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ALABAMA BOARD OF LICENSURE  
 FOR PROFESSIONAL ENGINEERS AND  
 LAND SURVEYORS

1

Upon receipt of complaint, a Board Member-led investigative committee is appointed. A letter is sent to the Subject notifying them of a complaint.



2

Competency issues are sent to a Board Technical Advisor with expertise in the questioned area of practice. A report is made within 30 days.

3

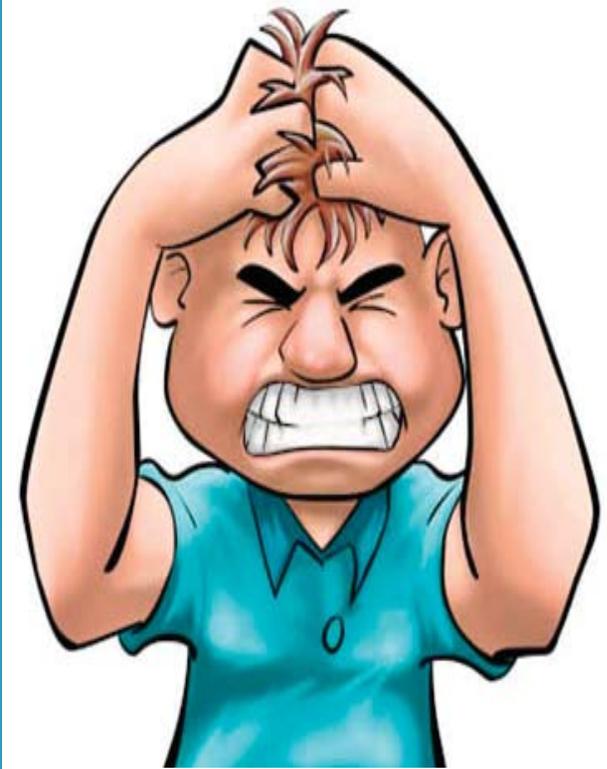
The Interview Process follows as the Complainant, Subject and any Witnesses are interviewed. Site visits may occur as part of this process.

4

The Investigative Committee reviews the report and file, determines whether or not there is probable cause to believe a violation occurred and sets a course of disciplinary action.

5

If action is taken, the outcomes vary from a Consent Order (a settled upon agreement) to a formal hearing held in Montgomery. BELS will issue a Final Order to the Subject that will become public record.



**FILING A  
 COMPLAINT  
 MADE EASY**



## THE COMPLAINT PROCESS

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The Board is responsible for investigating complaints placed against both licensed professionals, and unlicensed individuals, offering or performing engineering or land surveying services within the State of Alabama.

In addition, the Board has the authority to conduct investigations, enforce regulations and impose sanctions when a violation of any provision of the Licensure Law and the Administrative Code has occurred. Title 34 also requires all pending and closed complaints to remain confidential until an actual formal hearing is held.

The following is a description of the investigative process of the Board:

### Step 1 — Receipt of Complaint:

Upon receipt of a complaint, an investigative committee is appointed consisting of a Board Member that directs the investigation; the Board Executive Director and Board Counsel. A letter is sent to the Complainant acknowledging receipt of the complaint and to the Subject notifying them of the complaint. The Subject is advised to respond to the complaint within 14 days. The Subject has the right to seek legal counsel at any time during the investigation.

### Step 2 — Response from Subject:

The Subject provides a response to the complaint and the investigation continues.

### Step 3 — Investigation:

The Investigative Process involves several steps which sometimes require months to complete.

Complaints concerning competency issues are forwarded to a Board Technical Advisor with expertise in the questioned area of practice.

Once the report of the Board Technical Advisor is received, a copy is sanitized and forwarded to the Subject for review and response.

A copy of the response or comments made by the Subject relative to the report and forwarded to the Board Technical Advisor for review.

- 2. Interviews:** The Complainant, Subject and Witnesses are interviewed.
- 3. Site Visit:** If necessary, an investigator will travel to the site of the complaint and document its condition.
- 4. Report:** The investigator prepares the investigative report which contains information obtained through interviews, technical reviews and documents obtained during the investigation. The report and investigative file are then provided to the members of the investigative committee for review.

## TECHNICAL ADVISORS

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### Step 4 — Investigative Committee Review:

The Investigative Committee reviews the file and Investigator's report to determine if probable cause does or does not exist that a violation occurred. The Investigative Committee then formulates a course of action that it will recommend to the Board that may include one or more of the following options:

- Close without disciplinary action.
- Close with informal disciplinary action -- Letter of caution, reprimand, etc., (non-public record)
- Present to Circuit Court for possible criminal prosecution.
- Refer to other agency for their action.
- Proceed with formal disciplinary action

## POSSIBLE OUTCOMES

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- **Consent Order** : A Consent Order is a settlement agreement. Once the Subject and Investigative Committee agree to the conditions of a Consent Order, it is presented to the Board for approval at a scheduled meeting. If the Board accepts the proposed Consent Order, a Final Order will be issued which concludes the case. Both the Consent Order and Final Order then become public record.

If the Consent Order is rejected, the Board provides instruction to the Investigative Committee.

- **Formal Hearing:** Formal Hearings are routinely held at the office of the Board and the proceedings are conducted by an Administrative Law Judge. The Board may or may not be present. Charges are mailed to the Subject a minimum of 30 days prior to the scheduled date of a Formal Hearing. Subpoenas to appear will be issued to the appropriate individuals. Within 30 days after the hearing, or 30 days after receipt of the Administrative Law Judge recommendations the Board will determine whether any disciplinary action should be taken. The Board's Final Order is sent to the Subject via certified and regular mail and the Order becomes public record.

- **Appeal of Formal Hearing Orders:** Once a Final Order is issued by the Board the Subject may file an application to the Board for rehearing pursuant to the Alabama Administrative Procedures Act within 15 days of the date the Board issues its Final Order. In addition pursuant to the Alabama Administrative Procedures Act an appeal of the Board's Final Order may be filed with the Circuit Court of Montgomery County within 30 days of the date the Board issues a Final Order.

- **Informal Hearing:** The Investigative Committee with the agreement of the Subject may request an informal hearing before the Board at a regularly scheduled meeting. These are routinely held at the office of the Board and the proceedings are conducted by the Board Chair. The Board will be present. As with any stage of the complaint process, the Subject may be represented by legal counsel. The actions that may result from an informal hearing are: (1) No action taken, (2) private reprimand or (3) public reprimand.