tbody> </table>						Professional Engineers*		Active	15,299	Inactive	318	Retired	1,291	Total	16,908	Professional Land Surveyors*		Active	1,104	Inactive	39	Retired	125	Total	1,268	Interns		Engineer	1,869	Land Surveyor	16	Total	1,885	Overall Total Licenses	20,061	*Some individuals are licensed as both engineers and land surveyors	
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Licensee Demographics	Data is not collected by the Board.																																				
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Reciprocity	The Board may, upon application, issue a certificate of licensure as a professional engineer to any person who holds a valid professional engineering certificate issued by any jurisdiction of the United States or of any country; provided, that the education, experience, and examination qualifications of the applicant are, in the judgement of the Board, of a standard not lower than that specified in the applicable																																				

	<p>licensure act in effect in Alabama at the time such certificate was issued.</p> <p>The Board, upon application, may grant to any person who holds a valid professional land surveying certificate issued by any jurisdiction of the United States or of any country, admission into a Board approved examination of laws, procedures, and practices pertaining to land surveying in this state, provided that the education, experience, and examination qualifications of the applicant are, in the judgement of the Board, of a standard not lower than that specified in the applicable licensure act in effect in this state at the time such certificate was issued.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-4</p>
<p>Renewals</p>	<p>Professional Engineer and Land Surveyor licenses expire on December 31 biennially. Lapsed licenses may be reinstated without examination for up to four years.</p> <p>Enrollment as an Engineer or Land Surveyor Intern expire on December 31 annually.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-8(a) <i>Administrative Rule</i> 330-X-13-.03(1)</p> <p>Certificate of Authorization issued to corporations, partnerships, or firms practicing or offering to practice engineering or land surveying expire on January 31 annually. Lapsed certificates may be reinstated for up to two years.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-8(c) <i>Administrative Rule</i> 330-X-15-.04(1)</p> <p>Approximately 99% of renewals were done online for the FY2018 renewal period.</p> <p>Source: <i>Executive Director</i></p>
<p>Continuing Education</p>	<p>Professional engineers and professional land surveyors must earn a minimum of thirty professional development hours per biennial renewal period. Up to fifteen hours can be carried forward into the next renewal period.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-8 <i>Administrative Rule</i> 330-X-13-.02(4)(1)</p>

Immigration	E-Verify – Fully complaint SAVE – Fully complaint
Employees	Eight.
Legal Counsel	Benjamin Albritton, Assistant Attorney General, Attorney General's Office.
Subpoena Power	Yes. Persons and records. <i>Code of Alabama 1975</i> , Section 34-11-35(b)
Internet Presence	www.bels.alabama.gov <ul style="list-style-type: none"> • Contact information • Link to Alabama Interactive online renewal • Licensee search • Forms/licensing & renewal information • Complaint filing information • Board meeting agenda/minutes • Laws and Rules • FAQ
Attended Board Member Training	The Executive Director, Deputy Director, and one Board member attend in 2014.
<u>Financial</u>	
Source of Funds	Licensing fees, administrative penalties.
State Treasury	Yes - Special Revenue Fund 0359.
Required Distributions	Any remaining funds at fiscal year-end in excess of that amount equal to 25% of the prior fiscal year's budget must be transferred to the State General Fund. The transfer only applies at the end of the non-license year of the biennial license cycle. <i>Code of Alabama 1975</i> , Section 34-11-36
Unused Funds	Any remaining funds at fiscal year-end that does not exceed 25% of the prior fiscal year's budget remains in the Board's operating fund. <i>Code of Alabama 1975</i> , Section 34-11-36

SIGNIFICANT ISSUES

Significant Issue 2018-01 - Two of the five Board members responding to our survey indicated changes to the Board's laws were needed to add two public members to the Board. House Bill 488, sponsored by Representative Randy Wood, introduced in the 2017 Legislative session would have added two public members to the Board and provide for their qualifications. The bill did not pass.

Board's Response – The Board Member Nominating Committee is tasked with selecting individuals for appointment to the extent possible that ensures the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state.

In years past the engineering and land surveying professions were white male dominated professions which caused difficulties in achieving a more diverse board based on the qualifications for Board Member service. This issue has begun to change as a more diverse population reaches these requirements, as reflected in recent Board appointments.

The Board believes a quicker way to achieve greater diversity is through the appointment of public members, and proposed legislation that would add two public members to the Board. The addition of these public members, that are not active market participants in the professions of engineering or land surveying, will give the Board a more diverse conversation on all matters that come before it. Senator Chambliss introduced legislation (SB316) in the 2018 legislative session and contains language that adds two public members to the Board nominated by business development organizations and appointed by the Governor.

As of April 4, 2018, SB316 has passed both the Senate and House, and is awaiting the signature of the Governor.

Significant Issue 2018-02 - Three of the five Board members responding to our survey stated that the decline in licensed land surveyors in Alabama is a significant issue currently facing the Alabama Board of Licensure for Professional Engineers and Land Surveyors. Questionnaires completed by the Board's licensed land surveyors provided possible factors that contribute to this decline including 1) the requirements needed to be licensed by the Board; 2) less earning potential in Alabama than in surrounding states, which affects equipment upgrades/employee pay rates; 3) lack of interest in the profession; and 4) the erosion of the scope of work for land surveyors by other professions. HB 580 sponsored by Representative Alan Boothe was introduced in the 2017 Legislative session. The bill would have created the State Board of Licensure for Professional Land Surveyors, transferring the authority for licensing and regulating land surveyors from the State Board of Licensure for Professional Engineers and Land Surveyors to the State Board of Licensure for Professional Land Surveyors. The bill did not pass.

Board's Response -The Board has experienced a loss of licensed professional land surveyors over the last few years, and hoped to address this to some extent by proposing changes to the licensure requirements for professional land surveyors. The Alabama Society of Professional

Land Surveyors (ASPLS) was resistant to changing the current licensure requirements and therefore the legislation introduced in the 2018 legislative session (SB316) did not contain the majority of the Board's proposed changes.

The Board is a member of the National Council of Examiners of Engineering and Surveying (NCEES) an organization that administers the national professional licensing examinations for engineering and surveying. Information provided by NCEES indicates that the number of individuals taking the surveying examinations has trended downwards for the last several years, and the organization has sought ways to create interest in the profession from simply giving presentations to various student age groups, to awarding prize money to universities for participating in surveying styled competitions.

In 2017 at the request of the Board, Representative Randy Wood introduced HB488 which contained the majority of items included in SB316 that was introduced in 2018 by Senator Chambliss. It did not include language that separated the professions into separate Boards, and it did not pass.

In 2017 Representative Alan Boothe introduced legislation at the request of ASPLS that would have split the Board and created the Board of Licensure for Professional Surveyors. It did not pass.

In 2018 Senator Clyde Chambliss worked tirelessly with all interested parties, and introduced Senate Bill SB316 that was supported by all parties. SB316 is now awaiting the signature of the Governor.

Significant Issue 2018-03 - The Board's fees for mailing labels and a mailing label disc of licensees appear to be excessive. The Board charges the following fees for mailing labels and a disc:

- (1) Mailing Label Disc - \$75
- (2) 1,000 Labels (min. amt.) - \$75
- (3) 2,000 Labels - \$106
- (4) 3,000 Labels - \$137
- (4) 4,000 Labels - \$168
- (5) 5,000 Labels - \$197
- (6) 10,000 Labels - \$359

The *Code of Alabama 1975*, Section 34-11-37 requires the Board to keep a record of its proceedings and a register of all applicants for licensure which register shall show all the name, age and residence of each applicant. It is improper for the Board to impose a charge for providing a copy of the names and addresses of licensees that includes the cost of maintaining the record, because the law has already provided funds to maintain the record. The only appropriate charge a copy of the names and addresses of licensees is the incremental actual cost of extracting the information and conveying it to the requestor, without regard to the cost maintaining the record.

The Attorney General in his opinion 2004-108 reiterates that fees charged for copies of public records must be based upon actual cost, cannot be imposed to restrict public access, and that copies are available to businesses to the same extent as to private individuals.

Board's Response – The fee requirement is based on the Board's understanding of the Attorney General's Opinion 2004-108 which includes language stating: "a reasonable charge may be assessed based upon a recoupment of actual costs of providing copies or for retrieving the information."

The fees for mailing labels are reviewed annually and have not increased since December 2006. Licensee, Intern, and Business information is available on the Board's website at no cost; however, firms requesting the information prefer it in an excel format. The two most requested types of information requested are: (1) a list of licensees, and (2) lists of examinations applicants.

The Executive Director of the Board is the custodian of records and produces the lists to be provided. The lists are routinely created in an excel format, and no requests for another media format has been received in recent years. The lists can take 1 – 3 hours to compile depending on the specific information requested. The amount of the fee is based on the hourly pay rate of the Executive Director, the cost of the mailing label media, and associated printing cost.

When a firm requests a listing of examination applicants this information must be obtained from the National Council of Examiners for Engineering and Surveying (NCEES) since Fundamentals of Engineering (FE), Fundamentals of Surveying (FS), Principles and Practice of Surveying (PS) and some Principles and Practices of Engineering (PE) applicants go directly to the NCEES website to register for the examinations where they identify Alabama as their preferred State.

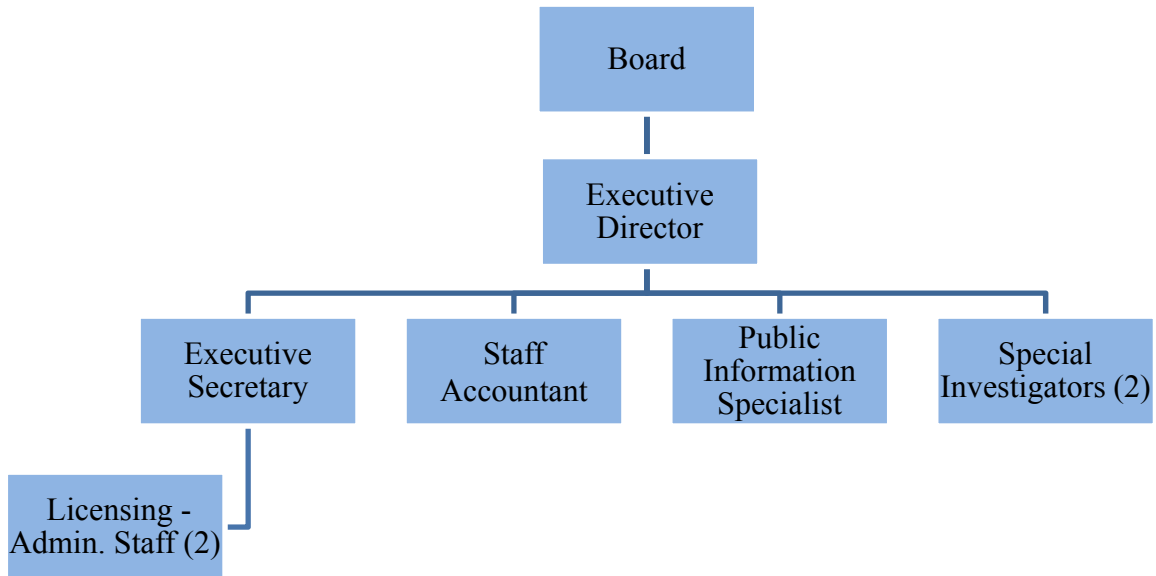
The Board hopes to move to a new licensure system in 2019 and plans to include the capability for individuals to export the Licensee, Intern and Business information in an excel format for themselves at no cost.

The Board has already identified that it will review its Administrative Code at its May 22, 2018 meeting, and fees will be a part of that discussion.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues are resolved.

ORGANIZATION



PERSONNEL

Schedule of Employees By Classification/Race/Sex						
Classification	#	B/ M	W/ M	W/F	Salary	Vehicles Assigned ¹
Executive Director	1		1		\$80,287.20	2
Executive Assistant	1			1	\$53,995.20	
Staff Accountant	1			1	\$52,663.20	
Public Information Specialist	1		1		\$35,589.60	1
Administrative Support Asst. II	1	1			\$24,595.20	
Special Investigators	2		2		\$33,902.40 – \$47,757.60	2
Retired State Employee	1			1	\$11.82/Hour	
Total	8	1	4	3		4

B/M = Black Male, W/M = White Male, W/F = White Female

¹Vehicles are used in performance of Board duties.

Legal Counsel

Benjamin Albritton, Assistant Attorney General, Attorney General's Office, provides legal services for the Board of Licensure for Professional Engineers and Land Surveyors.

PERFORMANCE CHARACTERISTICS

Number of Licenses per Employee – 2,508

Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate)*	Professional Engineers	Professional Land Surveyors	Total Licenses	Persons Per License
Alabama¹	4,878,747	16,908	1,268	18,176	268
Florida ²	20,984,400	45,000	2,574	47,574	441
Georgia	10,429,379	20,211	1,183	21,394	487
Mississippi	2,984,100	10,154	999	11,153	268
Tennessee	6,715,984	12,769	1,153	13,922	482
*Source: U.S. Census Bureau, Population Division July 1, 2017 Estimates					

¹Engineer and Land Surveyor licensees consist of active, inactive, and retired licenses

²Engineer licensees consist of active, inactive, delinquent, and suspended licenses

Operating Disbursements per License (FY 2017) – \$56.48

Fines/Penalties as a Percentage of Operational Receipts (FY 2017) – 4.35%

Notification of Board decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. According to the Executive Director, the Board notifies licensees of proposed changes to administrative rules by sending emails to all licensees with a link to the newsletter posted on the Board’s website.

COMPLAINT HANDLING

The *Code of Alabama 1975*, Section 34-11-11 and *Administrative Rule* 330-X-16 provide for the investigation of written complaints filed with the Board concerning alleged violations of the professional engineers and land surveyors’ practice act and administrative rules adopted by the Board.

Initial Contact/Documentation	Complaints must be in written and signed, but are not required to be notarized. Complaints must be filed within two years of the date of the discovery of the violation, but no later than ten years from the date of the violation. A letter is sent to the Complainant acknowledging receipt
Anonymous Complaints Accepted	Anonymous complaints are not accepted.

Investigative Process & Probable Cause Determination	<p>An Investigative Committee consisting of a Board Member who directs the investigation; the Board Executive Director, and the Board Legal Counsel.</p> <p>Complaints concerning competency issues are forwarded to a Board Technical Advisor with expertise in the questioned area of practice. Once the report from the Board Technical Advisor is received, it is reviewed and forwarded to the Subject for review and response. The Investigator prepares the investigative report which contains information obtained through interviews, technical reviews, and documents obtained during the investigation. The Investigative Committee reviews the file and Investigator’s report to determine if probable cause exists. The Investigative Committee then formulates a course of action that it will recommend to the Board and will include one or more of the following options:</p> <ul style="list-style-type: none"> • Close without disciplinary action • Close with informal disciplinary action (Letter of caution, reprimand, etc.) • Present to Circuit Court for possible criminal prosecution • Refer to other agency for their action • Proceed with formal disciplinary action
Negotiated Settlements	<p>Yes. Once the Subject and Investigative Committee agree to the conditions of a Consent Order, it is presented to the Board for approval at a scheduled meeting.</p>
Notification of Resolution to the Complainant	<p>Once a resolution is determined, the complainant is notified by mail.</p>

Source: Executive Director

Schedule of Complaints Resolved Fiscal Years 2014 through 2017						
Year/Number Received	Year/Number Resolved					Pending
	2014	2015	2016	2017	2018	
2014 /#34	6	24	4	-	-	-
2015 /#51		28	20	3	-	-
2016 /#28			17	8	2	1
2017 /#35				11	5	19
2018 /#8*					-	8
<i>Source:</i> Executive Director						

*As of January 23, 2018

Average Time to Resolve Complaints – 237 days

According to the Executive Director the length of time for the resolution of complaints is due to: 1) allowing a month for sending notice of the receipt of the complaint and the response of the complaint from the subject; 2) conducting the investigation (75% complaints are conduct based and 25% are competency based, which requires a Board Technical Advisor and takes more time); and 3) the Board holding formal hearings and voting on Administrative Law Judge recommendations.

Disposition of Resolved Complaints

Number of Complaints	Resolution
49	No Action Taken
20	Cease and Desist
20	Letters of Caution
14	Suspensions
7	Fines
7	Letters of Reprimand
3	Completed Additional 10 hours of Training
5	Intern Certification / License Revoked / Cannot reinstate
1	Voluntary Surrender
2	Monitor and Review

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

There is no direct overlap of regulation with other state or federal agencies.

