HOME BUILDERS LICENSURE BOARD
ADMINISTRATIVE CODE

CHAPTER 465-X-5
ENFORCEMENT AND DISCIPLINARY ACTIONS

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465-X-5-.01 Violations Of The Act.

The municipal or county official charged with the responsibility of issuing building or similar permits shall report to the Executive Director the name and address of any person who, in the official's opinion, has violated the Act.
Author: David R. Boyd, Dorman Walker, Lois Woodward
Statutory Authority: Code of Ala. 1975, §34-14A-13.
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993.

465-X-5-.02 Initiation Of Proceedings.

(1) The Board may initiate such action as it deems appropriate to investigate and determine compliance by residential home builders and licensees with the provisions of the Act and the rules of the Board.

(2) Unless the Board initiates proceedings on its own motion, it shall take action only upon receipt of a written, sworn consumer complaint filed by an original homeowner, stating in detail the

activities complained of and that the party is alleged to have engaged in, and presenting the evidence of when, where and how a violation occurred.

(3) An original homeowner submitting a consumer complaint may be required to support it by personal appearance before the Board. If, upon request by the Board, such person refuses to support the consumer complaint by a personal appearance, the Board, in its discretion, may choose to discontinue its investigation of the consumer complaint or dismiss a pending disciplinary action proceeding.

(4) An original homeowner submitting a consumer complaint shall submit the consumer complaint within six years of substantial completion of the construction, or within six years of the date the original homeowner took possession of the residence. Consumer complaints not submitted within six years of substantial completion of construction of the residence, or within six years of the date the original homeowner took possession of the residence, shall not be investigated by the Board.
Author: David R. Boyd, Dorman Walker, Lois Woodward, Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §§34-14A-8, 34-14A-11.
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993. **Emergency Amendment:** Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed August 25, 2011; effective September 29, 2011.

465-X-5-.03 Complaint Procedure.

(1) In the event a consumer complaint is filed against a licensee, residential home builder, residential roofer, or any other person within the Board's jurisdiction, or the Board determines from other information that an investigation is necessary, the procedure for investigation or complaint shall be as follows:

(a) Upon undertaking an investigation of a licensee, the Board shall notify the licensee of the investigation and the specific charges being investigated. The notice shall include the applicable residential building code for investigation purposes.

1. An investigation initiated against a licensee, residential home bui1der, residential rooter, or any other person within the Board's jurisdiction, where the residential construction has occurred in a local jurisdiction (county, municipality, or otherwise) with an adopted building law or code, the Board shall apply the adopted building law or code for determining probable cause if the licensee, residential home builder,

residential roofer, or any other person within the Board's jurisdiction has violated the Act.

2. An investigation initiated against a licensee, residential home builder, residential roofer, or any other person within the Board's jurisdiction, where the residential construction has occurred in a local jurisdiction (county, municipality, or otherwise) that has not adopted a local building law or code, the Board shall apply the Alabama Residential Building Code, to include but not limited to the A1abama Energy Code requirements as recommended by the Alabama Residential Building Code Advisory Council and adopted by the Board, for determining probable cause if the licensee, residential home builder, residential roofer, or any other person within the Board's jurisdiction has violated the Act.

(b) If the residential home builder is engaging in the business of residential home building or residential roofing, the Board shall provide written notice, in the form of a stop work order, as prescribed at Code of Ala. 1975, §34-14A-14. If the residential home builder or residential roofer has engaged in the business of residential home building or residential roofing, the Board may notify the residential home builder or residential roofer of the requirements for licensure and the administrative, civil and criminal liability for a violation of the Act.

(c) Each year the Board shall designate a member and two alternate members to serve on an investigative committee. The Board members designated to serve on the investigative committee must be builder members of the Board. This investigative committee shall consist of the designated Board member, or a designated alternate member, the Executive Director, and the Board's attorney and shall investigate the information or complaint to determine whether there is probable cause for disciplinary or enforcement proceedings, and shall, on behalf of the Board, direct the Board’s counsel to initiate proceedings consistent with its finding(s). The Board member or the alternate member who participates on the investigative committee shall not participate in any disciplinary proceedings arising from the investigation.

