

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Tuesday, December 10, 2024, and filed with the agency secretary on Tuesday, December 10, 2024.

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

INTENDED ACTION: Amend

RULE NO.: 330-X-14-.06

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **330-X-14-.06 (h) and (i)**

RULE TITLE: Ethics (Canon V)

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes. N/A

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLIII, ISSUE NO. 1, AAM,
DATED THURSDAY, OCTOBER 31, 2024.

STATUTORY RULEMAKING AUTHORITY: Code of Ala. 1975, §34-11-35

(Date Filed)
(For LRS Use Only)

REC'D & FILED
DEC 11, 2024
LEGISLATIVE SVC AGENCY

Rick Huett

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Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

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 December 31, 2024; effective February 14, 2025.