FINANCIAL INFORMATION

Source of Funds

The Board's operating funds consist of licensing fees and penalties.

Fund

The Board operates from Special Revenue Fund 0359, authorized by *Code of Alabama* 1975, Section 34-11-36.

Required Distributions

The *Code of Alabama* 1975, Section 34-11-36 requires any funds at fiscal year-end in excess of 25 percent of the prior fiscal year's budget must be transferred to the State General Fund at the end of the non-license year of the biennial license cycle. The remainder is retained in the Board's operating fund. The Board's end of year balance did exceed 25% in fiscal years 2014 and 2015. See the Financial Schedule for amounts transferred to the General Fund.

Schedule of Fees

The specific fee amounts have been adopted in the Board's *Administrative Rule* 330-X-4/Appendix A.

Fees	Statutory Authority	Amount Authorized	Amount Charged
Application Fees			
Engineer/Land Surveyor Intern	34-11-5(c)	≤ \$50.00	\$15.00
Professional Engineer/Land Surveyor	34-11-5(b)	≤ \$100.00	\$50.00
Certificate of Authorization	34-11-5(d)	≤ \$250.00	\$80.00
Exam & Re-Exam Fees			
AL Land Surveying Standards, History, & Law	34-11-6(d)	Set by the Board	\$100.00
Licensure Fees			
Professional Engineer/Land Surveyor	34-11-5(b)	≤ \$100.00	\$75.00
Renewal Fees			
Engineer/Land Surveyor Intern	34-11-8(b)	≤ \$10.00	\$0.00
Professional Engineer/Land Surveyor	34-11-8(a)	≤ \$300.00 Biennially	\$100.00 Biennially
Certificate of Authorization	34-11-8(c)	≤ \$250.00	\$80.00 Biennially
Retired	34-11-8(a)	≤ \$300.00 Biennially	\$0.00
Reactivation Fee during same year for Retirees	34-11-8(a)	Set by the Board	\$100.00
Reinstatement Fees for Lapsed License (In addition to applicable renewal fee)			
Professional Engineer/Land Surveyor (0 – 2 Years)	34-11-8(a)	Set by the Board	\$250.00
Professional Engineer/Land Surveyor (2 – 4 Years)	34-11-8(a)	Set by the Board	\$350.00
Certificate of Authorization (0 – 1 Year)	34-11-8(c)	Set by the Board	\$250.00
Certificate of Authorization (1 -2 Years)	34-11-8(c)	Set by the Board	\$350.00

<i>Other Fees</i>			
Roster of Registrants	34-11-3	Set by the Board	\$15.00
Copy Charges	Cost Recovery	Set by the Board	\$0.25 per Sheet
Certificate Replacement	34-11-12	\$25.00	\$25.00
Bad Check Fee	8-8-15	≤ \$30.00	\$30.00
Mailing Label Disc	Cost Recovery	Set by the Board	\$75.00
1,000 Labels (Minimum Amount)	Cost Recovery	Set by the Board	\$75.00
2,000 Labels	Cost Recovery	Set by the Board	\$106.00
3,000 Labels	Cost Recovery	Set by the Board	\$137.00
4,000 Labels	Cost Recovery	Set by the Board	\$168.00
5,000 Labels	Cost Recovery	Set by the Board	\$197.00
10,000 Labels	Cost Recovery	Set by the Board	\$359.00
<i>Fines/Penalties</i>			
Fine	34-11-11(i)	≤ \$2,500 per Offense	≤ \$2,500 per Offense
Cost of Investigation/Hearing	34-11-11(m)	Cost	Cost
Civil Penalty	34-11-16(b)	≤ \$2,500 per Offense	≤ \$2,500 per Offense

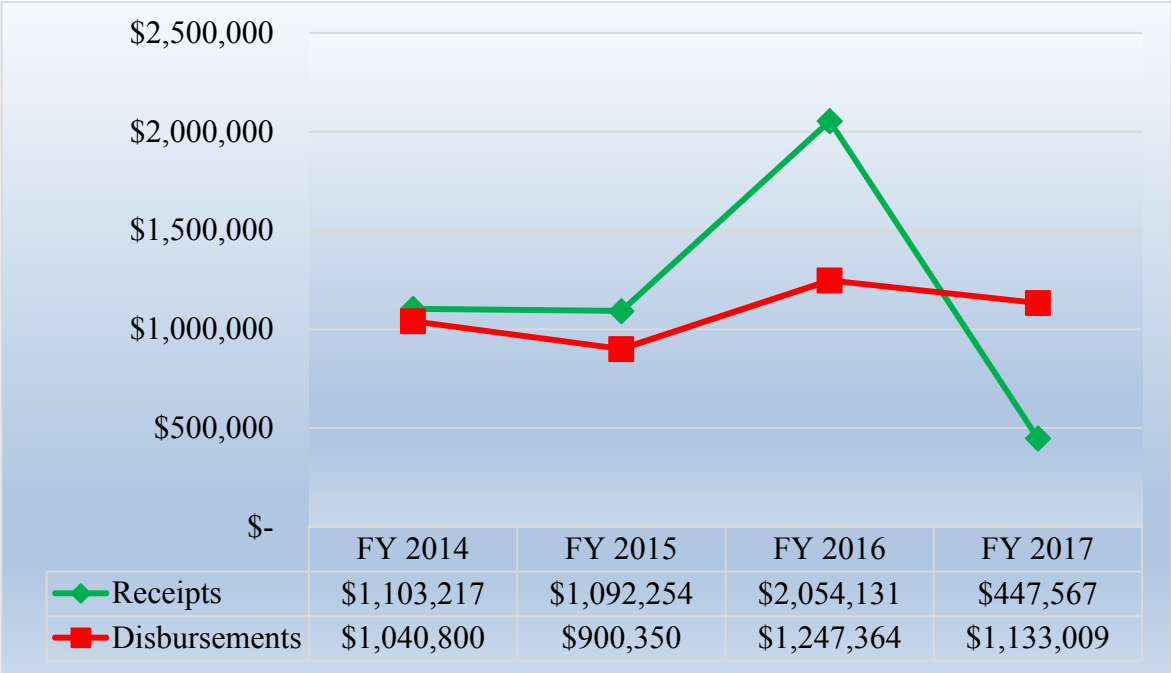
Schedule of Receipts, Disbursements and Balances

October 1, 2013 through September 30, 2017

	2016 - 2017	2015 - 2016	2014 - 2015	2013 - 2014
<u>Receipts</u>				
Engineers/Land Surveyors License Fees	\$ 428,010.00	\$ 2,027,130.00	\$ 1,076,388.00	\$ 1,089,648.50
Administrative Penalties	19,448.45	27,001.10	15,793.75	13,551.89
Prior Year Refunds	5.16	-	-	-
Salvage Equipment or Other Property	103.76	-	72.45	16.76
Total	<u>447,567.37</u>	<u>2,054,131.10</u>	<u>1,092,254.20</u>	<u>1,103,217.15</u>
<u>Disbursements</u>				
Personnel Costs	475,572.80	467,361.99	417,086.31	385,292.48
Employee Benefit	162,648.43	172,485.74	150,703.98	137,007.90
Travel, In-State	24,523.43	20,089.52	13,874.63	13,484.10
Travel, Out-of-State	34,349.43	26,981.99	25,961.31	36,587.16
Repairs & Maintenance	4,634.85	3,172.29	1,751.07	6,555.43
Rentals & Leases	168,106.18	143,735.42	109,331.66	120,882.43
Utilities & Communications	21,537.50	33,975.82	27,533.21	25,819.08
Professional Services	101,034.55	215,793.06	59,683.97	204,608.80
Supplies, Materials, & Operating Expenses	66,343.33	57,999.58	55,073.99	57,331.43
Transportation Equipment Operations	1,610.37	2,811.80	2,596.09	2,232.01
Grants and Benefits	-	20.45	-	-
Transportation Equipment Purchases	-	60,565.00	21,029.00	-
Other Equipment Purchases	72,647.99	42,371.83	15,724.54	50,998.75
Transfer to the General Fund (1)	-	64,987.87	129,186.88	31,104.81
Total	<u>1,133,008.86</u>	<u>1,312,352.36</u>	<u>1,029,536.64</u>	<u>1,071,904.38</u>
Excess (Deficiency) of Receipts over Disbursements	(685,441.49)	741,778.74	62,717.56	31,312.77
Cash Balances at Beginning of Year	<u>1,372,534.03</u>	<u>630,755.29</u>	<u>568,037.73</u>	<u>536,724.96</u>
Cash Balances at End of Year	687,092.54	1,372,534.03	630,755.29	568,037.73
Reserved for Unpaid Obligations	<u>(82,080.76)</u>	<u>(142,604.17)</u>	<u>(196,401.86)</u>	<u>(149,058.76)</u>
Unreserved Cash Balance at Year End	<u>\$ 605,011.78</u>	<u>\$ 1,229,929.86</u>	<u>\$ 434,353.43</u>	<u>\$ 418,978.97</u>

(1) Any funds or money at the end of the state fiscal year in excess of that amount equal to 25% of the previous fiscal year's budget shall be transferred into the State General Fund at the end of the non-license year of the biennial license cycle. FY2016 was a biennial license cycle year. (*Code of Alabama 1975*, Section 34-11-36)

Operating Receipts vs. Operating Disbursements (Chart)

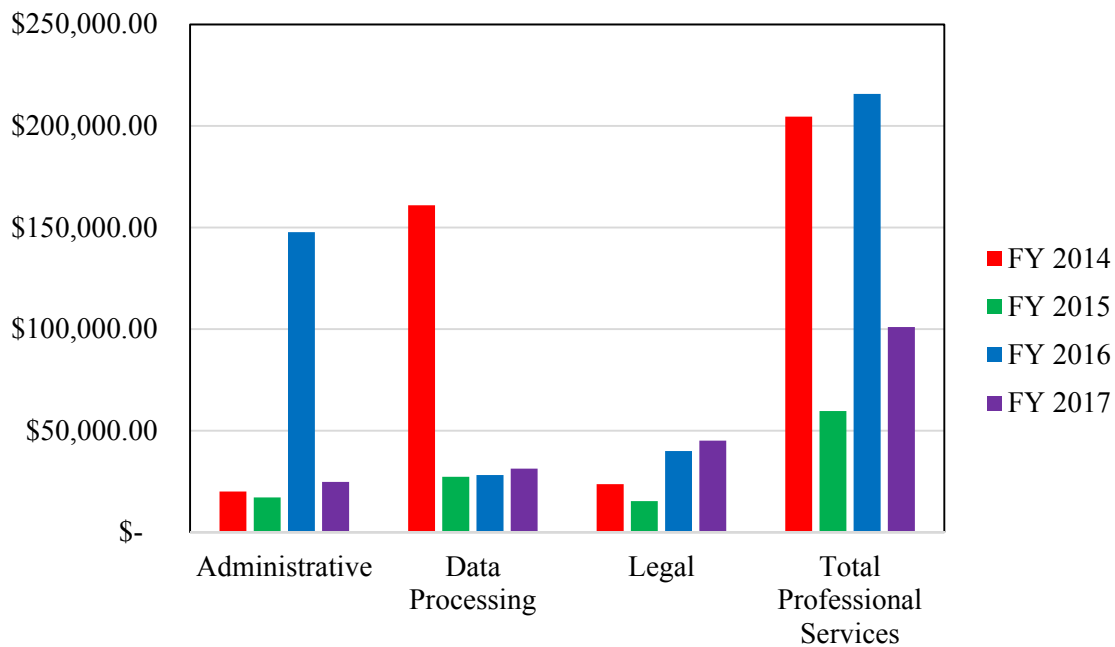


*Disbursements do not include amounts transferred to State General Fund.

SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*				
As of September 30th				
Type of Service	FY 2014	FY 2015	FY 2016	FY 2017
Administrative	\$ 20,044.80	\$ 17,127.86	\$ 147,741.88	\$ 24,726.92
Data Processing	160,948.29	27,249.63	28,130.13	31,262.56
Legal	23,615.71	15,306.48	39,921.05	45,045.07
Total	\$ 204,608.80	\$ 59,683.97	\$ 215,793.06	\$ 101,034.55

*Detailed Schedule of Professional Services Disbursements by Vendor presented in the appendices of this report.

Professional Service Disbursements Chart



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all seven members of the Alabama Board of Licensure for Professional Engineers and Land Surveyors requesting participation in our survey. Five participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. What are the most significant issues currently facing the Alabama Board of Licensure for Professional Engineers and Land Surveyors and how is the Board addressing these issues?

Board Member #1 - "Rule/law updates to be considered in future. We address by having work sessions with stakeholders and gathering input; looking at other systems in-place and obtaining feedback from others outside members."

Board Member #2 - "There are many issues. The three top issues are: 1. Adding two Public Members 2. Qualified Base Selection 2. The process where names are submitted to the Governor for appointment to the Board. See last item below - additional comments."

Board Member #3 - "Quality Based Selection (QBS) confirmed in the law with boundary surveys excluded from QBS. The board is currently working on a bill to submit law changes to incorporate these items. We have also been concerned about the dwindling number of licensed land surveyors. A surveying task force worked over the last year to come up with revised requirements for land surveying licensure. These are also included in the current proposed law changes."

Board Member #4 - "Maintaining Alabama's Qualification Based Selection process for Engineers and addressing the declining number of Licensed Surveyors. We are addressing these by requesting changes in our law and rules."

Board Member #5 - "1. There are several land surveyors that have complained to the Board that the Qualifications Based Selection clauses that are outlined in the Board's rules exceed State and Federal laws and could potentially be an Anti-Trust violation. The Board has requested the Legislative Review Service provide guidance regarding the 2 clauses in question on 2 separate occasions. Although no official ruling has been issued, the Board has been notified that the 2 clauses should be modified or that the law be changed. [REDACTED] [REDACTED] has met with the Board and various engineering and land surveying groups to propose the law changes to address the LRS recommendations, along with other changes. 2. Since the education and experience requirements for land surveyors were changed in 2008, the state has seen a net loss of 500 registered professional land surveyors. The average annual attrition rate has been approximately 50 land surveyors per year. We hope that this number will start to decline, however over 2/3 of all surveyors are over the age of 50. Alabama requires a four year degree plus four years of survey experience in order to qualify to sit for the professional exams. Only 1/3 of the states in the U.S. have this requirement, therefore it is very difficult to allow licensed surveyors from other state to transfer/move to our state. Also, Troy University is the only accredited school in the state that offers a 4-year survey degree. Troy graduates 15-20 graduates each year. Many of these graduates leave the state in order to take higher paying salaries. We currently have

Board Member Questionnaire

approximately 625 active land surveyors that reside in the state. If we don't take steps to curb the attrition losses, we will have a serious shortage of land surveyors throughout the state. It is also the opinion of the Board, that the 4-year degree requirement creates a hardship on families that cannot afford to pay the ever-increasing cost of college tuition. The Board has proposed a law change that will allow individuals to obtain a 2-year associates degree in land surveying or engineering, and which includes 15-hours of land survey specific courses (which could be obtained online), plus 8 years of experience as an additional pathway to licensure. We feel that this will allow people that are currently working in our communities and working on survey crews, to be able to attend school at a local community college, obtain the necessary college courses necessary to be a competent surveyor, while they provide for their families. We feel that this will increase the number of registered land surveyors; see an increase in the number of registrants remaining in the state after becoming licensed; and promote other licensed surveyor from other states accepting job offers to transfer to our state since the comity requirements will become more in line with 2/3 of the rest of the country.”

2. What, if any, changes to the Board’s laws are needed?

Board Member #1 - “changes are being considered to update rules and laws.”

Board Member #2 - “We have a proposed law change that [REDACTED] [REDACTED] is helping us with. it is posted, in its current but not final form on our web page at <http://www.bels.alabama.gov/pdf/laws/2017%20HB%20488%20Law%20Change%20Bill.pdf>”

Board Member #3 - “The board has worked vigorously over the last few years on a revised law. The bill should be submitted this legislative session. QBS, land surveying licensure, and adding public members to the board are the major revisions to note.”