(d) The investigative committee may enter into informal settlements with the licensee or residential home builder or residential roofer it is investigating, provided each informal settlement is ratified by the Board.

(e) At the end of the investigation, the investigative committee shall make a recommendation to the Board as to whether probable cause exists that a violation of the Act has occurred, and for the Board to initiate disciplinary

proceedings and/or to forward any necessary information to the appropriate governmental authorities. If the investigative committee determines following its investigation that no probable cause exists, the proceedings will terminate.

(2) In the case of complaints against licensees holding a license without limitation and with limitation:

(a) In the event the investigative committee recommends that probable cause exists that a violation of the Act has occurred, the investigative committee shall instruct Board counsel to prepare a summons and complaint or notice and opportunity for hearing, or to forward information to the appropriate governmental authorities. The Board shall schedule a hearing to be held within three months from the filing of an administrative summons and complaint or notice and opportunity for hearing by the Board's Executive Director.

(b) The summons and complaint or notice and opportunity for hearing shall be mailed certified mail, return receipt requested, to the most recent address of the licensee on file with the Board at least 15 days prior to the scheduled date of the hearing. In the event the summons and complaint or notice and opportunity for hearing is refused or the return receipt has not been received by the Board or its attorney at least ten days before the scheduled hearing, the licensee may be served by mailing a copy of same first-class mail at least seven days before the hearing date.

(c) The summons and complaint or notice and opportunity for hearing shall give notice in substantial compliance with the Alabama Administrative Procedure Act, Section 12(b).

(d) In the event the investigative committee instructs Board counsel to forward information to the appropriate governmental authorities, information concerning the essential facts constituting a violation and an allegation that a violation of the Act has been committed should be provided to a magistrate or official authorized by law to issue warrants of arrest.

(e) If the person complained of is a member of the Board, that member shall be notified and thereafter shall not participate in any matter related to the complaint.

(3) In the case of complaints against licensees holding a license with limitation, limited to roofing:

(a) In the event the investigative committee recommends that probable cause exists that a violation of the Act has occurred, the investigative committee shall instruct Board counsel to prepare a summons and complaint for notice and opportunity of hearing.

(b) The investigative committee may also find probable cause to invoke Board authority as obligee for a claim made against the licensee's bond and shall instruct Board counsel to notify the licensee of the probable cause finding and reasons thereof.

(c) Upon the calling of and payment from the licensee's bond, the Board shall also issue a complaint against the licensee, allowing the licensee 90 days in which to make the bond whole. If the bond is not made whole at the end of 90 days, the complaint procedure set forth in Rule 465-X-5-.03(2) will proceed as follows:

1. The Board shall schedule a hearing to be held within three months from the filing of the complaint initiated by the Board.

2. The complaint initiated by the Board shall give notice in substantial compliance with the Alabama Administrative Procedure Act, Section 12(b).

3. In the event the investigative committee instructs the Board counsel to forward information to the appropriate governmental authorities, information concerning the essential facts constituting a violation and an allegation that a violation of the Act has been committed should be provided to a magistrate or official authorized by law to issue warrants of arrest.

(d) If the person complained of is a member of the Board, that member shall be notified and thereafter shall not participate in any matter related to the complaint.

(4) The Board, in its discretion, may invoke the complaint procedures set forth in this chapter of these rules against any unlicensed residential home builder or residential roofer.

(5) In the event an unlicensed residential home builder or residential roofer has been identified to have engaged in advertising as defined in Code of Ala. 1975, §34-14A-2(1) to be a Residential Home Builder as defined in Code of Ala. 1975, §34-14A-2(16), the Board may direct staff to:

(a) Send a warning letter to the identified unlicensed residential home builder or residential roofer of the unlicensed advertising violation, documented proof thereof, information on how the unlicensed residential home builder or residential roofer may become licensed, and that further violations of the law may result in administrative, civil or criminal action.

(b) Upon documentation of an unlicensed residential home builder or residential roofer being identified as having

continued to engage in advertising as defined in Code of Ala. 1975, §34-14A-2(1) to be a Residential Home Builder as defined in Code of Ala. 1975, §34-14A-2(16), Board staff shall submit any and all evidence of the violation to the Board investigative committee for review.

