

ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS
ADMINISTRATIVE CODE

CHAPTER 364-X-1
ORGANIZATION AND ADMINISTRATIVE PROCEDURES

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364-X-1-.01 Purpose Of The Board.

The Alabama Board of Licensure for Professional Geologists was created to protect life, property, health, safety, public welfare and the environment from danger and abuse by untrained or unprincipled persons who publicly practice the profession of geology, and to define and establish minimum professional standards for ethical conduct, professional responsibility, education, and experience. The Board is intended to insure that only those persons who meet the minimum qualifications for entry into the profession of geology, and are licensed as geologists, except for those who are exempted from licensing, shall publicly practice geology. This purpose is implemented by the adoption of the following rules and regulations, and through swift and effective discipline for those who are in violation.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-2.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

364-X-1-.02 Composition And Selection Of The Board.

The Board shall consist of seven (7) members, all licensed professional geologists. The Board shall include at least one (1) minority. All members shall be citizens of the United States, shall be residents of Alabama for five (5) years preceding appointment, and shall be at least twenty-five (25) years of age.

(1) Membership of the Board shall include at least one representative from each of the following work areas of geology: faculty of the departments of geology at colleges and universities in the State of Alabama; governmental agencies employing geologists; business; the mining industry; the petroleum industry; geotechnical and/or environmental engineering firms; and independent geological consultants.

(2) The term of office of each member shall be three (3) years and shall expire on September 30 of the last year of the appointment. No member shall serve more than two (2) consecutive three (3) year terms, without an interruption in service of at least three (3) years. The Governor may remove a member of the Board only for neglect of duty, an unexcused failure to attend more than one of the regularly scheduled meetings held in a calendar year, malfeasance, violation of this act, or conviction of a felony or other crime of moral turpitude.

(3) When the term of a member expires, the Governor shall appoint a new member or reappoint the current member for a full term. If a vacancy occurs the Governor shall appoint a replacement to fill the vacancy for the remainder of the unexpired term, within ninety (90) days of the vacancy.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-4.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

Amended: Filed March 5, 2002; effective April 9, 2002.

364-X-1-.03 Organization And Operation Of The Board.

The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, secretarial, clerical and investigative, are paid from legislative appropriation of fees collected by the Board. The Attorney General and his/her assistants provide legal services to the Board.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-5.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

364-X-1-.04 Officers Of The Board.

(1) Election. The Board shall elect from its membership a Chair, a Vice Chair, and a Secretary-Treasurer. The Board may appoint an Assistant Secretary.

(2) Compensation and Expenses. Members of the board shall receive reimbursement for expenses incurred in the performance of duties of one hundred dollars (\$100) per day plus mileage payable at the same rate as paid for state officers and employees for each day of actual attendance at a regular or special meeting of the board.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-4(h).

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

Amended: Filed March 5, 2002; effective April 9, 2002.

364-X-1-.05 Employment Of Personnel By The Board.

The Board may employ the necessary personnel for performance of its functions and fix their compensation. The Board may appoint committees to aid in the performance of its functions.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-5.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

364-X-1-.06 Executive Secretary.

The Board may employ an Executive Secretary who shall be responsible for the administration of Board policy. The Board may also employ assistants to the Executive Secretary and other personnel needed for the performance of its functions. The Executive Secretary is designated as agent for the Board for service of legal process upon the Board. All correspondence to the Board, including requests, for information and all submissions and other requests, should be made to the Executive Secretary.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-4(i).

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

364-X-1-.07 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: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-5.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

364-X-1-.08 Order Of Business.

The general order of business for a scheduled Board meeting shall be as follows unless otherwise amended by the Board:

- (1) Call to order
- (2) Verification by the Chair that a quorum of Board members is present
- (3) Approval of minutes of last Board meeting
- (4) Hearings to be held -- Public and/or Disciplinary by the Board
- (5) Interview of applicants notified of or requested to appear before the Board
- (6) Consideration of applications
- (7) Committee reports
- (8) Correspondence (Communications)
- (9) Unfinished business
- (10) New business
- (11) Open Forum
- (12) Adjournment

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-5.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

364-X-1-.09 Quorum.

A majority of the appointed membership of the Board shall constitute a quorum for all meetings.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-5.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

364-X-1-.10 Board Meetings.

