ALABAMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS ADMINISTRATIVE CODE

CHAPTER 330-X-1 APPLICATIONS

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330-X-1-.01 Purpose.

The Alabama Board of Licensure for Professional Engineers and Land Surveyors was created to protect the public by helping to safeguard health, life, safety, welfare and property, by providing for the licensing of persons and regulation of the practices of engineering and land surveying. This purpose is achieved through the establishment of minimum qualifications for entry into the professions of engineering and land surveying, through the adoption of rules defining and delineating unlawful or unethical conduct, and through swift and effective discipline for those individuals or entities who violate the applicable laws or rules promulgated thereunder.

Author: Rick Huett (Executive Director), Bonnie Kelly and Griffin Pritchard, Alabama State Board of Registration for Professional Engineers and Land Surveyors

Statutory Authority: Code of Ala. 1975, §34-11-35.

History: Filed September 22, 1982. **Amended:** Filed March 5, 1990. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed November 16, 2018; effective December 31, 2018.

330-X-1-.02 General Description Of Organization And Operation.

The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, secretarial, clerical, legal, and investigative are paid from legislative appropriation of monies collected by the Board. The Attorney General's Office provides for legal services to the Board.
Author: Alabama State Board of Registration for Professional Engineers and Land Surveyors
Statutory Authority: Code of Ala. 1975, §§34-11-15, 34-11-35, 34-11-36.
History: Filed September 22, 1982. **Amended:** Filed September 23, 1998; effective October 28, 1998.

Ed. Note: 300-X-1-.02, Composition and Selection of Board, was repealed in the certification filed September 23, 1998; effective October 28, 1998, and 300-X-1-.03 was renumbered 300-X-1-.02.

330-X-1-.03 Board Members Compensation.

Compensation and Expenses. Board Members shall be compensated $200 on a per diem basis for days actually spent in performance of their duties and, additionally, members of the Board shall be reimbursed for all expenses incurred in performance of their duties as provided by Code of Ala. 1975, §§34-11-32, and 36-7-20.
Author: Rick Huett (Executive Director), Bonnie Kelly and Griffin Pritchard, Alabama State Board of Registration for Professional Engineers and Land Surveyors
Statutory Authority: Code of Ala. 1975, §34-11-35.
History: Filed September 22, 1982. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed November 16, 2018; effective December 31, 2018.

Ed. Note: Rule 330-X-1-.04 was renumbered 330-X-1-.03 as per certification filed September 23, 1998; effective October 28, 1998.

330-X-1-.04 Employment Of Personnel.

The Board may employ investigators, attorneys, agents, employees, and assistants, as may be necessary, to bring about and maintain the administration and enforcement of the Alabama law regulating the practice of engineering and land surveying and these rules.

Author: Alabama State Board of Registration for Professional Engineers and Land Surveyors
Statutory Authority: Code of Ala. 1975, §§34-11-11, 34-11-15, 34-11-35, 34-11-36.
History: Filed September 22, 1982. **Amended:** Filed September 23, 1998; effective October 28, 1998.

Ed. Note: Rule 330-X-1-.05 was renumbered 330-X-1-.04 as per certification filed September 23, 1998; effective October 28, 1998.

330-X-1-.05 Executive Director.

The Board shall employ an Executive Director who shall be responsible for the administration of Board policy. The Board may also employ an Assistant Executive Director. The Executive Director is designated as agent for the Board for services including any legal process on behalf of the Board.
Author: Alabama State Board of Registration for Professional Engineers and Land Surveyors
Statutory Authority: Code of Ala. 1975, §§34-11-35, 34-11-36.
History: Filed September 22, 1982. **Amended:** Filed March 5, 1990; July 13, 1992. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed June 22, 2012; effective July 27, 2012.

Ed. Note: Rule 330-X-1-.06 was renumbered 330-X-1-.05 as per certification filed September 23, 1998; effective October 28, 1998.

330-X-1-.06 Rules Of Order.

All proceedings of the Board shall be governed by **Robert's Rules of Order**, latest revised edition, except during disciplinary hearings and except where otherwise provided in these rules.
Author: Alabama State Board of Registration for Professional Engineers and Land Surveyors
Statutory Authority: Code of Ala. 1975, §34-11-35.
History: Filed September 22, 1982. **Amended:** Filed September 23, 1998; effective October 28, 1998.

Ed. Note: Rule 330-X-1-.07 was renumbered 330-X-1-.06 as per certification filed September 23, 1998; effective October 28, 1998.

330-X-1-.07 Meetings.

(1) Meetings may be called by the Chair or by a quorum of the Board.

(2) Each member of the Board shall be given at least seven days' notice for any regular meeting, at least 24 hours' notice for a special meeting, and at least 4 hour for an emergency meeting. The notice will include the time, place and purpose of the meeting.