(c) Upon a finding of probable cause of a second or subsequent unlicensed residential home builder or residential roofer engaging in in advertising as defined in Code of Ala. 1975, §34-14A-2(1) to be a Residential Home Builder as defined in Code of Ala. 1975, §34-14A-2(16), the investigative committee may direct the Board counsel to refer the matter to the office of the Attorney General to pursue appropriate injunctive relief enjoining the violation.

Author: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield, Jamie A. Durham, J. Seth Gowan, Lauren Latham, Darlene Burt
Statutory Authority: Code of Ala. 1975, §§34-14A-2, 34-14A-5, 34-14A-8, 34-14A-11, 41-22-1, et seq.
History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993. **Amended:** Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed November 2, 2001; effective December 7, 2001. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed November 4, 2005; effective December 9, 2005. **Amended:** Filed August 4, 2006; effective September 8, 2006. **Amended:** Filed October 6, 2008; effective November 10, 2008. **Amended:** Filed August 25, 2011; effective September 29, 2011. **Amended:** Filed August 27, 2018; effective October 11, 2018. **Amended:** Published December 30, 2021; effective February 13, 2022. **Amended:** Published January 31, 2025; effective March 17, 2025.

465-X-5-.04 Informal Settlement.

(1) No action shall be taken to affect an informal settlement of a controversy, either prior to or during a contested case proceeding, without formal approval by the Board of such action.

(2) Informal settlement negotiations may be initiated by either party to the controversy, provided that neither party is obligated to use informal procedures.

(3) If the Board approves participation in an informal settlement procedure, it shall negotiate its settlement upon the terms it believes to be in the best interest of the Board and the public, and if the settlement is effectuated the terms of the settlement shall be incorporated, by reference, in the official minutes of the Board.

Author: David R. Boyd, Dorman Walker, Lois Woodward
Statutory Authority: Code of Ala. 1975, §§34-14A-8, 34-14A-11, 41-22-12.

History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993.

465-X-5-.05 Prehearing Discovery.

(1) Prehearing discovery shall be permitted, at the discretion of the Chairman or the hearing officer, in order to prevent fraud, conserve the Board's time, prevent undue surprise at the hearing, or otherwise to provide fundamental fairness.

(2) The attorney for the Board or the respondent may, upon application to the Chairman or the hearing officer, obtain discovery regarding any matter not privileged that is relevant to the subject matter involved in the pending action, whether it relates to the charge of the Board or the defense of the respondent.

(3) Methods of discovery.

(a) Upon written application to the Chairman or the hearing officer, the following discovery may be allowed or ordered:

1. Deposition upon oral examination of any expert witnesses.

2. Interrogatories to respondent.

3. Order for production and copying of documents and things against any person.

(b) The discovery must be had in accordance with any terms and conditions imposed by the Chairman or the hearing officer. The Chairman or the hearing officer may impose any such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression, or undue burden and expense.

Author: David R. Boyd, Dorman Walker, Lois Woodward, Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §34-14A-11.
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993. **Amended:** Filed November 2, 2001; effective December 7, 2001. **Amended:** Filed August 25, 2011; effective September 29, 2011.

465-X-5-.06 Disciplinary Hearings.

(1) Conduct of hearing.

(a) Disciplinary hearings are closed to the public.

(b) The Board may, in its discretion, appoint some person to act on its behalf as hearing officer at disciplinary hearings. In the event a hearing officer is appointed, the officer shall preside at the hearing and shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these Rules to the contrary. The Board, in its discretion and subject to the applicable provisions of the Alabama Administrative Procedures Act, may appoint a hearing officer to hear the evidence and submit a report to the Board, including recommended findings of fact and conclusions of law.

(c) The respondent shall plead either "guilty" or "not guilty" to the charges set forth in the complaint.

(d) Each side shall be permitted to make a short opening statement.

(e) The Executive Director, or a designee thereof, acting on behalf of the investigative committee, shall present its evidence, followed by the respondent, followed by rebuttal by the Executive Director or designee. Each witness called may be examined in the following manner:

1. Direct Examination.

2. Cross Examination.

3. Examination by Board.

4. Redirect Examination.

5. Recross Examination.

6. Re-examination by Board.

(f) Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant law to the evidence presented.