Board Member #4 - “We are working with Senator [REDACTED] [REDACTED] on sponsoring our changes during this current session. He is adjusting the changes as he discusses them with the 3 major stakeholders(Licensure Board, Surveyors Society, and Engineers Societies)”

Board Member #5 - “1. Add 2 public members to the Board which will help provide input from a different perspective in order to question or check the opinions and rulings of practitioners. This will also allow the Board to obtain more diversity. 2. Allow for a 2-year associates degree option for land survey licensure. 3. Due to the increase in online courses and due to certain land surveyors being able to work full-time and attend classes at a local community college, we are also proposing that the Board be allowed to count the concurrent experience obtained while working and going to school as part of the survey candidates requirements. 4. Either change the law to require all citizens of the state be required to go through a "qualifications based selection" process similar to requirements for the state and federal government, or remove the QBS requirement from the Board's rules. Currently the QBS clauses are creating a liability for Board that needs to be corrected by a law change. In my personal opinion, I do not believe that the state should dictate how private citizens should procure professional services, but if the state legislature wishes to make QBS law then I will uphold the law.”

Board Member Questionnaire

3. Is the Board adequately funded?

Yes 5 100%

Board Member #5 - "I believe the Board conducts its operations in a frugal manner. We have consisted returned excess funds to the State General Fund."

4. Is the Board adequately staffed?

Yes 5 100%

Board Member #1 - "open staff positions are in process of being filled."

Board Member #2 - "I thing we just hired a much needed additional investigator."

Board Member #5 - "I believe the Board is in the process of hiring an additional investigator. Our staff is less than we have had in prior years, but I think that they are functioning well; getting all of their assignments completed; and carrying out their duties efficiently and effectively. I am very proud of their performance."

5. Does the Board receive regular reports on its operations from the Executive Director?

Yes 5 100%

Board Member #2 - "[REDACTED], has recently taken over as Ex. Dir. - We made a great selection!"

Board Member #4 - "Part of our agenda every 2 months. Also, we receive updates on current issues between meetings."

Board Member #5 - "The Executive Director provides the Board with thorough regular reports and reviews all recommendations to changes in expenditures and/or staffing with the Board at each meeting. Since Mr. [REDACTED] served as Asst. Exec. Dir. for years, he was very familiar with the duties and requirements for the position of Exec. Dir. that he assumed last year. The Board is very pleased with the improvements that he has made in operations and to the morale of the staff."

6. Are you satisfied with the reports the Board receives from the Executive Director?

Yes 5 100%

Board Member #2 - "and how!!!!!! Good Ex. Dir."

Board Member #5 - "See comment above."

7. What is the purpose of the Board's fiscal year-end balance of unobligated funds?

Board Member #1 - "not sure I understand question correctly (I am a new board member) but I do understand that left over funds (or a significant portion of) are given over to General Fund."

Board Member Questionnaire

Board Member #2 - “We are planning on up-dating our Database. The existing one is old and very cumbersome.”

Board Member #3 - “the board returns a portion of the unobligated funds to the state's general fund.”

Board Member #4 - “A portion of our year-end funds are kept as reserve and rest are returned to the General Fund.”

Board Member #5 - “The additional balance of unobligated funds are necessary to insure that the Board has adequate funds to cover unexpected costs, such as database upgrades, equipment/software upgrades, additional legal fees and court costs for an increase in disciplinary hearings above the norm, additional staffing for investigators when complaints start to become overly burdensome to the point that a quick and speedy disciplinary process is compromised, etc.”

8. Has the Board experienced any significant changes to its operations?

Yes	3	60%
No	1	20%
Unknown	1	20%

Board Member #2 - “We have changed our investigation process and the new process seems to be working better.”

Board Member #3 - “The previous ED retired last year and we hired a new ED. The new ED was the assistant director so the transition has been smooth.”

Board Member #4 - “We had a change in our Executive Director last year. It has been a positive change.”

Board Member #5 - “While there have been some changes, such as a reduction in staff, a new executive director, etc., I don't think the changes are significant. All current staff appear to be experienced and performing their jobs well.”

9. Does the Board plan any significant changes in its operations?

Yes	3	60%
No	2	40%

Board Member #2 - “hopefully we can get our law changes passed and include Public members and correct the selection process for Board Members.”

Board Member #3 - “The new law will incorporate public members and those new members will be added if that is adopted in the new law.”

Board Member #5 - “It is my understanding that the Board will need to update its database and provide additional cyber security. These upgrades will be very costly based on the assessment from the state's IT staff and our current provider. We are also trying to find ways to provide more online seminars for such topics as ethics, and updating the state's registered professionals with Board business that could affect their practice.”

10. Do you have any other comments you would like to make?

Board Member #1 - “no”

Board Member Questionnaire

Board Member #2 - "I am a dual registered licensee, a PE and a PLS. The PLS's are trying to split the Board. This would be a major mistake. Our last law change was done to correct two issues. The main one being the requirement for an eight hour written exam prior to licensure. Our exams are given nationally and the national organization went to a six hour computer based exam. we were not able to license PE's or PLS's. During this law change process the bill was amended such the selection of the two candidates submitted to the Governor for appointment came from a list developed by an organization that represents less than 1.5% of the total licensees and less than 25% of the total land surveyors. they are in a position to control 28% of the Board members. We need to correct this."

Board Member #3 - "no"

Board Member #4 - "No."

Board Member #5 - "Thank you for your oversight and review of our Board. I feel very privileged to work alongside other professionals that serve on the Board and a staff that serves this state effectively."

Professional Engineer Questionnaire

A letter was sent to one hundred professional engineer licensees requesting their participation in our survey. Thirty-eight participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. Do you think regulation of your profession by the Alabama Board of Licensure for Professional Engineers and Land Surveyors is necessary to protect public welfare?

Yes	36	94.7%
No	2	5.3%

Respondent #28 - "This is an important life/safety issue."

2. Do you think any of the Board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	3	7.9%
No	32	84.2%
Unknown	1	2.6%
No Opinion	2	5.3%

Respondent #13 - "Continuing education requirements should be removed. If a PE is not qualified by education and experience already, the continued education in almost all cases do not change that. Only additional cost."

Respondent #31 - "Each is going in different directions, the courses are nearly worthless. This idea needs another look."

3. Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?

Yes	7	18.4%
No	27	71.0%
Unknown	2	5.3%
No Opinion	2	5.3%

Respondent #11 - "Probably but I couldn't site a specific requirement"

Respondent #13 - "See comment above"

Respondent #25 - "I do not think that CE credits are necessary. Maybe helpful, but not a necessity. But every state has CE requirements, and so do other professions."

Respondent #31 - "See comment about the ceu requirements. If system is not corrected it will continue to be a total waste of time and money from the engineer."

Respondent #33 - "Continuing Education is a joke. It is a tax. Very little learning occurs. It is cumbersome and contributes none to the practice of engineering."

4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules and laws?

Yes	32	84.2%
Unknown	2	5.3%
No Opinion	4	10.5%

Respondent #26 - "I receive periodic emails with relevant content. That's more communication than any other state in which I'm registered!"

5. Has the Board performed your licensing and renewal in a timely manner?

Yes	38	100%
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6. Do you consider mandatory continuing education necessary for competent practice?

Yes	26	68.4%
No	11	29.0%
Unknown	1	2.6%

Respondent #8 - "Absolutely. It should be enhanced and tailored to each specific engineering discipline and require per-approved "advanced" topics."

Respondent #13 - "See comments above"

Respondent #21 - "Not really sure on this. I understand the reason for the training but not sure it always accomplishes what they want."

Respondent #27 - "While it is important to keep up to date with modern practices and codes, many engineers work in specialized fields where only a small number of PDHs are available in their area of practice. This means many of the PDHs that an engineer needs for renewal has no bearing on his job."

Respondent #31 - "Again see above comments, I see a benefit for ceu's, but current system is a joke."

Respondent #33 - "See comments above. It is a waste of my time and money."

7. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

Respondent #1 - "No known issues specific to Alabama."

Respondent #2 - "NA"

Respondent #3 - "The most significant issue facing my profession is the push for less restrictive licensing and the push to do away with Qualification Based Selection. QBS is an adequate and preferred method of soliciting engineering services."

Respondent #4 - "Continuing education and updates to changing design codes."

Respondent #5 - "No major issue"

Respondent #6 - "Being an out-of-state licensee, I do not practice in Alabama very often."

Respondent #7 - "unknown"

Respondent #8 - "No comment"

Professional Engineer Questionnaire

- Respondent #9** - "Lack of qualified new engineering graduates."
- Respondent #10** - "no issues at this time"
- Respondent #11** - "Not sure. Just licensed in Alabama in July 2017."
- Respondent #12** - "I have not faced any issues, nor aware of any issues that I need to bring to Board's attention."
- Respondent #13** - "None"
- Respondent #14** - "Allowing candidates to take the PE when they did not get a good recommendation from other PEs"
- Respondent #15** - "QBS"
- Respondent #16** - "No issues"
- Respondent #17** - "No Opinion"
- Respondent #18** - "NO OPINION"
- Respondent #19** - "How to protect public health in an age of paperlessness."
- Respondent #20** - "N/A - I currently live in TX"
- Respondent #21** - "I'm not aware of anything"
- Respondent #22** - "nothing. however I think having to submit and document every CE course is EXTREMELY INEFFICIENT AND A COMPLETE WASTE OF TIME. It takes me well over one hour to renew and the other 18 states I am registered in about 2 minutes each. I take a lot of 1 hr courses so for a two year period, that is a lot of typing. All other states I simply check a box indicated if I have completed my necessary hours or not. I never look forward to renewing in your state!"
- Respondent #23** - "The legislative updates relating to professional issues are very important. The Board is doing a great job in providing that information to the registrants in their webinars, which also count as PDH's."
- Respondent #24** - "None"
- Respondent #25** - "Not sure."
- Respondent #26** - "??"
- Respondent #27** - "no comment"
- Respondent #28** - "Know of no major issues at this time."
- Respondent #29** - "Low bidding of engineering services should not be allowed"
- Respondent #30** - "Fraud/theft via electronically sealed documents - Board has attempted to make regulations, but has not been successful yet"
- Respondent #31** - "CEU, this system is broken and needs a complete over haul."
- Respondent #32** - "None"
- Respondent #33** - "The most significant issue is the growing number of people graduating with engineering degrees who have no clue how to perform engineering. As the state dumbs down curriculum and allows more to pass who shouldn't, the profession gets a bad name. The Board must not succumb to pressure to make getting a PE easier - for the sake of the welfare of the public."
- Respondent #34** - "N/A"
- Respondent #35** - "Keep protecting the profession"
- Respondent #36** - "Insuring that persons practicing "engineering" are in fact qualified engineers"
- Respondent #37** - "Performance of Engineering services by non PE's. Enforcement of the laws"
- Respondent #38** - "Design build projects"

Professional Engineer Questionnaire

8. Do you think the Board and its' staff are satisfactorily performing their duties?

Yes	28	73.6%
Unknown	5	13.2%
No Opinion	5	13.2%

Respondent #1 - "Have not had any direct interaction with the Board or its' staff."

9. Has any member of the Board or its' staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

No	38	100%
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Professional Land Surveyor Questionnaire

A letter was sent to one hundred professional land surveyor licensees requesting their participation in our survey. Fifty participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. Do you think regulation of your profession by the Alabama Board of Licensure for Professional Engineers and Land Surveyors is necessary to protect public welfare?

Yes	50	100%
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Respondent #6 - “The Board is made up of individuals that are part of our profession that protect the integrity of the profession. They ensure that only qualified and competent individuals are allowed to practice.”

Respondent #7 - “Protecting public welfare is tantamount to being a professional. We have a Code of Ethics that we are bound to follow. Having a Board of peers who can oversee licenses and make rulings on violations or complaints is necessary. We also need a Board of peers to adapt laws, rules and policies from time to time.”

Respondent #18 - “I think that the professions of engineering and land surveying should be regulated, but not by this board. This board is staffed by all engineers. There are 2 land surveyor seats on this board, but they are held by 2 people that are licensed in both surveying and engineering. Land Surveying is a separate profession and should have its' own licensure board. This board treats the land surveyors unfairly and wants to ensure that the profession of land surveying remains subservient to engineering.”

Respondent #35 - “Definitely needed for the safety of the public and to maintain standards.”

Respondent #37 - “I would prefer a board of only surveyors or dual licenses since the needs of engineers are not the same, hence, some of the positions of the BELS harms surveyors and damages the effectiveness of surveys”

Respondent #45 - “We act as agents of the State and if surveying went unregulated the public would definitely be harmed.”

2. Do you think any of the Board’s laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	13	26%
No	34	68%
Unknown	1	2%
No Opinion	2	4%

Respondent #1 - “Laws, rules and policies for land surveyors should be established and maintained by Board Members that are only surveyors and not and or also engineers to prevent conflict of interest. And also visa/versa.”

Respondent #6 - “I believe that some of the regulations regarding the bidding process are unnecessary.”

Respondent #7 - “QBS is a hot topic lately. I personally feel that QBS does, unnecessarily, restrict the new surveyor or company from being able to compete with the

Professional Land Surveyor Questionnaire

more established firm. In addition, QBS has nothing to do with public health, life, safety, property and welfare. We have federal rules already in place for QBS on public projects. Private land surveys and developments should not be governed by those rules.”

Respondent #11 - “See 7 below.”

Respondent #13 - “I don't think a 4 year degree is absolutely necessary for someone to be a competent licensed surveyor.”

Respondent #18 - “This board has a rule on Qualification Based Selection, QBS. This is a violation of federal law that prohibits a client from selecting a professional based on price. This rule has been deemed anti-free trade by the Legislative Reference Service, but the board continues to support the rule. An organization called ACEC, American Congress of Engineering Companies, who is also a political action committee (registered with the secretary of state) but pretends to be a professional society is very active in supporting QBS. They represent the largest engineering companies in the state and they want to keep QBS to give their member companies a market advantage by not having them compete on price. ACEC has a lot of influence and control over the board members (all but 1 are from ACEC member companies) and this is a huge problem with this board.”

Respondent #20 - “Qualified Base Selection”

Respondent #33 - “by definition regulation is a restriction but in this case I believe it to be necessary to protect the public by insuring that certain standards of practice are met”

Respondent #37 - “Yes, the rules regarding estimating and 'bidding' are absolutely damaging”

Respondent #41 - “They are allowing the engineering profession to perform duties of the surveying profession. ("Engineering surveys") I believe the Board makes rules and regulations that help the engineering profession rather than helping the surveying profession or protecting the public's interest. They are trying to gain undue control of fines, and regulation.”

Respondent #45 - “Probably not strict enough.”

Respondent #47 - “Being somewhat resistant to change, i do not see where some of the latest changes made to the regulation of surveying, were necessary. "If it ain't broke..." (However, I do realize the board is overseeing the bigger picture than from where i am at)”

3. Do you think any of the Board’s requirements are irrelevant to the competent practice of your profession?

Yes	8	16%
No	38	76%
Unknown	2	4%
No Opinion	2	4%

Respondent #7 - “QBS as previously mentioned in #2.”

Respondent #11 - “See 7 below.”

Respondent #18 - “Currently the board allows engineers to perform "engineering surveys" which is another example of the engineers making the profession of land surveying subservient. By nature of being licensed as an engineer, you do not have the knowledge or experience to perform a land survey. This is why they are 2 separate professions. There is no caveat for surveyors to do any engineering work even though a

Professional Land Surveyor Questionnaire

land surveyor is more qualified to do engineering than an engineer is to do land surveying. I am a professor at one of the major universities in the state and I teach the land surveying course in the school of engineering and I can guarantee you that a 3 hour course in the introduction to land surveying does not qualify any engineer to perform any type of survey.”

Respondent #20 - “Qualified Base Selection”

Respondent #37 - “Yes, the rules regarding estimating and 'bidding'.”

Respondent #41 - “They are very relevant. However, the Board is trying to lessen the requirements on the education and time of experience for Professional land surveyors with the introduction of new legislation.”

4. Are you adequately informed by the Board of changes to and interpretations of the Board’s positions, policies, rules, and laws?

Yes	46	92%
No	4	8%

Respondent #7 - “I feel that the Board's quarterly newsletter is informative with updates, policies and positions. Any law change is advertised ahead of time with an adequate period for comments or questions.”

Respondent #18 - “The board has had secret meetings where they discuss policy and rule changes. They typically post their meeting dates on their website, but on November 13th, 2017, they had a meeting that was not posted on their website. They did post it in some legislative monthly publication, but that is not their typical practice. In this meeting they discussed a lot of things that land surveyors are very passionate about without our input. And now, they refuse to discuss these issues with us because they have already been discussed.”

Respondent #33 - “The board has made adequate efforts to inform of changes to and interpretations of their positions, policies, rules and laws. In my opinion there have been too many changes and attempts to change all of the above. This is not something that needs to be constantly revised.”