(3) The Executive Director will ensure that the meeting notices comply with Alabama's Open Meeting Act, Section 36-25A, Code of Ala. 1975.
Author: Alabama State Board of Registration for Professional Engineers and Land Surveyors.
Statutory Authority: Code of Ala. 1975, §§34-11-34, 34-11-35.
History: Filed September 22, 1982. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed June 22, 2012; effective July 27, 2012.

Ed. Note: Rule 330-X-1-.10 was renumbered 330-X-1-.07 as per certification filed September 23, 1998; effective October 28, 1998.

330-X-1-.08 Questions Of Procedure And Evidence.

Except as otherwise provided in these rules, the Chair of the Board shall rule upon all questions of procedure and, in the event that evidence is taken, upon the admissibility of that evidence. The decision of the Chair shall be final.
Author: Alabama State Board of Registration for Professional Engineers and Land Surveyors
Statutory Authority: Code of Ala. 1975, §34-11-35.
History: September 22, 1982. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed June 22, 2012; effective July 27, 2012.

Ed. Note: Rule 330-X-1-.11 was renumbered 330-X-1-.08 as per certification filed September 23, 1998; effective October 28, 1998 and the original 330-X-1-.08 was repealed.

330-X-1-.09 Voting.

All members of the Board, including the Chair, are entitled to vote and to make or second motions. A majority of those members of the Board present and voting on any matter shall decide that

matter before the Board, except on procedural and evidentiary matters which are provided for in Rule 330-X-1-.08. The Chair shall vote as a member of the Board.
Author: Alabama State Board of Registration for Professional Engineers and Land Surveyors.
Statutory Authority: Code of Ala. 1975, §34-11-35.
History: Filed September 22, 1982. **Amended:** Filed September 23, 1998; effective October 28, 1998.

Ed. Note: Rule 330-X-1-.12 was renumbered 330-X-1-.09 as per certification filed September 23, 1998; effective October 28, 1998 and the original 330-X-1-.09 was repealed.

330-X-1-.10 Use Of Forms.

All applications and requests for which the Board has prescribed a form must be made on the prescribed form or in the format provided by the Board. Copies of forms in use and instructions for their completion are available from the Executive Director.
Author: Alabama State Board of Registration for Professional Engineers and Land Surveyors.
Statutory Authority: Code of Ala. 1975, §§34-11-35, 34-11-9, 34-11-5, 41-22-4.
History: Filed September 22, 1982. **Amended:** September 9, 1983. **Amended:** Filed September 15, 1987. **Amended:** Filed September 23, 1998; effective October 28, 1998.

Ed. Note: Rule 330-X-1-.13 was renumbered 330-X-1-.10 as per certification filed September 23, 1998; effective October 28, 1998.

330-X-1-.11 Records.

(1) Public record, for the purpose of these rules, means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities will be available to the public. The results of disciplinary hearings are considered public records. Records which do not constitute public records include, but are not limited to, those received by a public officer in confidence, sensitive personnel records, material for examinations not yet given, file records of examination problem solutions, application references, complaints against licensees and non-1icensees, investigative files where investigation is pending, and records the disclosure of which would be detrimental to the best interests of the public.

(2) Public records are available for inspection at the Board office during regular business hours.

(3) Any person wishing to obtain copies of public records may request such copies from the Executive Director, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set by resolution by the Board.
Author: Alabama State Board of Registration for Professional Engineers and Land Surveyors.
Statutory Authority: Code of Ala. 1975, §§34-11-35, 34-11-37, 41-22-4(1)(c).
History: Filed September 22, 1982. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed June 22, 2012; effective July 27, 2012.

Ed. Note: Rule 330-X-1-.14 was renumbered 330-X-1-.11 as per certification filed September 23, 1998; effective October 28, 1998.

330-X-1-.12 Declaratory Rulings.

(1) The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such rulings shall be issued provided:

(a) The petitioner shows that he or she is substantially affected by the rule in question,

(b) Sufficient facts are supplied in the request to permit the Board to make a valid determination, and

(c) The request arises from an actual question or controversy.

(2) A petition for a declaratory ruling shall be submitted on a form provided by the Board.

(3) Such rulings will be made in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, Section 41-22-11.
Author: Alabama State Board of Registration for Professional Engineers and Land Surveyors
Statutory Authority: Code of Ala. 1975, §§34-11-35, 41-22-11.
History: Filed September 22, 1982. **Amended:** September 9, 1983. **Amended:** Filed September 23, 1998; effective October 28, 1998.

Ed. Note: Rule 330-X-1-.16 was renumbered 330-X-1-.12 as per certification filed September 23, 1998; effective October 28, 1998 and 330-X-1-.15 was repealed.

330-X-1-.13 Nominating Guidelines.