(g) The Board may request one or both sides to prepare for the Board's consideration a proposed order of the Board including findings of fact, official notice, and conclusions of law. Underlying facts of record which support the findings should be cited.

(h) The Board shall issue an order within 30 days after either the hearing is concluded, if conducted by the Board, or the Board's receipt of the hearing officer's report, if the hearing was conducted by a hearing officer. The order shall include findings of fact, official notice taken and conclusions of law, stated separately. Parties shall be notified either personally or by certified mail, return receipt requested, of any order, and a copy of the final order

shall be delivered and mailed to each party or to his or her attorney of record.

(i) The Board may enclose an invoice for the costs of the hearing with an order imposing disciplinary action upon a licensee. Payment of said costs will be included in the calculation of any fines or fees owed by the licensee to the board in connection with the disciplinary action.

(2) Evidence. Evidence shall be admitted in accordance with the Alabama Administrative Procedure Act, Section 13. The probable cause note, and any attachments thereto, shall be admitted into evidence as a portion of the complaint without further authentication.

(3) Other. The hearing otherwise shall be conducted in compliance with the provisions of the Alabama Administrative Procedure Act; however, with the consent of the licensee, the Board may conduct an informal hearing without meeting the requirements of the Administrative Procedure Act, if no action is to be taken other than a public or private reprimand.
Author: David R. Boyd, Dorman Walker, Lois Woodward, Kathy Perry Brasfield, Jamie A. Durham, J. Seth Gowan
Statutory Authority: Code of Ala. 1975, §§34-14A-8, 34-14A-11, 41-22-1, et seq.
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed August 4, 2006; effective September 8, 2006. **Amended:** Filed August 27, 2018; effective October 11, 2018.

465-X-5-.07 Discipline.

(1) Revocation and Suspension of License and Imposition of Administrative Fines. The Board may revoke or suspend the respondent's license, may require the successful completion of builder education course(s), and may levy and collect administrative fines not to exceed $5,000 per violation of the Act or these rules:

(a) upon a finding by the Board or a court of competent jurisdiction that respondent has committed fraud or deceit in obtaining a license or has been guilty of gross negligence, incompetence, or misconduct in the practice of residential home building, or has violated the standards of practice;

(b) upon the Board's payment of any amount out of the Homeowners' Recovery Fund on behalf of the respondent; in this instance, the Board shall revoke the respondent's license;

(c) upon a finding by the Board that, in the case of a partnership, corporate, or limited liability company licensee, the licensee's designated qualifying representative has ceased to be a general partner, officer, member (in the case of a member-managed limited liability company) or manager (in the case of a manager-managed limited liability company) of the licensee and no other general partner, officer, member (in the case of a member-managed limited liability company) or manager (in the case of a manager-managed limited liability company) has been designated to the Board as the licensee's successor qualifying representative within 45 days after the original designated qualifying representative ceased to serve in that capacity.

(d) upon a finding of the Board that the licensee provided false documentation reflecting the completion of continuing education credits.

(e) upon a finding by the Board that a licensee has failed to notify the Board in writing, by certified mail, as required by the Act and these rules, of any of the following:

1. The institution of any felony criminal prosecution against him or her, including a copy of any indictment or information making the charges.

2. In any criminal action, the rendering of any final verdict or the dismissal of any charges against him or her, including a copy of the Court order or other document giving the licensee such notice.

(f) upon a finding by the Board that the licensee has failed to use a valid written contract when engaging in the business of residential home building.

(g) upon a finding by the Board that the licensee has engaged in the business of residential home building outside or beyond the scope of the license.

(h) upon a finding by the Board that the licensee has failed to comply with any requirement of the Act or these rules.

(i) upon a finding by the Board that the licensee has failed to maintain the required bond.

(2) Stay of execution of order. The Board may, in its discretion, permanently or temporarily stay the execution of its order to revoke or suspend the respondent's license; provided, however, the Board shall not stay the execution of its revocation order if the respondent has failed to repay any amount paid on the respondent's behalf out of the Homeowners' Recovery Fund. The stay may be conditioned on any provision the Board deems appropriate under all the circumstances of a particular case.