Respondent #35 - “Cliff notes" of changes and proposed changes would be great.”

Respondent #38 - “But could be better.”

5. Has the Board performed your licensing and renewal in a timely manner?

Yes	50	100%
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Respondent #7 - “Licensing and renewals are handled quickly. I appreciate the ability to do this online also.”

6. Do you consider mandatory continuing education necessary for competent practice?

Yes	41	82%
No	7	14%
No Opinion	2	4%

Professional Land Surveyor Questionnaire

Respondent #1 - "strongly agree with mandatory continuing education"

Respondent #7 - "I believe that professionals should continue to learn and review existing policies and practices."

Respondent #15 - "Continued education should be encouraged but not mandatory."

Respondent #17 - "Difficulty to show data that would prove this either way. Continuing education really just shows that the professional is still engaged, which is important."

Respondent #18 - "Several years ago, this board stopped requiring mandatory standard of practice continuing education for land surveyors. This is a vital piece of education that all land surveyors need. Doing away with that requirement puts the public at risk. Most states are moving toward mandatory requirements. Alabama was one of the first states to implement this requirement and they ended it because of a disagreement with the surveying community. This was intended to punish and belittle the surveyors."

Respondent #19 - "I think a certain % should be classroom only"

Respondent #23 - "I used to think it was burden when I was young. Now I have truly learned so much by attending these seminars, I believe it should be required. [REDACTED] PLS"

Respondent #26 - "As long as the continuing education applies to the profession and truly meets the intent of the requirement"

Respondent #37 - "In addition, decreasing the educational requirement to 2 year degree further marginalizes surveyors in the eyes of the public. If the profession requires an AA instead of a BS, the stature of the profession will suffer."

Respondent #44 - "The amount required need to be less"

7. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

Respondent #1 - "#1 issue is surveyors here in Alabama get about 40% of what another surveyor gets in all the other surrounding states for their services. Which prevents equipment and employee upgrades. That's why the people getting a survey degree leave state. I don't know what can be done about this."

Respondent #2 - "Unlicensed people attempting to practice surveying without a license. The board continues to punish offenders with fines etc."

Respondent #3 - "no issue that the board has control over"

Respondent #4 - "No comment"

Respondent #5 - "Regulation of non-licensed individuals providing services. The Board is addressing this by conducting investigations."

Respondent #6 - "I believe that some of the regulations regarding the bidding process should be re-examined."

Respondent #7 - "The Board, legislators and state organizations are currently looking at ways to introduce committee's for the separation of engineers and land surveyors or completely separating the Board. Right now, this is a hot topic at the District meetings across the State."

Respondent #8 - "People practicing the profession without a license and/or licensed professionals doing substandard work. Not Sure?"

Respondent #9 - "Adjusting the test requirements for new applicants is needed and is currently being done by the Board."

Professional Land Surveyor Questionnaire

Respondent #10 - "QBS, Certificate of Authorization for Individuals working as a sole proprietor"

Respondent #11 - "State law prohibits surveyors from competitively bidding on work. Although this may be necessary for federal and state contracts. I do not believe it should be enforced for work that is requested by the general public. When almost all of our potential clients base their decision on what the cost of our services will be, it is difficult to explain the law and apply it at the local level. The other issue I have concern with is the declining number of Professional Surveyors. I believe the current approach by having a college degree is fine, I also, believe a program based on experience needs to be reinstated. Perhaps, based on experience with regimented knowledge. From apprentice to technician to Professional. Administered by NSPS and the State Boards."

Respondent #12 - "Lack of new Surveyors."

Respondent #13 - "See comment under question 2."

Respondent #14 - "Oversight of the quality of survey work performed by licensees."

Respondent #15 - "There are not an adequate numbers of new land surveyors being licensed to replace those that are leaving the field."

Respondent #16 - "lack of interest in profession as a career choice at college level"

Respondent #17 - "New technology and its use by unlicensed businesses."

Respondent #18 - "The surveying profession is being continually eroded by other professions. The construction industry has started performing their own layout work which surveyors used to do and the board has done nothing. GIS companies are making maps showing property ownership and the board has done nothing. Now engineers can perform their own surveys. The profession of land surveying needs their own board so that people who actually know something about surveying can make the rules on surveying. It is a very important profession to protect the property rights of the citizens of Alabama and this board is doing everything they can to render it useless."

Respondent #19 - "Incompetent work. Not much the board can do."

Respondent #20 - "Education Requirements: They are looking into the matter."

Respondent #21 - "No significant problems at present."

Respondent #22 - "Professional Land Surveyors salary is not up to what other professions are when you consider the amount of education and time it takes to become licensed."

Respondent #23 - "Don't know of any - hold a license in AL but don't practice there currently."

Respondent #24 - "I think the most significant issue facing Alabama Surveyors will be the shortage of Surveyors in the near future. The mandatory 4 year college rule is causing a shortage of surveyors for the future. I agree with implementing college as an option however I would agree with also having an 8-10 year experience rule back in place. The best surveyors I have worked with and been in contact with were the surveyors with experience and not so much the education. The education does ensure a willingness to learn and most likely produce a good surveyor at some point however someone who has surveyed for 10 years has also proven their worth and benefit to the profession."

Respondent #25 - "Practicing Surveying without license. Board is very through in searching out these individuals. Many are never reported or discovered."

Respondent #26 - "I'm an out of state registrant so I'm afraid I'm not completely up to date with all of what is going on. However education requirements seem to be a constant

Professional Land Surveyor Questionnaire

battle in most states as well as other "professions" assuming what they do can take the place of surveyors. These need to be constantly monitored."

Respondent #27 - "Nothing"

Respondent #28 - "....."

Respondent #29 - "No opinion."

Respondent #30 - "Attracting new surveyors to the profession. I am not aware of what role the board would play in this issue."

Respondent #31 - "Lack of new people entering the profession."

Respondent #32 - "We need a separate Board for Land Surveying and a separate Board for Engineering. The two fields are vastly different today than they use to be. Engineers do not need to be overseeing land surveyors. Florida has a great system in place."

Respondent #33 - "QBS and the continuation of the Board representing both engineers and surveyors."

Respondent #34 - "Should be an equal number of surveyors on the Board as engineers. There is talk of separating the Board so engineers will have a separate Board and surveyors will have a separate Board. Not sure this action will benefit either profession and may possibly become a financial burden to some."

Respondent #35 - "The fact that some people can earn a "QCP" status without having a license requirement is a troublesome issue. There are several type people performing storm water and poultry farm inspections without licensing, which is not fair to people who have a license. I don't know that the board is addressing the issue."

Respondent #36 - "No comment"

Respondent #37 - "loss of revenue through GIS enabled equipment (not anything can be done). Coming to a reasonable position on estimating jobs, maintaining the confidence and respect of the community. The board is against surveyors on this."

Respondent #38 - "Ability of the Board to review and approve/deny applications in a timely manner."

Respondent #39 - "Keeping the requirements for licensing as strict as they are now and not making them less stringent"

Respondent #40 - "Underpricing of services by professionals which leads to poor work is the biggest issue facing this profession, the board cannot do anything to resolve this issue."

Respondent #41 - "Licensure requirements, and scope of work for land surveyors. The Board is trying to lessen the requirements on Surveyors by not having the education and/or experience. Further, the Board is trying to lessen the scope of Surveyors by allowing Engineers to perform certain types of "engineering surveying". The Board is NOT helping the survey profession but trying to make it a trade instead of a PROFESSION. Why does the board not provide for equal representation for Surveyors on the Board composition?"

Respondent #42 - "The discussion of requiring a 4-year degree for license in the state of Alabama. I believe it should be required."

Respondent #43 - "Technology - allowing people to measure more accurately but without knowledge to make informed opinions regarding property lines. Not sure of their current actions."

Respondent #44 - "Protect the requirements being a land surveyor"

Respondent #45 - "Recruitment of new licensees."

Respondent #46 - "My primary license is in Florida. I do not practice daily in Alabama and, as such, I do not feel qualified to submit an answer for this question."

Professional Land Surveyor Questionnaire

Respondent #47 - “None, at this time”

Respondent #48 - “We need more young people entering the profession. I am not sure how to solve.”

Respondent #49 - “Lack of promotion of the importance of the land surveying profession to the public. I don't know what, if anything, the Board is doing about this issue.”

Respondent #50 - “Not sure.”

8. Do you think the Board and its’ staff are satisfactorily performing their duties?

Yes	42	84%
No	3	6%
Unknown	2	4%
No Opinion	3	6%

Respondent #7 - “I haven't heard or witnessed anything to the contrary.”

Respondent #18 - “There is nobody on the board or at the board office that is qualified to make decisions concerning land surveying.”

Respondent #37 - “For engineers, they are. One of the greatest issues affecting the relationship with the board is the perception engineers have of surveyors. This perception, and the lack of effective representation on the board leaves surveyors with no real voice on the board.”

Respondent #41 - “See above comment. They look out for engineers more than Surveyors.”

Respondent #45 - “Whenever I have contacted the board, they have been very responsive and helpful”

9. Has any member of the Board or its’ staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

Yes	1	2%
No	49	98%

Respondent #18 - “This is not anonymous. I have been dealing with this board for years and I hope to have my voice finally heard. I am the immediate past president of the Alabama Society of Professional Land Surveyors, a professor at UAB, and a small business owner.

Respondent 47 - “No, from my standpoint of limited replies to audits and licenses renewals questions, they have been professional and helpful to me.”

Complainant Questionnaire

A letter was sent to twenty-eight complainants requesting their participation in our survey. Eleven participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. Was your complaint filed with the Alabama Board of Licensure for Professional Engineers and Land Surveyors by:

Mail	6	54.5%
Email	5	45.5%

Respondent #1 - "Sent via Certified Mail 2/25/2016."

Respondent #3 - "Also called"

Respondent #5 - "I was advised during my Septic Tank repair fiasco to file complaint by state of Alabama inspectors/investigators to file complaint."

2. Was receipt of your complaint acknowledged?

Yes	11	100%
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Respondent #1 - "Received letter dated 3/1/2016."

3. If you answered 'yes' to Question 2, approximately how long after you filed your complaint were you contacted by the Board?

Immediately	1	9.1%
Within 10 days	6	54.5%
Within 30 days	3	27.3%
Unknown	1	9.1%

Respondent #5 - "I don't recall exactly how long it took, but timeframe seemed reasonable."

Respondent #9 - "It was a while ago and I don't recall. It did not seem like an excessive wait."

4. Was the person who responded to your complaint knowledgeable and courteous?

Both knowledgeable and courteous	8	72.7%
Neither knowledgeable nor courteous	1	9.1%
No Opinion	2	18.2%

Respondent #1 - "The only information I got was the case is still under investigation."

Respondent #6 - "I really liked [REDACTED] [REDACTED]. He had lots of expertise and knowledge, very kind and respectable."

5. Did the Board communicate the results of investigating your complaint to you?

Yes	8	72.7%
No	3	27.3%

Respondent #1 - "I did not receive any results of the investigation of my complaint. As far as I can tell, there was no investigation."

Respondent #5 - "I was told by investigator results of investigation would not be shared with me. Never heard a word about results. I was told investigator quit job shortly after we met."

Respondent #6 - "The final letter I received dated June 1, 2016 from [REDACTED], Executive Director, only said board had an investigative committee that had determined to close the file without a formal hearing. That's the only results I was told."

Respondent #11 - "I did receive a letter. I would not consider it to be a communication of results."

6. Do you think the Board did everything it could to resolve your complaint?

Yes	6	54.5%
No	4	36.4%
Unknown	1	9.1%

Respondent #1 - "As far as I can tell, the Board did nothing. I did not receive any results of their investigation into the complaint. The Board closed the investigation without a formal hearing stating Title 34, Chapter 11 Code of Alabama 1975 Section 34-11-376 (e), since this matter was not presented at a formal hearing the records will remain confidential."

Respondent #5 - "I took every action I was directed by state, engineer, installer and results are I spent over \$30,000.00 dollars, repairing landscaping company lost approximately \$10,000.00 dollars. Septic system works more now poorly now than before repairs."

Respondent #6 - "I feel the board should have told me more about the final disposition. I had filed the same complaint first with the Al Soc of Prof Land Surveyors (ASPLS) past and current presidents who also sent a copy to their Executive Director. They were very nice and helpful in referring me to the Board of Licensure. What good did any of that do? I hope this Sunset review committee will actually look over my complaint. I've thought about contacting the Ala Lieutenant Governor myself to obtain more information about the disposition of my complaint."

Respondent #11 - "There was no resolution to my complaint and I have no way of knowing what they did to try and resolve it, since they did not involve me."

7. Were you satisfied with your dealings with the Board?

Yes	4	36.4%
No	6	54.5%
No Opinion	1	9.1%

Complainant Questionnaire

Respondent #1 - "Absolutely not. [REDACTED]. [REDACTED] [REDACTED] did not respond to my request for information as to why no formal hearing was done. The Engineer, [REDACTED]. [REDACTED] did not sign the report he submitted to my insurance company and the report did not have the required seal. My insurance company used the report from Mr. [REDACTED] to deny my claim for damages to my home, even though four roofing companies had disagreed with his findings."

Respondent #5 - "I met with investigator and answered questions, he quit later and never received feedback. My problem never addressed."

Respondent #6 - "Because the board determined it would close the investigation without a formal hearing the records had to remain confidential. Claims of unethical practices-behavior, conflict of interest complaints and errors should be available on public records sites. Just because no formal hearing I was not allowed to know any of the outcome."

Respondent #7 - "I thought the board let [REDACTED]. [REDACTED] off lightly but understand their decision given this was probably his first offense."

Respondent #9 - "I did not like the personal exposure I was subjected to for making a complaint. I was not notified when they made contact with the complainant and was not prepared for all the direct contact I received. The complainant and the firm he worked for should have been advised to not contact me directly."

Respondent #11 - "No, since nothing was done (as far as I know), to correct the fraudulent survey, about which I complained. I was not informed of any action taken to attempt a remedy."

APPENDICES

Applicable Statutes

Section 34-11-1 Definitions.

For the purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

(1) BOARD. The State Board of Licensure for Professional Engineers and Land Surveyors, provided for by Section 34-11-30.

(2) ENGINEER INTERN. A person who has qualified under subdivision (2) of Section 34-11-4, and who, in addition, has successfully passed a board approved examination in the fundamental engineering subjects as provided in Section 34-11-6, and who has been certified by the board as an engineer intern.

(3) ENGINEER or PROFESSIONAL ENGINEER. A person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering as hereinafter defined and has been licensed by the board as a professional engineer.

(4) LAND SURVEYOR INTERN. A person who has qualified under subdivision (4) of Section 34-11-4, has passed a board approved examination in the fundamental land surveying subjects, pursuant to this chapter, and who has been certified by the board as a land surveyor intern.

(5) LAND SURVEYOR or PROFESSIONAL LAND SURVEYOR. A person who has been duly licensed as a professional land surveyor by the board established under this chapter, and who is a professional specialist in the technique of measuring land, is educated in the principles of mathematics, the related physical and applied sciences, the relevant requirements of law for adequate evidence and all requisites for surveying of real property, and is qualified to practice land surveying as defined in subdivision (8).

(6) PRACTICE and OFFER TO PRACTICE. Any person shall be construed to practice or offer to practice engineering or land surveying, within the meaning and intent of this chapter, who offers to or does as a profession practice any branch of engineering or land surveying; or who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be a professional engineer or a professional land surveyor, or through the use of some other title implies that he or she is a professional engineer or a professional land surveyor; or who represents himself or herself as able to perform or who does perform any engineering or land surveying service or work or any other service designated by the practitioner which is recognized as engineering or land surveying.

(7) PRACTICE OF ENGINEERING. Any professional service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land and water, performing engineering surveys and studies, and the review of construction or other design products for the purpose of monitoring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products; equipment of a control, communications, computer,

mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and including other professional services necessary to the planning, progress, and completion of any engineering services.

