

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 330
Department or Agency: Alabama State Board of Registration for Professional Engineers and Land Surveyors
Rule No.: 330-X-14-.06
Rule Title: Ethics (Canon V)
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

William R. Huett
Rick Huett

Date

Tuesday, October 15, 2024 OCT 15, 2024

REC'D & FILED

LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Registration for Professional  
Engineers and Land Surveyors

RULE NO. & TITLE: 330-X-14-.06 Ethics (Canon V)

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Require updates of contact information, disciplinary actions and criminal convictions.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

11:00 A.M., 100 N. Union Street, Ste 382, Montgomery, AL 36104, or email, or virtual attendance.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:

Rick Huett,  
rick.huett@bels.alabama.gov

*William R. Huett*

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Rick Huett

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**330-X-14-.06****Ethics (Canon V).**

The engineer or land surveyor shall contribute to the maintenance, integrity, independence and competency of the engineering or land surveying profession as follows:

- (a) The engineer or land surveyor shall not:
1. Violate any provision of the Alabama law regulating the practice of engineering and land surveying or of the Administrative Code of the Board of Licensure for Professional Engineers and Land Surveyors;
  2. Participate, directly or indirectly, in any plan, scheme or arrangement attempting or having as its purpose the evasion of any provision of the Alabama law regulating the practice of engineering and land surveying;
  3. Fail to exercise reasonable care or diligence to prevent his or her partners, associates, and employees from engaging in conduct which if done by him or her, would violate any provision of the Alabama Law regulating the practice of engineering and land surveying;
  4. Engage in any illegal conduct, whether a felony or misdemeanor, the essential element of which is dishonesty;
  5. Engage in any conduct that discredits or tends to discredit the profession of engineering or land surveying;
  6. Permit or allow, his or her professional identification, seal, firm, or business name, or his or her services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create the opportunity for the unauthorized practice of engineering or land surveying by any person, firm or corporation in this state;
  7. Perform any acts, allow omissions or make any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever tend to create a misleading impression;
  8. Knowingly associate with or permit or allow the use of his or her name, firm name or professional identification or seal in any business venture, project or enterprise which he or she knows or has reason to believe is engaged in professional practices which violate any provision of the Alabama Law regulating the practice of engineering and land surveying;
  9. Knowingly associate with or permit the use of his or her name, professional identification, seal, firm or business name in connection with any venture or enterprise which he or she knows, or has reason to

believe, is engaging in trade, business or professional practice of a fraudulent, deceitful or dishonest nature;

10. Injure or attempt to injure or damage the professional reputation of another by any means whatsoever; provided and except, however, that this shall not relieve an engineer or land surveyor of the obligation to expose unethical or illegal conduct to the proper authorities or preclude a frank but private appraisal of engineers or land surveyors or other persons or firms considered for employment;

11. Aid or abet, directly or indirectly, any unlicensed person in connection with the unauthorized practice of engineering or land surveying; or any firm or corporation in the practice of engineering or land surveying unless carried on in accordance with the provisions of Chapter 11, Title 34 of the Alabama Law regulating the practice of engineering and land surveying;

12. Place his or her seal, signature, date and license number on a document constituting a certification that the document was prepared by the licensee unless the document was prepared by the licensee or under his or her direct control and personal supervision or unless the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for plans prepared by another licensed professional engineer or licensed professional land surveyor.

13. Review the work of another engineer or land surveyor, for the same employer, except with the knowledge or consent of the engineer or land surveyor, unless the connection of the engineer or land surveyor with the work has been terminated.

14. Participate in procurement procedures for engineering or land surveying services either by providing the bids or in requesting bids from other professional engineers or land surveyors where bidding is the primary consideration except as allowed by state law.

15. Fail to respond to the Board within 60 days of receipt of Board inquiries.

(b) The engineer or land surveyor shall be personally and professionally responsible and accountable for the care, custody, control and use of his or her engineer's or land surveyor's seal, professional signature, and identification. The engineer or land surveyor whose seal has been lost, misplaced or stolen shall, upon discovery of its loss, report the loss immediately to the Board, which may invalidate the license number of the seal, if it deems this

necessary, and issue another license number to the engineer or land surveyor.

(c) When in public service as a member or employee of any governmental body, agency or department, the engineer or land surveyor shall not participate, directly or indirectly, use or make use of any property, facility or service of such governmental body, agency or department for the benefit of any private business or activity in which such engineer or land surveyor also may be engaged, unless prior, proper authority is obtained in writing.

(d) The engineer or land surveyor shall not, directly or indirectly, use or make use of any property, facility or service of his or her client or employer for the benefit of the engineer or land surveyor, unless prior, proper authority is obtained in writing.

(e) The engineer or land surveyor shall not practice or offer to practice engineering or land surveying in any governmental jurisdiction in which to do so would be in violation of the laws regulating the practice of professional engineering or professional land surveying in that jurisdiction.

(f) Licensees having knowledge of possible/probable violations of any of these Rules of Professional Conduct shall provide the Board with the information and cooperate as necessary to make the final determination of such violation.

(g) It shall be the duty and sole responsibility of each licensee and intern to provide written notification to the Board of any changes to their mailing address and business affiliation within 30 days after the change.

(h) The engineer or land surveyor must provide written notification to the Board within 30 days of a disciplinary action taken against them by other licensing boards.

(i) The engineer or land surveyor must provide written notification to the Board within 30 days of a conviction, a plea of guilty, or nolo contendere to any felony crime, or misdemeanor directly related to the practice of engineering or land surveying.

**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 November 14, 1984; July 13, 1992. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed December 15, 2004; effective January 19, 2005. **Amended:** Filed December 12, 2008; effective January 16, 2009. **Amended:** Filed June 22, 2012; effective July 27, 2012. **Amended:** Filed November 16, 2018;

effective December 31, 2018. Amended: Published ;  
effective .