(3) Considerations. In determining whether a license should be revoked or suspended and whether execution of a revocation or suspension order should be stayed, and if so, under what conditions, the Board shall consider all the relevant factors, including, but not limited to, the following:

(a) The severity of the offense;

(b) The danger to the public;

(c) The number of repetitions of offenses;

(d) The length of time since the date of violation;

(e) The number of complaints filed against the licensee;

(f) The licensee's experience;

(g) The actual damage, physical or otherwise, to the complainant;

(h) The deterrent effect of the penalty imposed

(i) Any efforts at rehabilitation; and

(j) Any other mitigating or aggravating circumstances.

(4) Surrender of License. Upon the Board's revocation or suspension of a license, the licensee promptly shall surrender to the Board the license card issued to the licensee.
Author: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield, Jamie A. Durham, J. Seth Gowan, Lauren Razick, Darlene Burt
Statutory Authority: Code of Ala. 1975, §§34-14A-8, 34-14A-11, 34-14A-15.
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993. Emergency **Amended:** Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. **Amended:** Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed November 2, 2001; effective December 7, 2001. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed August 4, 2006; effective September 8, 2006. **Amended:** Filed October 6, 2008; effective November 10, 2008. **Amended:** Filed August 25, 2011; effective September 29, 2011. **Amended:** Filed August 27, 2018; effective October 11, 2018. **Amended:** Published August 31, 2020, effective October 15, 2020. **Amended:** Published December 30, 2021; effective February 13, 2022.

465-X-5-.08 Costs (Repealed 10/28/94).

(Repealed 10-28-94)

Author: David R. Boyd, Dorman Walker, Lois Woodward
Statutory Authority: Code of Ala. 1975, §§34-14A-8, 41-22-20.
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993. **Repealed:** Filed September 23, 1994; effective October 28, 1994.

465-X-5-.09 Appeal.

A licensee whose license has been revoked or who otherwise has been the subject of a final disciplinary action may appeal the Board's order to the circuit court of the county within which the licensee resides or, if the licensee is not an Alabama resident, to the Circuit Court of Montgomery County. The circuit court shall determine whether the Board's order is supported by substantial evidence. Any such licensee must file with the Board written notice of his intention to appeal within 30 days of receipt by the licensee of the Board's final order and must file a petition for judicial review in the appropriate court within 30 days after filing the notice of appeal with the Board.
Author: David R. Boyd, Dorman Walker, Lois Woodward, Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §§34-14A-8, 41-22-20.
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993. **Amended:** Filed August 4, 2006; effective September 8, 2006.

465-X-5-.10 Reissuance Or Reinstatement Of License After Revocation Or Suspension.

(1) **Application for Reissuance or Reinstatement.** Any licensee whose license has been revoked or suspended may apply to the Board for reissuance or reinstatement of the license at any time; provided, however, the Board shall not consider an application for reissuance or reinstatement if the applicant has failed to repay any amount paid on the applicant's behalf out of the Homeowners' Recovery Fund or if any bond requirement has not been met. In the application for reissuance or reinstatement, the applicant shall state why the license should be reissued or reinstated and shall specifically set forth any change in circumstances that would justify the reissuance or reinstatement. The application for reissuance or reinstatement must include evidence that the applicant meets the current licensure requirements for, and unless excused by the Board the applicant must qualify for, licensure through all the procedures as set forth in §465-X-3-.04 of these rules.

(2) Board Action. Upon receipt of such application, the Board may grant the applicant a hearing on reissuance a or reinstatement, at which time the applicant may appeal to the Board to reissue or

reinstate the applicant's license. The Board shall reissue or reinstate the applicant's license if four or more members of the Board vote in favor of the reissuance or reinstatement.
Author: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield, Jamie A. Durham, J. Seth Gowan
Statutory Authority: Code of Ala. 1975, §§34-14A-7, 34-14A-8, 34-14A-11.
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993. **Amended:** Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed August 25, 2011; effective September 29, 2011. **Amended:** Filed August 27, 2018; effective October 11, 2018.

465-X-5-.11 Conflict Or Bias.

(1) No Board member shall be entitled to vote or otherwise participate in any hearing or disciplinary matter if the Board member is personally biased for or against the respondent or when such voting or participation would violate the provisions of the Alabama Administrative Procedures Act, Section 18(a).