Notwithstanding any other provision of this chapter, in qualifying a witness to offer expert testimony on the practice of engineering, the court shall consider as evidence of his or her expertise whether the proposed witness holds a valid Alabama license for the practice of engineering. Provided, however, such qualification by the court shall not be withheld from an otherwise qualified witness solely on the basis of the failure of the proposed witness to hold such valid Alabama license.

a. Design coordination includes the review and coordination of those technical submissions prepared by others, including, as appropriate and without limitations, consulting engineers, architects, landscape architects, land surveyors, and other professionals working under the direction of the engineer.

b. Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, rights-of-way, and easement acquisitions relative to the centerline of the project. Engineering surveys may be used to locate, relocate, establish, reestablish, layout, or retrace any road, right-of-way, easement, or alignment relative to the centerline of the project. Additionally, engineering surveys may be performed to determine areas, volumes, or physical features of the earth, elevation of all real property, improvements on the earth, and the configuration or contour of the surface of the earth or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics. All engineering surveys shall exclude the surveying of real property for the establishment of any property line or land boundaries, setting of corners or monuments, and the dependent or independent surveys or resurveys of the public land survey system.

c. The term shall not include the practice of architecture except such architectural work as is incidental to the practice of professional engineering; nor shall the term include work ordinarily performed by persons who operate or maintain machinery or equipment.

d. The practice of engineering shall include the offering of expert opinion in any legal proceeding in Alabama regarding work legally required to be performed under an Alabama engineer's license number or seal, which opinion may be given by an engineer licensed in any jurisdiction.

(8) PRACTICE OF LAND SURVEYING. Professional services, including, but not limited to, consultation, project coordination, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, areas, volumes, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, and the utilization and development of these acts and interpretation into an orderly survey map, plan, report, description, or project. Project coordination shall include the coordination of those technical submissions as prepared by others. Notwithstanding the provisions of this subdivision, the practice of land surveying shall exclude functions unique to engineering as specified by rules of the board. The practice of land surveying shall include, but is not limited to, any one or more of the following:

a. Locates, relocates, establishes, reestablishes, lays out, or retraces any property line or boundary of any tract of land or any road, right-of-way, easement, alignment, or elevation of all real property whether or not fixed works are sited or proposed to be sited on the property.

b. Makes any survey for the subdivision of any tract of land or for condominiums.

- c. Determines, by the use of the principles of land surveying, the position for any survey, monument, or reference point; or sets, resets, or replaces any such monument or reference point.
 - d. Determines the configuration or contour of the surface of the earth or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.
 - e. Geodetic surveying which includes surveying for determination of the size and shape of the earth both horizontally and vertically and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.
 - f. Creates, prepares, or modifies electronic or computerized data, including land information systems and geographic land information systems, relative to the performance of the activities in paragraphs a. to e., inclusive.
- (9) RESPONSIBLE CHARGE. Direct control and personal supervision of engineering work or land surveying work.
(Acts 1961, Ex. Sess., No. 79, p. 1976, §2; Acts 1967, No. 739, p. 1576, §1; Acts 1997, No. 97-683, p. 1332, §1; Act 2002-514, p. 1323, §1; Act 2007-365, p. 715, §1; Act 2014-375, p. 1390, §1.)

Section 34-11-2 Practice of engineering and land surveying regulated.

- (a) No person in either public or private capacity shall practice or offer to practice engineering or land surveying, unless he or she shall first have submitted evidence that he or she is qualified so to practice and shall be licensed by the board as hereinafter provided or unless he or she is specifically exempted from licensure under this chapter.
- (b) In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering in this state is a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state. It shall be unlawful for any person to practice or offer to practice engineering in this state, as defined by this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the terms engineer, engineers, engineering, professional engineer, professional engineers, professional engineering, or any modification or derivative thereof, tending to convey the impression that he or she is a professional engineer unless the person has been duly licensed or is exempt from licensure under this chapter. A person whose firm name shall have contained the word "engineer," "engineers," or "engineering," or words of like import, for more than 15 years before September 12, 1966, shall not be prohibited from continuing the use of such word or words in his or her firm name.
- (c) In order to safeguard life, health, and property and to promote the public welfare, the practice of land surveying in this state is a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state. It shall be unlawful for any person to practice or offer to practice land surveying in this state, as defined by this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the terms land surveyor, land surveyors, land surveying, professional land surveyor, professional land surveyors, professional land surveying, or any modification or derivative thereof, tending to convey the impression that he or she is a professional land

surveyor unless the person has been duly licensed or is exempt from licensure under this chapter.

(d) As used in this subsection, the term professional land surveyor shall include the agents, the employees, and any personnel under the supervision of a professional land surveyor.

(1) A professional land surveyor may go on, over, and upon the lands of others which is not enclosed by any device installed to deter entry to or exit from industrial facilities or plant sites by humans or vehicles, if necessary to perform surveys for the location of section corners, quarter corners, property corners, boundary lines, rights-of-way, and easements, and may carry and utilize equipment and vehicles. Entry under the right granted in this subdivision shall not constitute trespass. A professional land surveyor shall not be liable to arrest or to a civil action for trespass by reason of this entry.

(2) Nothing in this subsection shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner and nothing in this section shall be construed as removing civil liability for the damages.

(3) A professional land surveyor shall make reasonable effort to notify adjoining landowners upon whose land it is necessary to enter.

(4) No owner or occupant of the land shall be liable for any injury or damage sustained by any person entering upon his or her land under this subsection.

(5) Nothing in this subsection shall limit the rights of condemning authorities under Sections 18-1A-50 to 18-1A-55, inclusive.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §1; Acts 1966, Ex. Sess., No. 329, p. 462, §1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1997, No. 97-683, p. 1332, §1; Act 2004-501, p. 954, §1.)

Section 34-11-3 Roster of registrants.

A roster showing the names and addresses of all licensed professional engineers, all professional land surveyors, and all who possess current certifications as engineer interns or land surveyor interns shall be prepared by the executive director of the board at intervals as established by the board. Copies of this roster shall be made available to each person licensed or certified, placed on file with the Secretary of State, and may be distributed or sold to the public upon request.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §11; Acts 1975, No. 1049, p. 2107, §1; Acts 1997, No. 97-683, p. 1332, §1.)

Section 34-11-4 General requirements for licensure or certification.

The board may approve engineering, land surveying, and related science programs which shall be accepted under the following criteria:

(1) PROFESSIONAL ENGINEER. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer:

a. Graduation and experience plus examination.

1. Graduation in an approved engineering curriculum plus four years experience. A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board who has successfully passed a board approved examination in the fundamental engineering subjects and who has a specific record of an additional four years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be admitted to a board approved examination in the principles and practice of

engineering. Upon passing this examination, the applicant shall be granted a certificate of licensure to practice engineering in this state, provided the applicant is otherwise qualified.

2. Graduation in an unapproved engineering curriculum plus six years experience. A graduate of an unapproved engineering curriculum of four years or more who has successfully passed a board approved examination in the fundamental engineering subjects and who has a specific record of an additional six years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be admitted to a board approved examination in the principles and practice of engineering. Upon passing this examination, the applicant shall be granted a certificate of licensure to practice engineering in this state, provided the applicant is otherwise qualified.

b. Comity. The board may, upon application, issue a certificate of licensure as a professional engineer to any person who holds a valid professional engineering certificate issued by any jurisdiction of the United States or of any country; provided, that the education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued. The board may authorize an applicant to practice engineering on a temporary basis upon issuance of an interim permit which shall remain in effect until the board acts upon the application. The interim permit may be issued upon submission of documentation and a fee which shall be established by the board, not to exceed fifty dollars (\$50).

(2) ENGINEER INTERN. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for certification as an engineer intern:

a. Graduation and examination. A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board who has successfully passed a board approved examination in the fundamental engineering subjects shall be certified as an engineer intern, if otherwise qualified.

b. Graduation and examination plus experience. Graduation in an unapproved engineering curriculum plus two years experience. A graduate of an unapproved engineering curriculum of four years or more who has successfully passed a board approved examination in the fundamental engineering subjects and who has a specific record of two years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be certified as an engineer intern, if otherwise qualified.

c. Comity. The education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued. Fundamentals of engineering examinations of comparable character taken and passed in another jurisdiction may be accepted by the board.

(3) PROFESSIONAL LAND SURVEYOR. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional land surveyor.

a. Graduation and experience plus examination.

1. Graduation in an approved land surveying curriculum plus four years experience. A graduate of an approved land surveying curriculum of four years or more including a minimum of 30 semester hours or 45 quarter hours of surveying courses from a school or college approved by the board who has successfully passed a board approved examination in the fundamental land surveying subjects and who has a specific record of an additional four years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to a board approved examination in the

principles and practice of land surveying and a board approved examination on laws, procedures, and practices pertaining to land surveying in this state. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

2. Graduation in an approved curriculum related to surveying plus six years experience. A graduate of a curriculum related to surveying of four years or more including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college approved by the board and who has successfully passed a board approved examination in the fundamental land surveying subjects and who has a specific record of an additional six years or more of progressive office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to a board approved examination in the principles and practice of land surveying and a board approved examination of laws, procedures, and practices pertaining to land surveying in this state. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

3. Graduation in a related science curriculum plus eight years experience. A graduate of a related science curriculum of four years or more from a school or college approved by the board who has successfully passed a board approved examination in the fundamental land surveying subjects and who has a specific record of an additional eight years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to a board approved examination in the principles and practice of land surveying and a board approved examination of laws, procedures, and practices pertaining to land surveying in this state. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

b. Comity. The board, upon application, may grant to any person who holds a valid professional land surveying certificate issued by any jurisdiction of the United States or of any country, admission into a board approved examination of laws, procedures, and practices pertaining to land surveying in this state, provided that the education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in this state at the time such certificate was issued. Upon passing the examination, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

(4) LAND SURVEYOR INTERN. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for certification as a land surveyor intern:

a. Graduation plus examination. Graduation in an approved land surveying curriculum. A graduate of a land surveying curriculum of four years or more including a minimum of 30 semester hours or 45 quarter hours of surveying courses from a school or college approved by the board who has successfully passed board approved examination in the fundamentals of land surveying shall be certified as a land surveyor intern, if otherwise qualified.

b. Graduation and examination plus experience.

1. Graduation in an approved curriculum related to surveying plus two years experience. A graduate of a curriculum related to surveying of four years or more including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college approved by the board who has successfully passed board approved examination in the fundamentals of land surveying and who has a specific record of an additional two years or

more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be certified as a land surveyor intern, if otherwise qualified.

2. Graduation in a related science curriculum plus four years experience. A graduate of a related science curriculum of four years or more who has successfully passed a board approved examination in the fundamentals of land surveying and who has a specific record of an additional four years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be certified as a land surveyor intern, if otherwise qualified.

c. Comity. The education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued. The board may accept fundamentals of land surveying examinations of comparable character taken and passed in another jurisdiction.

(5) CHARACTER. No person shall be eligible for licensure as a professional engineer, certification as an engineer intern, licensure as a professional land surveyor, or certification as a land surveyor intern who is not of good character and reputation.

(6) TEACHING CREDITS. In considering the qualifications of applicants, teaching in an engineering curriculum approved by the board may be considered as engineering experience. Teaching land surveying subjects in a land surveying curriculum approved by the board may be considered as land surveying experience.

(7) GRADUATE STUDY. In counting years of experience for professional engineer licensure, the board may give credit, not in excess of one year, for successful completion of graduate study leading to a master's degree in engineering. If a Ph.D. in engineering is completed, a total of two year's experience may be credited. The two-year credit shall include one year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience shall be two years. In counting years of experience for professional land surveyor licensure, the board may give credit, not in excess of one year, for successful completion of graduate study leading to a master's degree in land surveying. If a Ph.D. in land surveying is completed, a total of two years' experience may be credited. The credit of two years shall include one year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience shall be two years.

(8) NONPRACTICING APPLICANTS. Any person having the necessary qualifications prescribed in this chapter to entitle the applicant to licensure shall be eligible for licensure although the applicant may not be practicing engineering or land surveying at the time of making application.

(9) RECOGNITION OF PREVIOUSLY TAKEN EXAMINATIONS. The board may accept fundamentals and principles and practice examinations of comparable character taken and passed in another jurisdiction.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §12; Acts 1967, No. 739, p. 1576, §1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1995, No. 95-282, p. 516, §3; Acts 1997, No. 97-683, p. 1332, §1; Act 2004-501, p. 954, §1; Act 2009-642, p. 1975, §1; Act 2014-375, p. 1390, §1.)

Section 34-11-5 Applications; fees.

(a) Applications for licensure as a professional engineer, professional land surveyor, engineer intern, or land surveyor intern shall be on forms prescribed and furnished by the board and shall contain statements made under oath. Three or more of the references contained in an application for licensure as a professional engineer shall be professional engineers having personal knowledge of the applicant's engineering experience. Three or more of the references

contained in an application for professional land surveyor shall be professional land surveyors having personal knowledge of the land surveying experience of the applicant. All references and experience verifications furnished shall be confidential records of the board. Any individual who was previously licensed in this state and whose license is eligible for reinstatement as outlined in subsection (a) of Section 34-11-8 shall comply with the reinstatement procedures established by the board instead of the submission of a new application.

(b) The application fee and the licensure fee for professional engineers or professional land surveyors shall be set by the board and each fee shall not exceed one hundred dollars (\$100).

(1) For professional engineers applying for licensure by way of comity, both the application fee and licensure fee shall accompany the application.

(2) For professional engineers applying for licensure by way of examination and for professional land surveyors, the application fee shall accompany the application, and the licensure fee shall be due upon approval of licensure. If the applicant fails or refuses to remit the licensure fee within 30 days after being notified of successfully qualifying, the applicant shall forfeit the right to have a certificate so issued. For further consideration, the applicant shall be required to submit a new application and application fee.

(c) The application fee, which shall include the certification fee, for engineer interns and land surveyor interns shall be set by the board, shall not exceed fifty dollars (\$50), and shall accompany the application.

(d) The fee for a certificate of authorization for a corporation, partnership, or firm shall be set by the board and shall not exceed two hundred fifty dollars (\$250), and must accompany the application.

(e) If the board denies certification or licensure to any applicant, or the certificate of authorization to any corporation, partnership, or firm, the fee paid shall be retained as an application fee.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §13; Acts 1975, No. 1049, p. 2107, §1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1997, No. 97-683, p. 1332, §1.)

Section 34-11-6 Examinations.

(a) Examinations shall be held at such times and places as the board determines and upon payment of an examination fee.

(b) When examinations are required on fundamental subjects, the applicant shall be permitted to take this part of the professional examination as specified by rules of the board. A candidate failing an examination may apply for reexamination under guidelines established by the board.

(c) When examinations are required on applied subjects, the applicant shall be permitted to take this part of the professional examination as specified by guidelines established by the board. The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering or land surveying works so as to protect the safety of life, health, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for licensure separately in engineering and in land surveying. A candidate failing an examination may apply for reexamination under guidelines established by the board.

(d) The fees for examination, reexamination, and administration of the examination on the laws, procedures, and practices pertaining to land surveying in this state shall be set by the board.

(e) The board may contract with an independent testing agency to prepare, grade, or conduct the required examinations. For those examinations so designated by the board, the applicant shall pay the examination fees directly to the board authorized testing agency. The examination fee for the examination on Alabama land surveying laws, procedures, and practices shall be paid directly to the board.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §14; Acts 1975, No. 1049, p. 2107, §1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1997, No. 97-683, p. 1332, §1; Act 2004-501, p. 954, §1; Act 2014-375, p. 1390, §1.)

Section 34-11-7 Issuance of certificate; seal.

(a) The board shall issue a certificate of licensure upon payment of a licensure fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of engineering. In the case of a professional land surveyor, the certificate shall authorize the practice of land surveying. Certificates of licensure shall show the name of the licensee, shall have a license number, and shall be signed by the chair and the secretary of the board under the seal of the board.

(b) The issuance of a certificate of licensure by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a professional engineer, or of a professional land surveyor unless the certificate is revoked, suspended, surrendered, lapsed, or expired.

(c) Each professional engineer should upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name, licensure number, and the legend, "licensed professional engineer." Previously purchased seals bearing the terminology "registered" vs. "licensed" may continue to be used until replacement is required. Engineering drawings, plans, specifications, plats, and reports issued by a licensee or by qualified persons under the direction of the licensee and for which the licensee assumes full responsibility shall be certified pursuant to this chapter. It shall be unlawful for anyone to use an expired, suspended, surrendered, lapsed, or revoked certificate or seal or facsimile thereof.

(d) Each professional land surveyor should upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name, licensure number, and the legend, "licensed professional land surveyor." Previously purchased seals bearing the terminology "registered" vs. "licensed" may continue to be used until replacement is required. Land plats, legal descriptions of lands, and land surveying reports issued by a licensee or by qualified persons under the direction of the licensee and for which the licensee assumes full responsibility shall be certified pursuant to this chapter. It shall be unlawful for anyone to use an expired, suspended, surrendered, lapsed, or revoked certificate or seal or facsimile thereof.

