

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-16-.01
Rule Title: Complaints
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

REC'D & FILED
OCT 15, 2024
LEGISLATIVE SVC AGENCY

APA-2

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-16-.01 Complaints

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:  
Clarify complaint submission limitations

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-16-.01            Complaints.**

The Board may initiate action in cases where a person's actions or business entity's actions are in violation of the law. Complaints must be filed within two years of the date the violation occurred or within two years of the date of the discovery of the violation whichever is later but no later than 10 years from the date of the violation. Any violation that was caused by fraud, deceit, or concealment, however, is not subject to the 10-year time limitation. Upon receipt of a signed complaint from any person that an individual has violated the law and/or the rules of the Board, the Board may assemble the facts, obtain legal guidance, follow the case to completion based on the legal guidance given and begin administrative action, levy a civil administrative penalty, file a civil action, and/or refer the matter for criminal prosecution.

(1) A complaint initiated by an individual or entity against a licensee or non-licensee shall be submitted in a format provided by the Board and shall contain:

(a) Name and address of the complaining party as well as the name and address of the individual or entity against which the complaint has been filed.

(b) A plain and concise statement of the facts which indicate that the provisions of Code of Ala. 1975, Chapter 11, Title 34, rules promulgated by the Board, or Rules of Professional Conduct (Code of Ethics) may have been violated.

(c) The signature of the complainant.

(2) A complaint may be initiated by the Board or board staff against a licensee or non-licensee. The complaint shall be referred to an investigative committee to determine if sufficient facts are present that indicate provisions of Chapter 11, Title 34, Code of Ala. 1975, Rules promulgated by the Board, or Rules of Professional Conduct (Code of Ethics) have been violated. If sufficient evidence is present, the investigation will proceed in strict accordance with due process.

(3) All disciplinary cases involving geology/ engineering or other profession overlaps will be referred to the board issuing the license for hearing and disposition. The complaining board may have a board member or designated representative at the hearing for liaison and evidence as necessary.

**Author:** William R. Huett, (Executive Director), Bonnie Kelly  
**Statutory Authority:** Code of Ala. 1975, §§34-11-11, 34-11-15, 34-11-16, 34-11-35.

**History:** Filed September 22, 1982. **Amended:** Filed November 14, 1984; September 15, 1987; July 13, 1992. **Amended:** Filed September 23, 1998; effective October 28, 1998. **Amended:** Filed April 29, 2003; effective June 3, 2003. **Amended:** Filed

December 15, 2004; effective January 19, 2005. **Amended:** Filed  
October 30, 2006; effective December 4, 2006. **Amended:** Filed  
December 12, 2008; effective January 16, 2009. **Amended:** Filed  
June 22, 2012; effective July 27, 2012. **Amended:** Filed August  
5, 2015; effective September 9, 2015. **Amended:** Published  
November 30, 2021; effective January 14, 2022. **Amended:**  
Published November 30, 2022; effective January 14, 2023.  
**Amended:** Published ; effective .