(2) Any party in a hearing or respondent in a disciplinary action who wishes to assert bias or conflict may do so by filing with the Executive Director at least three days before the scheduled hearing a suggestion of disqualification and a supporting affidavit setting forth the factual basis for the suggestion.

(3) The Board or hearing officer shall consider the suggestion of disqualification on the record as a preliminary matter at the hearing before any other question is decided.
Author: David R. Boyd, Dorman Walker, Lois Woodward, Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §§34-14A-11, 41-22-18(a).
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993. **Amended:** Filed May 6, 2002; effective June 10, 2002.

465-X-5-.12 Temporary Restraining Orders And Other Injunctive Relief.

Upon receipt of evidence that a residential home builder has violated or is about to violate the Act or the rules of the Board, the Executive Director, acting on the instructions of the Board, may petition the Circuit Court of the county in which the violation occurred or is about to occur to issue a temporary restraining order or other appropriate injunctive relief enjoining such violation.
Author: David R. Boyd, Dorman Walker, Lois Woodward

Statutory Authority: Code of Ala. 1975, §§34-14A-11, 34-14A-14. **History:** Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993.

465-X-5-.13 Institution Of Criminal Proceedings.

Upon receipt of evidence that any person has:

(1) Undertaken or attempted to undertake the business of residential home building or residential roofing without first having procured a valid license as required by the act,

(2) Knowingly presented to or filed false information with the Board for the purpose of obtaining a license, or

(3) Violated any law or code adopted by a county commission under the provisions of the Act, the Executive Director, acting on the instructions of the Board, shall present such evidence to the appropriate governmental authority within the county in which the residential home builder or residential roofer has acted and may file a complaint regarding the violations directly with the sheriff in the appropriate county.

Author: David R. Boyd, Dorman Walker, Lois Woodward, Jamie A. Durham, J. Seth Gowan
Statutory Authority: Code of Ala. 1975, §§34-14A-2, 34-14A-5, 34-14A-11, 34-14A-13, 34-14A-14.
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993. **Amended:** Filed August 27, 2018; effective October 11, 2018.

465-X-5-.14 Public Records - Public Information.

(1) The Board must release the following information to the public regarding complaint and investigation files, and disciplinary action proceedings:

(a) A settlement agreement adopted and ratified by the Board that closes a complaint file and represents the Board's final decision in the disciplinary action proceedings,

(b) The formal charges against a residential home or a residental roofer builder filed by the Board's executive secretary and any amendments thereto, orders to show cause, and

(c) The Board's final decision in disciplinary action proceedings entered after a formal disciplinary action hearing.

(2) Disciplinary action hearings shall not be open to the public.

(3) The Board shall in compliance with Code of Ala. 1975, §§ 36-12-40, 36-12-41, 36-12-43, 36-12-44, 36-12-45 and 36-12-46, make available upon appropriate request, public records and may charge a reasonable fee.
Author: Beth Acker, Kathy Perry Brasfield, Jamie A. Durham, J. Seth Gowan, Lauren Latham, Darlene Burt.
Statutory Authority: Code of Ala. 1975, §§113A-14-2(a), 3A-14-2, 34-14A-8, 36-12-40, 41-22-12(g).
History: **New Rule:** Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed August 4, 2006; effective September 8, 2006. **Amended:** Filed August 25, 2011; effective September 29, 2011. **Amended:** Filed August 27, 2018; effective October 11, 2018. **Amended:** Published January 31, 2025; effective March 17, 2025.

465-X-5-.15 Public Records - Confidential Information.

(1) All records, reports, documents, photographs, and information contained in complaint and investigation files maintained by the Board, and the entire record in disciplinary action proceedings shall be confidential, shall not be public record, and shall not be available for court subpoena or for discovery in civil proceedings.

(2) The Board reserves the right to appeal a decision of a court, where the court orders disclosure in violation of applicable Alabama statutes and case law.
Author: Beth Acker, Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §§13A-14-2(a), 34-14A-8, 36-12-40, 41-22-12(g).
History: **New Rule:** Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed August 4, 2006; effective September 8, 2006.