(e) Whenever the seal is applied, the document must be signed by the licensee thereby certifying that he or she is competent in the subject matter and is responsible for the work product. A digital signature may be used in lieu of a handwritten signature.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §15; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1997, No. 97-683, p. 1332, §1; Act 2004-501, p. 954, §1; Act 2009-642, p. 1975, §1.)

Section 34-11-8 Renewal of certificates; lapsed licenses.

(a) The board shall, by rule, establish a procedure for renewing certificates of licensure on an annual or a biennial basis. It shall be the duty of the executive director of the board to notify every person licensed under this chapter of the final date of the renewal of his or her license and the amount of the fee required for the renewal. The notice shall be mailed to the last

address of the licensee recorded by the executive director of the board at least one month in advance of the renewal deadline. Renewal may be accomplished at any time prior to or during the month of December by payment of the required fee. The board shall establish the renewal fee for each certificate of licensure issued pursuant to this chapter. The amount of the renewal fee shall not exceed one hundred fifty dollars (\$150) for annual renewal or three hundred dollars (\$300) for biennial renewal. Certificates of licensure for professional engineers and professional land surveyors shall lapse on the last day of the month of December, annually or biennially, unless renewed. The board shall, by rule, establish procedures including requirements, time limits, and the minimum continuing professional competency hours required for reinstating or reactivating a lapsed license. The board shall establish a reinstatement fee which shall be based on the period the license was lapsed. A lapsed license, if not reinstated, shall remain in a lapsed classification for a total of four years. Any license which has lapsed for more than four years shall not be eligible for reinstatement or reactivation and is expired.

(1) Any individual whose license has lapsed for nonpayment of renewal fees shall continue to be subject to this chapter and board rules governing licenses until the licensure is revoked by action of the board or the license is not eligible for reinstatement under the rules of the board. A licensee who practices or offers to practice in this state with a lapsed, inactive, or retired license shall be subject to disciplinary action by the board.

(2) No licensee shall have his or her license renewed unless, in addition to any other requirements of this chapter, the minimum annual or biennial continuing professional competency requirement is met. It is further provided that the continuing professional competency program herein required shall not include testing or examination of the licensee in any manner. The board may, by rules, establish exemptions from the continuing professional competency requirement for retired licensees and others in extenuating circumstances as identified by rule of the board.

(b) Enrollment as engineer interns and land surveyor interns shall expire on the last day of the month of December following their issuance or renewal. The notification to interns shall be processed as prescribed above for licensees except that the annual renewal fee shall not exceed ten dollars (\$10). The failure on the part of any intern to accomplish renewal shall not invalidate his or her status as an engineer intern or land surveyor intern, but his or her name shall, after 90 days, be removed from the current mailing list of the board. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.

(c) Certificates of authorization issued to corporations, partnerships, or firms practicing or offering to practice engineering or land surveying under this chapter shall lapse on the last day of the month of January following their issuance or renewal, unless renewed. The amount of the renewal fee shall be set by the board and shall not exceed two hundred fifty dollars (\$250). It shall be the duty of the executive director of the board to notify every corporation, partnership, or firm holding a certificate of authorization under this chapter of the final date of renewal of the certificate and the amount of the fee which shall be required for its renewal for one year. The notice shall be mailed by the executive director to the last address recorded for the corporation, partnership, or firm at least one month in advance of the renewal deadline. Renewals may be accomplished at any time prior to or during the month of January by payment of the required fee. Failure by the corporation, partnership, or firm to renew its certificate of authorization prior to or during the month of January shall cause the certificate to lapse, and it shall be unlawful for the corporation, partnership, or firm to practice, offer to practice, or hold itself out as qualified to practice engineering or land surveying in Alabama

following the lapse of its certificate of authorization. The board shall, by rules, establish procedures and time limits for reactivating a certificate of authorization and the reinstatement fees which shall be based on the period the certification was lapsed. A firm, partnership, or corporation whose certificate of authorization has lapsed for nonpayment of renewal fees shall continue to be subject to this chapter and the rules of the board governing licenses until the certificate of authorization is revoked by action of the board or the certificate of authorization is no longer renewable under the rules of the board. If not reinstated, a lapsed certificate of authorization shall remain in a lapsed classification for a period of two years. Any certificate of authorization which has been lapsed for more than two years shall not be eligible for reinstatement or reactivation and is expired.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §16; Acts 1975, No. 1049, p. 2107, §1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1991, No. 91-199, p. 375, §3; Acts 1997, No. 97-683, p. 1332, §1; Act 2004-501, p. 954, §1.)

Section 34-11-9 Corporate and partnership practice.

(a) Services offered to the public; certificate of authorization required.

(1) ENGINEERING OR LAND SURVEYING SERVICES. The practice of or offer to practice engineering and land surveying as defined in Section 34-11-1 by individual professional engineers or professional land surveyors licensed under this chapter through a corporation, partnership, or firm offering engineering services or land surveying services to the public through individual licensed professional engineers or professional land surveyors, as agents, employees, officers, or partners, is permitted subject to this chapter and one or more of the principal officers of the corporation, firm, or partners of the partnership and all personnel of the corporation, partnership, or firm who act in its behalf as professional engineers or professional land surveyors in this state are licensed as provided by this chapter, or are persons lawfully practicing under Section 34-11-14 and the corporation, partnership, or firm has been issued a certificate of authorization by the board as provided herein. All final drawings, specifications, plans, reports, or other engineering or land surveying papers or documents involving the practice of engineering or land surveying as defined in Section 34-11-1 of this chapter which shall have been prepared or approved for the use of such corporation, partnership, or firm or for delivery to any person or for public record within the state shall be dated and bear the signature and seal of the professional engineer or professional land surveyor who prepared or approved them. Nothing in this section should be construed to mean that a certificate of licensure to practice engineering or land surveying shall be held by a corporation, partnership, or firm.

(2) JOINT PRACTICE AUTHORIZED. Nothing in this section prohibits an individual, corporation, firm, or partnership from joining together to practice, offering to practice, or holding themselves out as qualified to practice engineering or land surveying provided that the individual, corporation, firm, or partnership meets the requirements of this section.

(3) LIABILITY GENERALLY. No corporation, firm, or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section, nor shall any individual practicing engineering or land surveying as defined in Section 34-11-1 be relieved of responsibility for work performed by reason of employment, association, or relationship with the corporation, partnership, or firm.

(4) APPLICATION FOR CERTIFICATE OF AUTHORIZATION. A corporation, partnership, or firm desiring a certificate of authorization shall file with the board an application upon a form to be prescribed by the board and the designation required by

subdivision (5), accompanied by the licensure fee prescribed by subsection (d) of Section 34-11-5.

(5) RESIDENT LICENSEE. Every firm, partnership, corporation, or other entity which performs or offers to perform engineering or land surveying services shall have a resident licensed professional engineer or land surveyor in responsible charge of the engineering or land surveying work for each separate office or branch office in which engineering or land surveying services are performed or offered to be performed. The board shall issue rules to ensure adequate engineering supervision and surveying supervision of all work.

(6) FILING NAMES AND ADDRESSES OF OFFICERS, ETC., REQUIRED. A corporation or firm shall file with the board, using a form provided by the board, the names and addresses of all officers and board members of the corporation or firm including the principal officer or officers duly licensed to practice engineering or land surveying in this state, who shall be in responsible charge of the practice or offering to practice of engineering or land surveying in this state by the corporation or firm and of the individual or individuals designated as the responsible engineer or land surveyor of each branch office offering or performing Alabama engineering or land surveying. A partnership shall file with the board using a form provided by the board, the names and addresses of all partners, including the partner or partners duly licensed to practice engineering or land surveying in this state, and also of an individual or individuals duly licensed to practice engineering or land surveying in this state who shall be in responsible charge of the practice of engineering or land surveying in this state at the branch offices of the partnership. The same form, giving the same information, shall accompany the annual renewal fee prescribed in subsection (c) of Section 34-11-8. In the event there is a change in the firm name or in any of the partners or principal officers during the year, the changes shall be filed with the board by the corporation, partnership, or firm within 30 days after the effective date of the change.

(7) ISSUANCE OF CERTIFICATE OF AUTHORIZATION; SUSPENSION; REVOCATION. If all the requirements of this section are met, the board shall issue to the corporation, partnership, or firm a certificate of authorization. The board may refuse to issue a certificate, if any facts exist which would entitle the board to suspend or revoke an existing certificate. Any person aggrieved by an adverse determination of the board may appeal to the circuit court in the manner provided in Section 34-11-13.

(8) CERTIFICATE REQUIRED OF ORGANIZATION OPERATING UNDER FICTITIOUS NAME. For the purposes of this section, a certificate of authorization shall be required by a corporation, partnership, firm, association, or person 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.

(b) Incidental engineering or land surveying services; certificate of authorization not required. 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 person, partnership, firm, or corporation engaged in such production, manufacture, transportation, distribution, or communication and will not require a certificate of authorization. The engineering and land surveying services shall be performed by or under the direction of a professional engineer or professional land surveyor licensed in conformity with this chapter. All drawings, plans, specifications, plats, and reports involving the practice of engineering or land surveying shall when issued be dated and bear the seal or facsimile of the seal, signature, and licensure number of the professional engineer or land surveyor in responsible charge thereof.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §18; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1991, No. 91-199, p. 375, §3; Acts 1997, No. 97-683, p. 1332, §1; Act 2004-501, p. 954, §1.)

Section 34-11-10 Public work.

It shall be unlawful for the state or any of its departments, boards, or agencies or any county, municipality, or political subdivision, or any department, board, or agency of any county, municipality, or political subdivision to engage in the construction of any public work involving the practice of engineering unless the engineering drawings, plans, specifications, and estimates have been prepared by and the construction executed under the direct supervision of a professional engineer; provided, that nothing in this chapter shall be held to apply to any public work wherein the expenditure for the complete project of which the work is a part does not exceed \$20,000.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §19.)

Section 34-11-11 Disciplinary action.

(a) The board shall have the power to reprimand, censure, place on probation, or fine any licensee or certified engineer intern or land surveyor intern or corporation, partnership, or firm holding a certificate of authorization and to suspend, refuse to renew, or revoke the certificate of any licensee or certified engineer intern or land surveyor intern or the certificate of authorization of a corporation, partnership, or firm found guilty of any of the following:

(1) The practice of any fraud or deceit in obtaining or attempting to obtain or renew a certificate of licensure or certificate of authorization.

(2) Any gross negligence, incompetency, violation of the rules of professional conduct prescribed by the board, or any amendment thereof, or misconduct in the practice of engineering or land surveying as a professional engineer, engineer intern, professional land surveyor, or land surveyor intern.

(3) Falsely representing himself or herself as being in responsible charge of engineering work or land surveying.

(4) Permitting his or her seal, or facsimile thereof, to be used by another.

(5) An offense in another jurisdiction resulting in revocation, suspension, or voluntary surrender, to avoid disciplinary proceedings, of a license or certificate of licensure, including any agreement or stipulation executed by a licensee to avoid formal disciplinary proceedings.

(b) The board shall have the power to impose any or all of the disciplinary penalties set forth in this section against a corporation, partnership, or firm holding a certificate of authorization, when any one or more of the agents, employees, officers, partners, or owners of the corporation, partnership, or firm, licensed or nonlicensed, have committed any act, or have been guilty of any conduct, which could authorize the imposition of any of the disciplinary penalties set forth in this section. The acts or conduct by the persons must have been related to the practice of or offer to practice of engineering or land surveying by the corporation, partnership, or firm and that the acts or conduct must have been performed or occurred within the scope of the employment of any such person and with the authorization, ratification, or approval of an officer, director, principal, partner, or owner of the corporation, partnership, or firm.

(c) Any person may file a complaint alleging a violation of this section against any individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization. The complaints shall be in writing and shall be filed with the executive director of the board.

(d) The board may designate a person or persons to investigate and report to it on any matter related to its lawful duties and may employ legal counsel as the board may deem necessary or desirable. An investigation may be made upon receipt of a complaint or may be initiated by the board. The board may resolve violations by agreement between the board and the licensee with or without the filing of formal charges.

(e) Following an investigation, charges may be filed against any individual licensee, certificated intern, or corporation, partnership, or firm holding a certificate of authorization. The charges shall conform to the Administrative Procedure Act.

(f) With the consent of the licensee, the board may conduct an informal hearing without meeting the requirements of the Administrative Procedure Act at which no action shall be taken other than a reprimand, public or private.

(g) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within a reasonable time.

(h) The time and place for the hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of the hearing, shall be personally served on or mailed to the last known address of the individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization, at least 30 days before the date fixed for the hearing. At any hearing the accused individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, her, or them, and to produce evidence and witnesses in his or her or their own defense. If the accused fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

(i) If after the hearing three or more members of the board vote in favor of finding the accused guilty, the board shall impose one or more of the disciplinary penalties set forth in this section. Any fine imposed may not exceed two thousand five hundred dollars (\$2,500) for each count or separate offense. The written decision of the board shall be delivered personally to the accused or sent by certified mail, return receipt requested, to the last known address of the accused.

(j) If disciplinary action from a hearing results in imposing a fine against a licensee, certified intern, or certificated corporation, partnership, or firm, the board shall not renew the annual certificate for this licensee, certified intern, or certificated corporation, partnership, or firm until the fine is paid in full. In the event that the fine is subsequently set aside on judicial review, as provided in the Alabama Administrative Procedure Act, the licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization shall be entitled to a prompt refund of the amount of the fine, but shall not be entitled to interest thereon.

(k) The board shall revoke the certificate of any licensee or certified intern who has been determined to be one of the following:

(1) Declared non compos mentis by a court of competent jurisdiction.

(2) Convicted of or entered a plea of guilty or nolo contendere to any crime under the laws of the United States or any state or territory thereof, which is a felony, whether related to practice or not and convicted of or entered a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of engineering or land surveying.

(l) When a member of the board is unable to continue the hearing either by disqualification or for any other reason, and the board is unable to reach a quorum, the Governor shall appoint as many ex officio members as is necessary to reach a quorum from a list of three persons

submitted for each place by the committee of seven as specified in Section 34-11-30. These ex officio members shall serve on the board only for that hearing for which they were appointed and they may be reappointed for subsequent hearings if necessary.

(m) The licensee shall be responsible for the cost of the disciplinary action if found guilty.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §20; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1984, 2nd Ex. Sess., No. 85-45, p. 68, §1; Acts 1987, No 87-414, p. 607, §3; Acts 1997, No. 97-683, p. 1332, §1.)

Section 34-11-12 Reissuance of revoked certificates; duplicate certificates.

The board, for reasons it may deem sufficient, may reissue a certificate of licensure to any person or certificate of authorization to any corporation, partnership, or firm whose certificate has been revoked, provided three or more members of the board vote in favor of reissuance.

The board shall not consider reissuance of a certificate to any person whose certificate has been revoked because of non compos mentis until after the person has been declared to have fully regained his or her competency by a court of competent jurisdiction. The board shall not consider the reissuance of a certificate to a person who was convicted of a felony or entered a plea of guilty or nolo contendere to a felony until the civil rights of the person have been restored, and then a unanimous approval vote of the board concerning reissuance shall be required. A new certificate to replace any certificate revoked, lost, destroyed, or mutilated or for any other reason may be issued, subject to the rules of the board, and a charge of twenty-five dollars (\$25) shall be made for such issuance.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §21; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1997, No. 97-683, p. 1332, §1; Act 99-102, p. 120, §3.)

Section 34-11-13 Appeals.

Any person, corporation, partnership, or firm who shall feel aggrieved by the denial of a certificate by the board or by any disciplinary action by the board taken pursuant to Section 34-11-11 may appeal therefrom within 30 days to the Circuit Court of Montgomery County, Alabama, exclusively, notwithstanding the provisions of the Alabama Administrative Procedure Act; and only after the filing of the notice of appeal, shall judicial review be as provided for in the Alabama Administrative Procedure Act.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §22; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1987, No. 87-414, p. 607, §3.)

Section 34-11-14 Persons and acts exempt from chapter.

This chapter shall not be construed to prevent or to affect any of the following:

- (1) The practice of any other legally recognized profession or trade.
- (2) The work of an engineer intern or land surveyor intern, employee, or a subordinate of any person holding a certificate of licensure under this chapter, or any employee of a person practicing lawfully under paragraph b of subdivision (1) of Section 34-11-4, if the work is done under the responsibility and supervision of a person holding a certificate of licensure under this chapter or a person practicing lawfully under paragraph b of subdivision (1) of Section 34-11-4.
- (3) The practice of officers and employees of the government of the United States while engaged within this state in the practice of engineering or land surveying for the government. This exception does not extend to any engineer or land surveyor engaged in the practice of professional engineering or land surveying whose compensation is based in whole or in part on a fee.