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

(2) Each member of the Board shall be given at least seven (7) days' notice of the time, place, and purpose of any regular or special meeting by the Chair, unless such notice is waived by the individual member or unless such member is present at the called meeting.

(3) The Board shall hold at least three (3) regular meetings each year in Montgomery, Alabama. The Board may provide for additional special meetings including hearings, extra working days for applications review, and examination proctoring at any place agreed upon by the members.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-5.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

364-X-1-.11 Questions Of Procedure And Evidence.

The Chair of the Board shall, except as otherwise provided in these rules, rule upon all questions of procedure and, in proceedings in which he/she presides and in which evidence is received, on the admissibility of that evidence. However, in disciplinary hearings or other proceedings, which could be considered a contested case under the Alabama Administrative Procedures Act, the Board may appoint a hearing officer to conduct the proceedings or to rule on matters of procedure.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-5.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

Amended: Filed March 5, 2002; effective April 9, 2002.

364-X-1-.12 Voting.

All members of the Board physically present at the meeting, including the Chair, are entitled to vote and to make or second motions. A majority of those members of the Board physically 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 364-X-1-.11 and in matters which constitute contested cases under the Alabama Administrative Procedures Act which are provided for in Code of Ala. 1975, §41-22-12. The Chair shall vote as a member of the Board.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-5.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

Amended: Filed March 5, 2002; effective April 9, 2002.

364-X-1-.13 Use Of Forms.

All applications and requests for which the Board has a prescribed form must be made on the prescribed form. Copies of forms in use and instructions for their completion are available from the Executive Secretary or his/her assistant.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §§34-41-5, 34-41-9.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

364-X-1-.14 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 can be known by the public. Records which do not constitute "public records" include but are not limited to those received by a public officer in confidence, sensitive personnel records, test scores, applications, letters of reference relating to applications, registrants records, complaints against registrants, and records the disclosure of which would be detrimental to the best interests of the public.

(2) Specific public records are available for inspection at Board headquarters during regular business hours.

(3) Any person wishing to obtain copies of specific public records may request same from the Executive Secretary or his/her assistant, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set from time to time by resolution by the Board.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-5, 34-41-9, 34-41-15.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

364-X-1-.15 Roster.

The Secretary-Treasurer of the Board shall publish biennially a roster showing the names, license numbers, places of business, and business and residence addresses of all professional geologists

licensed in Alabama. Copies of this roster shall be made available to the public upon request and payment of a reasonable fee, which shall be set by resolution of the Board.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, Section 34-41-16.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

Amended: Filed March 5, 2002; effective April 9, 2002.

364-X-1-.16 Declaratory Rulings.

(1) Any person substantially affected by a statute administered by the Board, a rule promulgated by the Board, or an order issued by the Board, may request a declaratory ruling either as to the manner in which the statute or rule applies to a particular factual situation, the validity of a Board rule, or the meaning or scope of the order. A petition under this section shall be in writing and shall state with particularity facts sufficient to show that the person seeking relief is substantially affected by the rule statute, or order. For purposes of this section, "substantially affected by" means more than merely inconvenienced by the statute, rule or order.

(2) A petition for a declaratory ruling shall be submitted in the following form:

Petition for Declaratory Ruling

On Rule No. _____

- (a) Name, address, and telephone number of petitioner,
- (b) All rules or statutes that may be involved in the petition, if known,
- (c) The exact question to which an answer is desired,
- (d) Clear and concise statement of the precise factual situation involved,
- (e) The reason for submitting the petition,
- (f) Full disclosure of the petitioner's interest,
- (g) Statement as to whether the petitioner's case is presently under consideration by the Board of Licensure for Professional Geologists,
- (h) Statement of whether an oral hearing is desired and, if so, the reason therefor, and
- (i) Affidavit Certification

Signature of Petitioner _____
Sworn to and subscribed before me this the _____ day of
_____ 19 _____

Notary Public

(3) Such rulings will be made in accordance with the Alabama Administrative Procedures Act, Section 41-22-11, Code of Ala. 1975.

Author: Thornton L. Neathery

Statutory Authority: Code of Ala. 1975, §34-41-5.

History: New Rule: Filed May 10, 1996; effective June 14, 1996.

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