(1) It is the responsibility of the Executive Director of the board to verify that the three persons nominated by each nominating committee meet the requirements of the Administrative Code. Each nominating committee must submit a letter with the list of names to the Executive Director to be forwarded to the Governor.

(a) The Executive Director or a Board representative shall attend all nominating committee meetings.

(b) The meetings and any candidate interviews shall be open to the public.

(2) Any professional organization with a representative on the nominating committee, who fails to attend two consecutive committee meetings, shall be placed on probation. Notification will be sent to the non-participating professional organization by the Executive Director of the board. If the professional organization fails to provide a voting representative at a third consecutive committee meeting, the professional organization's membership on the committee shall automatically be revoked. The professional organization and the Board shall receive written notification from the Executive Director of the board and shall not be considered for readmission to the committee for a minimum of three (3) years. A revoked organization may petition the board for membership on the committee using the procedures as outlined in the above section.

(3) **Professional Engineer Nominating Committee**
A Nominating Committee shall be composed of one professional engineer from each professional engineering organization in Alabama. The members of the nominating committee must be residents of Alabama and must hold a current Alabama professional engineer license.

(a) Members of the Nominating Committee are:

1. Alabama Society of Professional Engineers

2. American Council of Engineering Companies of Alabama

3. American Institute of Chemical Engineers

4. American Society of Civil Engineers, Alabama Section

5. American Society of Mechanical Engineers

6. Institute of Electrical and Electronics Engineers

7. Society of Mining Engineers

8. Structural Engineers Association of Alabama

9. Association of County Engineers of Alabama

(b) Any active professional engineering organization in the state having membership requirements comparable to those of the above-named organizations may petition the board for membership on the committee, and the board may grant the membership.

(4) **Public Member Nominating Committee**
A nominating committee shall consist of one representative, appointed or elected, by the Business Development Organizations serving as members of the nominating committee.

(a) Members of the Public Member Nominating Committee are:

1. Chamber of Commerce Association of Alabama

2. Alabama State Black Chamber of Commerce

3. Economic Development Association of Alabama

4. Women's Business Enterprise Council South

5. National Federation Independent Business Alabama

6. Alabama Farmers Federation

(5) **Professional Engineer and Public Member Nominating Committees Responsibilities and Meeting Procedures**

(a) The Nominating Committee is a special committee as established by Section 34-11-30, Code of Ala. 1975. The Nominating Committee is a separate entity and is not to be considered as a sub-committee of the Board and does not have to meet the requirements of the Open Meetings Act.

(b) The Executive Director of the board shall give the Nominating Committee at least 30 days' notice of the date and place for a meeting. In the event there is an unanticipated vacancy, the Executive Director of the board shall give the committee as much notice as possible.

(c) The meeting will be open to the public and shall proceed according to **Robert's Rules of Order.** The committee may go into Executive Session when discussing the good name and character of the nominees. All motions and ballots will be done in an open meeting.

(d) The Chair of the Nominating Committee shall be elected by the Committee on the day of the meeting.

(5) **Nominating Process for Professional Land Surveyor Members.**

(a) The Executive Director of the board shall give the Alabama Society of Professional Land Surveyors (ASPLS) at least 30 days' notice of an anticipated professional land surveyor vacancy on the Board. In the event there is an unanticipated vacancy, the Executive Director of the board shall give ASPLS as much notice as possible.

(b) ASPLS is a separate entity and is not to be considered as a subcommittee of the Board and does not have to meet the requirements of the Open Meetings Act.

(c) The meeting will be open to the public and shall proceed according to **Robert's Rules of Order.** The committee may go into Executive Session when discussing the good name and character of the nominees. All motions and ballots will be done in an open meeting.

Author: Rick Huett (Executive Director), Bonnie Kelly and Griffin Pritchard, Board.
Statutory Authority: Code of Ala. 1975, §34-11-35.
History: New Rule: Filed August 2, 2010; effective September 6, 2010. **Amended:** Filed July 30, 2014; effective September 3, 2014. **Amended:** Filed August 5, 2015; effective September 9, 2015. **Amended:** Filed November 16, 2018; effective December 31, 2018

330-X-1-.14 Authority Of Rules.

(1) Rules of procedure adopted by the Board shall be binding upon persons certified and/or licensed under Title 34, Chapter 11 Code of Ala. 1975 and shall be applicable to corporations holding a certificate of authorization.

(2) Rules of procedure adopted by the Board shall be binding upon persons certified and/or licensed under Title 34, Chapter 11 Code of Ala. 1975 and shall be applicable to corporations applying for a certificate of authorization.

(3) Rules of procedure adopted by the Board shall be binding upon non-1icensed individuals and corporations who are deemed to be offering and/or performing services as outlined in Title 34, Chapter 11 Code of Ala., 1975.
Author: Board
Statutory Authority: Code of Ala. 1975, §34-11-35.
History: New Rule: Filed June 22, 2012; effective July 27, 2012.