(4) The practice of engineering or land surveying with respect to transportation or utility facilities by any transportation company or public utility subject to regulation by the Alabama Public Service Commission, the Federal Aviation Administration, the Federal Communications Commission, the Federal Energy Regulatory Commission, or the Nuclear Regulatory Commission, including its parents, affiliates, or subsidiaries; or by the officers and employees of any transportation company or public utility including its parents, affiliates, or subsidiaries. This exception shall not extend to any engineer or land surveyor engaged in the practice of engineering or land surveying whose compensation is based in whole or in part on a fee.

(5) The practice of engineering or land surveying by any person who is employed by the Alabama Department of Transportation prior to January 1, 1997, in any engineering or engineering assistant classification series under the State of Alabama Personnel Board, Merit System.

(6) The mere execution as a contractor of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent.

(7) The performance of engineering services which are purely incidental to the practice of architecture by registered architects, or their employees, or subordinates under their responsible supervising control.

(8) The performance of engineering services which are purely incidental to the practice of geology by registered geologists, their employees, or subordinates under their responsible charge.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §24; Acts 1997, No. 97-683, p. 1332, §1; Act 2004-501, p. 954, §1.)

Section 34-11-15 Violations; penalties.

(a) Any person who shall practice, offer to practice, or hold himself or herself out as qualified to practice engineering or land surveying in this state or use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the term engineer, engineers, engineering, or professional engineer, professional engineers, or professional engineering, or land surveyor, land surveyors, land surveying, or professional land surveyor, professional land surveyors, or professional land surveying, without being licensed or exempted in accordance with this chapter, or any person presenting or attempting to use as his or her own the certificate of licensure or the seal or facsimile thereof of another, or permitting his or her own certificate of licensure, seal or facsimile thereof to be used by another person, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining, or attempting to obtain a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired, suspended, surrendered, or revoked certificate of licensure, or any person who shall violate this chapter, shall be guilty of a Class A misdemeanor and punished as provided by law. Each day of the violation shall be a separate offense.

(b) Any corporation, partnership, or firm who violates any part of this chapter shall be guilty of a Class A misdemeanor and punished as provided by law. Each day of the violation shall be a separate offense.

(c) It shall be the duty of all duly constituted officers of law of this state, or any political subdivision thereof, to enforce this chapter, and to prosecute any persons, firms, partnerships, or corporations for violating this chapter. The Attorney General of the state or his or her assistants shall act as legal advisor to the board and render legal assistance to the board as

may be necessary in carrying out this chapter. The board has the right to obtain private legal counsel as the need arises.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §23; Acts 1975, No. 1049, p. 2107, §1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1997, No. 97-683, p. 1332, §1; Act 99-102, p. 120, §3.)

Section 34-11-16 Violations; civil penalties; notice and hearing; subpoena power; appeal.

(a) In addition to any other provisions of law, the board may enter an order assessing a civil penalty against any non-licensed person, corporation, or other entity found guilty by the board of, but not limited to, the following violations of this chapter.

(1) Engaging in the practice or offer to practice of engineering or land surveying in this jurisdiction without being licensed in accordance with this chapter.

(2) Using or employing the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivative thereof in its name or form of business activity, except as authorized in this chapter.

(3) Presenting or attempting to use the certificate of licensure or the seal of another licensed engineer or licensed land surveyor.

(4) Giving false or forged evidence of any kind to the board or a member of the board in obtaining or attempting to obtain a certificate of licensure.

(5) Falsely impersonating another licensed engineer or licensed land surveyor of like or different name.

(6) Using or attempting to use a revoked or non-existent certificate of licensure.

(b) The board shall determine the amount of the civil penalty which shall be paid to the State General Fund. The amount shall not exceed two thousand five hundred dollars (\$2,500) for each and every separate offense.

(c) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of notice by the board, a hearing on the record.

(d) Pursuant to the proceedings under this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the Attorney General to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal to the Circuit Court of Montgomery County exclusively for judicial review of the penalty within 30 days notwithstanding the Administrative Procedure Act. Unless an appeal is taken, or the penalty paid, the order of the board imposing the civil penalty shall become a judgment.

(f) If a person fails to pay a civil penalty within 30 days after entry of an order pursuant to subsection (a) or if the order is stayed pending an appeal, within 10 days after the court enters a final judgement in favor of the board of an order appealed pursuant to subsection (e), the board shall notify the Attorney General. The Attorney General may commence a civil action to recover the amount of the penalty, plus attorney's fees and costs.

(g) The cost to the board of the action shall be paid by the respondent if found in violation.

(Acts 1997, No. 97-683, p. 1332, §2; Act 2004-501, p. 954, §1.)

Article 2 Board of Registration.

Section 34-11-30 Creation and composition; nominating committee; oath and terms of office.

(a) A State Board of Licensure for Professional Engineers and Land Surveyors is created. It shall be the duty of the board to administer this chapter. The board shall consist of five professional engineers and two professional land surveyors. Commencing on July 1, 2014, the five professional engineers shall be appointed by the Governor from a list of three persons nominated for each appointment by a committee and the two land surveyors shall be appointed by the Governor from a list of three persons nominated for each appointment by the Alabama Society of Professional Land Surveyors. Nominations shall be made to the Governor by the committee or the Alabama Society of Professional Land Surveyors, respectively, as vacancies on the board occur, whether by the expiration of a term or otherwise, in a position filled by a professional engineer or land surveyor, respectively. To the extent possible, the nominating committee, the Alabama Society of Professional Land Surveyors, and the Governor shall select those persons whose appointments ensure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state.

(b) The nominating committee shall consist of one professional engineer appointed or elected by each of the professional organizations as outlined in the rules of the board. Any other organization in the state having membership qualifications comparable to those professional organizations outlined in the rules of the board may petition the board for membership on the committee. The board, by rule, may establish nominating committee operating guidelines and, by rule, may establish procedures for the removal of nonparticipating members of the nominating committee. Nominees shall have the qualifications required by Section 34-11-31. Nominations shall be made by a majority vote of the committee present at the same time at a meeting called by the executive director of the board, who shall advise the above named societies of the meeting at least 30 days before the meeting is held.

(c) Each member of the board, before beginning his or her term of office, shall file with the Secretary of State his or her written oath or affirmation for the faithful discharge of his or her official duties. The members of the board shall continue to serve under this chapter until their respective terms expire. On the expiration of the term of each member, the Governor shall in the manner provided in this section appoint for a term of five years a professional engineer or professional land surveyor having the qualifications required by Section 34-11-31 to take the place of the member whose term on the board is about to expire. Vacancies occurring during a term shall be filled by appointment by the Governor, in the manner provided in this section, for the unexpired term. Each member shall hold office until the expiration of the term for which the member is appointed or until a successor is duly appointed and qualified.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §3; Acts 1995, No. 95-282, p. 516, §3; Acts 1997, No. 97-683, p. 1332, §1; Act 2003-141, p. 440, §3; Act 2009-642, p. 1975, §1; Act 2014-375, p. 1390, §1.)

Section 34-11-31 Qualifications of members.

Each member of the board shall be a citizen of the United States and a resident of this state, a licensed professional engineer or licensed professional land surveyor who holds an unexpired certificate under this chapter, who has been engaged in the practice of engineering or land surveying, respectively, for at least 12 years, and who has been in responsible charge of important engineering or land surveying, respectively, work for at least five years.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §4; Acts 1995, No. 95-282, p. 516, §3; Acts 1997, No. 97-683, p. 1332, §1.)

Section 34-11-32 Compensation and expenses.

Each member of the board shall receive the sum of one hundred dollars (\$100) per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel and shall be reimbursed for traveling expenses as provided in Article 2 of Chapter 7 of Title 36, and incidental and clerical expenses necessarily incurred in carrying out this chapter.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §5; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1997, No. 97-683, p. 1332, §1.)

Section 34-11-33 Removal of members; vacancies.

The Governor may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause. Vacancies in the membership of the board by death, resignation, or for any reason shall be filled for the unexpired term by appointment by the Governor as provided in Section 34-11-30.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §6.)

Section 34-11-34

Meetings; legal office; officers; quorum.

The board shall hold at least two regular meetings each year. The two regular meetings of the board shall be held in the City of Montgomery, Alabama. The legal office of the board shall be located in the City of Montgomery. Special meetings shall be held at the time and place as the rules of the board may provide. Notice of all meetings shall be given as the rules provide. The board shall elect or appoint annually the following officers: A chair, a vice chair, and a secretary. A quorum of the board shall consist of a simple majority of the board membership.
(Acts 1961, Ex. Sess., No. 79, p. 1976, §7; Acts 1997, No. 97-683, p. 1332, §1; Act 2014-375, p. 1390, §1.)

Section 34-11-35 Powers generally.

(a) The board shall have the power to adopt and amend bylaws, rules, and regulations, not inconsistent with the constitution and laws of this state, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall have the power to adopt and amend from time to time rules of professional conduct for professional engineers, engineer interns, professional land surveyors, land surveyor interns, and corporations, partnerships, or firms holding certificates of authorization. The board shall adopt and have an official seal.

(b) In carrying into effect its duties in any case involving the revocation of licensure or any disciplinary proceeding involving a licensee or the holder of a certificate of authorization or practicing or offering to practice without licensure, or false statement in connection with an application for licensure, the board may, under the hand of its chair and the seal of the board, subpoena witnesses and compel their attendance, and may also require the production of books, papers, documents, and other pertinent data. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person refuses to obey any subpoena issued, or refuses to testify or produce any books, papers, or documents, the board may present its petition to the Circuit Court of Montgomery County, Alabama, setting forth the facts, and thereupon the Circuit Court of Montgomery County shall, in a proper case,

issue its subpoena to such person, requiring his or her attendance before the Circuit Court of Montgomery County and there to testify or to produce such books, papers, and documents, or data. Any person failing or refusing to obey the subpoena or order of the Circuit Court of Montgomery County may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the Circuit Court of Montgomery County.

(c) The board is charged with the duty of seeing that this chapter is enforced. The board shall investigate any complaint relating to the violation this chapter and, should a violation be indicated, the board shall proceed as provided for under Sections 34-11-11, 34-11-15, and 34-11-16.

(d) The board, for good cause, may apply for relief by injunction, without bond, to restrain any person, firm, partnership, or corporation from the commission of any act which is prohibited by this chapter. In such proceedings it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial and irreparable damage would result, from the continued violation thereof. Application for the injunction may be made to the Circuit Court of Montgomery County, Alabama, or the circuit court of the county in which it is alleged that the violation is about to occur, at the request of the board. The injunction may not be granted ex parte, and any judgment or decree may be appealed in the manner prescribed by law to the Supreme Court of Alabama.

(e) No action or other legal proceedings for damages shall be instituted against the board, any board member, or employee of the board for any act done in good faith and in the intended performance of any power granted under this chapter or for any neglect or default in the performance or exercise in good faith of any duty or power.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §8; Acts 1975, No. 1049, p. 2107, §1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, §1; Acts 1997, No. 97-683, p. 1332, §1.)

Section 34-11-35.1 Legislative findings; rulemaking authority.

(a) In addition to the powers provided to the board by Section 34-11-35, the Legislature finds and declares all of the following:

(1) The power to adopt rules regulating the practice of engineering and land surveying in the state includes the power to prohibit unlicensed persons from practicing engineering or land surveying and the power to regulate how licensed persons practice.

(2) The primary goal of the provision of engineering and land surveying in the state is to prioritize public health, life, safety, property, and welfare.

(3) The board is in the best position to determine the engineering and land surveying practices that prioritize public health, life, safety, property, and welfare.

(4) Prioritizing public health, life, safety, property, and welfare may sometimes be at odds with the goals of state and federal antitrust laws which include prioritizing competition and efficiency.

(5) It is the intent of the Legislature, by passage of this section, to immunize the board and the members of the board from liability under state and federal antitrust laws for the adoption of a rule that prioritizes public health, life, safety, property, and welfare, and may be anti-competitive.

(b) Subject to subsection (c), rules adopted by the board pursuant to this section or Section 34-11-35, may define and regulate the practice of engineering and land surveying in a way that prioritizes public health, life, safety, property, and welfare, even if the rule is anti-competitive.

(c) A rule adopted pursuant to this section or Section 34-11-35 may supplement or clarify a statutory definition, but may not conflict with any statute that defines the practice of engineering or land surveying.

(d) Nothing in this section shall be construed to constrict or expand the current rights and privileges of any individual governed by the State Board of Licensure for Professional Engineers and Land Surveyors beyond that which existed before the ruling of the Supreme Court of the United States in *N.C. State Board of Dental Examiners vs. FTC*, 135 S.Ct 1101 (2015).

(e) Nothing in this section shall be construed to constrict or expand the current duties or responsibilities of the members of the State Board of Licensure for Professional Engineers and Land Surveyors in any context outside of federal or state antitrust immunity beyond that which existed before the ruling of the Supreme Court of the United States in *N.C. State Board of Dental Examiners vs. FTC*, 135 S.Ct 1101 (2015).

(Act 2017-384, §§1-3.)

Section 34-11-36 Receipts and disbursements.

The executive director of the board shall receive and account for all money derived under this chapter, and shall pay it monthly to the State Treasurer, who shall keep the money in a separate fund to be known as the "Professional Engineers and Professional Land Surveyors Fund." The fund shall be kept separate and apart from all other money in the Treasury, and shall be paid out only by warrant of the Comptroller upon the Treasurer, upon itemized vouchers, approved by the executive director of the board. No funds shall be withdrawn or expended except as budgeted and allotted according to Article 4 of Chapter 4 of Title 41. Any funds or money in the hands of the State Treasurer, known as the Professional Engineers and Professional Land Surveyors Fund, at the end of the state fiscal year in excess of that amount equal to 25 percent of the budget of the board for the previous fiscal year shall be transferred into the General Fund of the state. However, in the event that the board elects to implement a biennial license, then the above transfer into the General Fund shall only apply at the end of the non-license year of the biennial license cycle. The money, properties, records, and other things of value owned by or allocated to the fund, the board, or the executive director of the board in his or her capacity as such, serving at the time of enactment of this chapter, shall become the property of and be allocated respectively to the fund, the board, or the executive director of the board under this chapter. The executive director of the board shall give a surety bond to the state in a sum as the board may determine. The premium on the bond shall be regarded as a proper and necessary expense of the board and shall be paid out of the fund. The executive director of the board shall receive a salary as determined by the board, in addition to compensation and expenses provided for in Section 34-11-32. The board may employ an executive director and, when necessary, an assistant executive director and fix their compensation and duties. The board may employ clerical or other assistants, subject to the provisions of the Merit System Act, and may make expenditures from the fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this chapter, including the expenses of the board's delegates to regional and national meetings of, and membership dues to, a national examination organization for engineers and land surveyors selected by the board and any of its subdivisions. Under no circumstances shall the total amount of warrants issued by the Comptroller in payment of the expenses and compensation provided for in this chapter exceed the amount provided therefor by the Legislature in the general appropriation or other appropriation bills.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §9; Acts 1975, No. 1049, p. 2107, §1; Acts 1991, No. 91-199, p. 375, §3; Acts 1995, No. 95-282, p. 516, §3; Acts 1997, No. 97-683, p. 1332, §1; Act 99-102, p. 120, §3.)

Section 34-11-37 Records and reports; confidentiality.

(a) The board shall keep a record of its proceedings and a register of all applications for licensure, which register shall show all of the following:

- (1) The name, age, and residence of each applicant.
- (2) The date of the application.
- (3) The place of business of the applicant.
- (4) The educational and other qualifications of the applicant.
- (5) Whether or not an examination was required.
- (6) Whether the applicant was rejected.
- (7) Whether a certificate of licensure was granted.
- (8) The date of the action of the board.
- (9) Any other information deemed necessary by the board.

(b) The board shall also keep on file a written statement under oath from each applicant that he or she will abide by the rules of professional conduct prescribed by the board, which oath shall be a part of his or her application for licensure.

(c) The records of the board shall be evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the executive director of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(d) Annually, as of September 30, the board shall submit to the Governor a report of its transactions of the preceding year and a complete statement of the receipts and expenditures of the board, attested by affidavits of its chair and its secretary.

(e) Board records and papers of the following class are of a confidential nature and are not public records: Examination material for examinations not yet given; file records of examination problems and solutions; exam scores; letters of inquiry and reference concerning applicants; transcripts of college courses and grades; board inquiry forms concerning applicants; pending and closed complaints and investigative files which shall remain confidential until an actual formal hearing may commence; and all other materials of like confidential nature.

(Acts 1961, Ex. Sess., No. 79, p. 1976, §10; Acts 1997, No. 97-683, p. 1332, §1.)

Professional Services by Vendor

	2014	2015	2016	2017
Administrative Services				
Access Information Management	\$ 1,448.22	\$ 1,875.39	\$ 1,740.00	\$ 145.00
Alabama Criminal Justice Info. Center	95.00	-	-	-
AL Society of Prof. Land Surveyors	300.00	345.00	475.00	495.00
AL Association of Regulatory Boards	400.00	250.00	250.00	650.00
Alabama Association of Plumbing, Gas, & Mechanical Inspectors	150.00	150.00	150.00	300.00
AL Legislative R&R Service, LLC	1,675.00	1,959.00	3,278.00	678.00
Alabama Interactive, LLC	-	-	126,575.50	15,596.00
Association of County Commissions AL	100.00	-	-	-
Auburn University at Montgomery	-	-	100.00	-
Business & Legal Resources	-	-	-	219.00
CareerTrack	-	-	-	149.00
The Council on Licensure, Enforcement, & Regulation	2,240.00	1,385.00	2,159.00	70.00
Code Officials Association of Alabama	-	-	-	750.00
Department of Finance	1,369.58	494.47	451.48	622.41
e.Republic, Inc.	-	-	-	50.00
Federation of Assoc. of Reg. Boards	3,570.00	4,700.00	3,400.00	-
Gilmore Services	-	-	201.90	120.79
Government Finance Officers Association	-	295.00	-	-
Laboratory for Scientific Interrogation	-	-	600.00	-
Legislative Reference Service	3,060.00	1,500.00	870.00	-
Montgomery Chamber of Commerce	-	30.00	-	-
National Council of Examiners for Engineering & Surveying	3,200.00	1,785.00	2,615.00	900.00
The National Construction Investigators Association	-	150.00	-	-
North AL Code Officials Association	-	-	250.00	250.00
Public Agency Training Council	-	-	590.00	-
Skillpath Seminars	-	-	1,796.00	997.25
Toastmasters International	-	-	-	102.47
State Personnel Department	2,437.00	2,209.00	2,240.00	2,632.00
Total Administrative Services	2,437.00	2,209.00	4,876.00	3,981.72

	2014	2015	2016	2017
Data Processing Services				
Department of Finance	\$ 149,898.29	\$ 15,426.13	\$ 16,306.63	\$ 18,862.56
Micropact Global, Inc.	\$ 11,050.00	\$ 11,823.50	\$ 11,823.50	\$ 12,400.00
Total Data Processing Services	\$ 160,948.29	\$ 27,249.63	\$ 28,130.13	\$ 31,262.56
Legal Services				
Attorney General Office	\$ 10,000.00	\$ 10,000.00	\$ 28,400.00	\$ 33,285.00
Bain & Associates	\$ 3,413.90	\$ 2,218.50	\$ 3,435.00	\$ 2,192.45
Tori L. Adams	\$ -	\$ -	\$ -	\$ 3,915.00
Wilkerson & Bryan, P.C.	\$ 10,201.81	\$ 3,087.98	\$ 8,086.05	\$ 5,652.62
Total Legal Services	\$ 23,615.71	\$ 15,306.48	\$ 39,921.05	\$ 45,045.07
Total Professional Services	\$ 204,608.80	\$ 59,683.97	\$ 215,793.06	\$ 101,034.55

Pass/Fail Examination Rates for Alabama Educational Institutions

Fundamentals of Engineering Examination			
Fall 2013			
Educational Institution	Number of Examinees	Number Passed	Pass Rate
Alabama A&M University	5	1	20%
Auburn University	48	27	56%
Tuskegee University	5	0	0%
University of Alabama	35	14	40%
University of Alabama at Birmingham	13	4	31%
University of Alabama at Huntsville	18	10	56%
University of South Alabama	11	2	18%
Spring 2014			
Educational Institution	Number of Examinees	Number Passed	Pass Rate
Alabama A&M University	1	0	0%
Auburn University	9	7	78%
Tuskegee University	2	0	0%
University of Alabama	3	2	67%
University of Alabama at Birmingham	1	1	100%
University of Alabama at Huntsville	4	2	50%
University of South Alabama	1	0	0%
Fall 2014			
Educational Institution	Number of Examinees	Number Passed	Pass Rate
Alabama A&M University	1	0	0%
Auburn University	19	17	89%
Tuskegee University	1	0	0%
University of Alabama	7	0	0%
University of Alabama at Birmingham	7	4	57%
University of Alabama at Huntsville	7	2	29%
University of South Alabama	2	0	0%
Spring 2015			
Educational Institution	Number of Examinees	Number Passed	Pass Rate
Alabama A&M University	2	0	0%
Auburn University	11	9	82%
Tuskegee University	0	0	0%
University of Alabama	8	5	63%
University of Alabama at Birmingham	2	2	100%
University of Alabama at Huntsville	3	3	100%
University of South Alabama	3	0	0%

Fundamentals of Engineering Examination			
Fall 2015			
Educational Institution	Number of Examinees	Number Passed	Pass Rate
Alabama A&M University	1	0	0%
Auburn University	16	13	81%
Troy University	1	1	100%
Tuskegee University	2	0	0%
University of Alabama	14	7	50%
University of Alabama at Birmingham	6	4	67%
University of Alabama at Huntsville	6	2	33%
University of South Alabama	1	0	0%
Spring 2016			
Educational Institution	Number of Examinees	Number Passed	Pass Rate
Alabama A&M University	1	0	0%
Auburn University	16	13	81%
Tuskegee University	2	0	0%
University of Alabama	14	9	64%
University of Alabama at Birmingham	5	3	60%
University of Alabama at Huntsville	2	1	50%
University of South Alabama	2	0	0%
Fall 2016			
Educational Institution	Number of Examinees	Number Passed	Pass Rate
Alabama A&M University	2	0	0%
Auburn University	21	14	67%
Troy University	1	0	0%
Tuskegee University	1	0	0%
University of Alabama	8	3	38%
University of Alabama at Birmingham	1	1	100%
University of Alabama at Huntsville	6	5	83%
University of South Alabama	3	1	33%

Spring 2017			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Alabama A&M University	3	0	0%
Auburn University	18	13	72%
Troy University	1	1	100%
Tuskegee University	3	0	0%
University of Alabama	14	7	50%
University of Alabama at Birmingham	3	1	33%
University of Alabama at Huntsville	9	4	44%
University of South Alabama	0	0	0%

<u>Principles and Practice of Engineering Examination</u>			
Fall 2013			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Alabama A&M University	1	0	0%
Auburn University	66	37	56%
Tuskegee University	2	2	100%
University of Alabama	35	18	51%
University of Alabama at Birmingham	27	12	44%
University of Alabama at Huntsville	15	8	53%
University of South Alabama	26	15	58%
Spring 2014			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Alabama A&M University	1	0	0%
Auburn University	38	29	76%
Tuskegee University	1	0	0%
University of Alabama	33	22	67%
University of Alabama at Birmingham	10	5	50%
University of Alabama at Huntsville	7	4	57%
University of South Alabama	11	5	45%

Fall 2014			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Alabama A&M University	1	0	0%
Auburn University	24	16	67%
Tuskegee University	0	0	0%
University of Alabama	32	19	59%
University of Alabama at Birmingham	16	6	38%
University of Alabama at Huntsville	10	7	70%
University of South Alabama	15	9	60%
Spring 2015			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Alabama A&M University	1	0	0%
Auburn University	52	37	71%
Tuskegee University	1	1	100%
University of Alabama	20	13	65%
University of Alabama at Birmingham	7	2	29%
University of Alabama at Huntsville	10	4	40%
University of South Alabama	11	5	45%

<u>Principles and Practice of Engineering Examination</u>			
Fall 2015			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Alabama A&M University	0	0	0%
Auburn University	62	49	79%
Tuskegee University	1	0	0%
University of Alabama	19	11	58%
University of Alabama at Birmingham	10	5	50%
University of Alabama at Huntsville	0	0	0%
University of South Alabama	21	15	71%
Spring 2016			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Alabama A&M University	0	0	0%
Auburn University	48	34	71%
Tuskegee University	0	0	0%
University of Alabama	30	22	73%
University of Alabama at Birmingham	15	10	67%
University of Alabama at Huntsville	11	7	64%
University of South Alabama	10	5	50%

Fall 2016			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Alabama A&M University	0	0	0%
Auburn University	61	46	75%
Tuskegee University	0	0	0%
University of Alabama	47	34	72%
University of Alabama at Birmingham	16	11	69%
University of Alabama at Huntsville	12	4	33%
University of South Alabama	15	11	73%
Spring 2017			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Alabama A&M University	1	0	0%
Auburn University	54	37	69%
Tuskegee University	0	0	0%
University of Alabama	45	31	69%
University of Alabama at Birmingham	10	7	70%
University of Alabama at Huntsville	7	7	100%
University of South Alabama	14	9	64%

<u>Fundamentals of Surveying</u>			
Fall 2013			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	2	1	50%
Spring 2014			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	1	0	0%
Fall 2015			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Auburn University	1	1	100%
Troy University	1	0	0%
University of Alabama	2	2	100%
Spring 2016			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	2	1	50%
University of Alabama at Huntsville	1	1	100%
Fall 2016			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	2	0	0%

Spring 2017			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	1	1	100%
University of Alabama	1	1	100%

<u>Principles and Practice of Surveying Exam</u>			
Fall 2013			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	7	5	71%
Fall 2014			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	5	3	60%
University of Alabama	1	1	100%
Spring 2015			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	1	1	100%
Fall 2015			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	2	1	50%
Spring 2016			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	4	1	25%
Fall 2016			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	3	1	33%
Spring 2017			
Educational Institution	Number of Examinees	Passing Examinees	Pass Rate
Troy University	2	1	50%

Board Members



Kay Ivey
Governor

**Alabama State Board of Licensure for
Professional Engineers and Land Surveyors**

100 N. Union Street, Suite 382
Montgomery, Alabama 36104-3762

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Montgomery, AL
36130-4451

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Toll Free: (866) 461-7640
Fax: (334) 242-5105
www.bels.alabama.gov

January 9, 2018

Mr. Rodney Wagstaff
Department of Examiners of Public Accounts
50 North Ripley Street, Room 3201
Montgomery, AL 36104-3833

Dear Mr. Wagstaff:

The current members of the Alabama State Board of Licensure for Professional Engineers and Land Surveyors are:

Mr. Richard G. Grace, P.E., P.L.S.
Board Member
Huntsville, AL
Term Expires: July 31, 2019

Ms. Martha Elisabeth (Liz) Hyde, P.E.
Board Chair
Birmingham, AL
Term Expires: April 22, 2019

Mr. Nathan G. Johnson, P.L.S., P.E.
Board Vice Chair
Huntsville, AL
Term Expires: July 31, 2019

Mr. Randall Whorton, P.E.
Board Secretary
Anniston, AL
Term Expires: April 22, 2020

Mr. Marc S. Barter, P.E.
Board Member
Mobile, AL
Term Expires: April 22, 2021

Mr. Arthur Frazier Christy, P.L.S., P.E.
Board Member
Birmingham, AL
Term Expires: April 22, 2018

Ms. Mary H. Adams-Morales
Board Member
Mobile, AL
Term Expires: July 17, 2022

William R. Huett
Executive Director
Montgomery, AL

Please feel free to contact me at rick.huett@bels.alabama.gov or 334-242-5021, if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "William R. Huett".

William R. Huett
Executive Director

Response to Significant Issues

Ms. Maria L. Catledge
Director, Operational Division
Examiners of Public Accounts
PO Box 302251
Montgomery AL 36130-2251

Re: Sunset Audit - Significant Issues

Dear Ms. Catledge:

The Board received your letter dated March 26, 2018 and offers the following regarding the significant issues identified.

Significant Issue 2018-01 - Two of the five Board members responding to our survey indicated changes to the Board's laws were needed to add two public members to the Board.

The Board Member Nominating Committee is tasked with selecting individuals for appointment to the extent possible that ensures the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state.

In years past the engineering and land surveying professions were white male dominated professions which caused difficulties in achieving a more diverse board based on the qualifications for Board Member service. This issue has begun to change as a more diverse population reaches these requirements, as reflected in recent Board appointments.

The Board believes a quicker way to achieve greater diversity is through the appointment of public members, and proposed legislation that would add two public members to the Board. The addition of these public members, that are not active market participants in the professions of engineering or land surveying, will give the Board a more diverse conversation on all matters that come before it. Senator Chambliss introduced legislation (SB316) in the 2018 legislative session and contains language that adds two public members to the Board nominated by business development organizations and appointed by the Governor.

As of April 4, 2018, SB316 has passed both the Senate and House, and is awaiting the signature of the Governor.

Significant Issue 2018-02 - Three of the five Board members responding to our survey stated that the decline in licensed land surveyors in Alabama is a significant issue currently facing the Alabama Board of Licensure for Professional Engineers and Land Surveyors.

The Board has experienced a loss of licensed professional land surveyors over the last few years, and hoped to address this to some extent by proposing changes to the licensure requirements for professional land surveyors. The Alabama Society of Professional Land Surveyors (ASPLS) was resistant to changing the current licensure requirements and therefore

the legislation introduced in the 2018 legislative session (SB316) did not contain the majority of the Board's proposed changes.

The Board is a member of the National Council of Examiners of Engineering and Surveying (NCEES) an organization that administers the national professional licensing examinations for engineering and surveying. Information provided by NCEES indicates that the number of individuals taking the surveying examinations has trended downwards for the last several years, and the organization has sought ways to create interest in the profession from simply giving presentations to various student age groups, to awarding prize money to universities for participating in surveying styled competitions.

Also – included in **Significant Issue 2018-02** was language that was not accurate concerning the introduction of a bill in 2017 that would create a separate Board for Professional Land Surveyors.

In 2017 at the request of the Board, Representative Randy Wood introduced HB488 which contained the majority of items included in SB316 that was introduced in 2018 by Senator Chambliss. It did not include language that separated the professions into separate Boards, and it did not pass.

In 2017 Representative Alan Boothe introduced legislation at the request of ASPLS that would have split the Board and created the Board of Licensure for Professional Surveyors. It did not pass.

In 2018 Senator Clyde Chambliss worked tirelessly with all interested parties, and introduced Senate Bill SB316 that was supported by all parties. SB316 is now awaiting the signature of the Governor.

Significant Issue 2018-03 - The Board's fees for mailing labels and a mailing label disc of licensees appear to be excessive.

The fee requirement is based on the Board's understanding of the Attorney General's Opinion 2004-108 which includes language stating: "a reasonable charge may be assessed based upon a recoupment of actual costs of providing copies or for retrieving the information."

The fees for mailing labels are reviewed annually and have not increased since December 2006. Licensee, Intern, and Business information is available on the Board's website at no cost; however, firms requesting the information prefer it in an excel format. The two most requested types of information requested are: (1) a list of licensees, and (2) lists of examinations applicants.

The Executive Director of the Board is the custodian of records and produces the lists to be provided. The lists are routinely created in an excel format, and no requests for another media format has been received in recent years. The lists can take 1 – 3 hours to compile depending on the specific information requested. The amount of the fee is based on the hourly pay rate of the Executive Director, the cost of the mailing label media, and associated printing cost.

When a firm requests a listing of examination applicants this information must be obtained from the National Council of Examiners for Engineering and Surveying (NCEES) since Fundamentals of Engineering (FE), Fundamentals of Surveying (FS), Principles and Practice of Surveying (PS) and some Principles and Practices of Engineering (PE) applicants go directly

to the NCEES website to register for the examinations where they identify Alabama as their preferred State.

The Board hopes to move to a new licensure system in 2019 and plans to include the capability for individuals to export the Licensee, Intern and Business information in an excel format for themselves at no cost.

The Board has already identified that it will review its Administrative Code at its May 22, 2018 meeting, and fees will be a part of that discussion.

Please contact me directly at 334-242-5021 or email rick.huett@bels.alabama.gov if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "William R. Huett". The signature is written in a cursive style with a large, stylized 'W' and 'H'.

William R. Huett
Executive Director