

Board Opinions

October 2008

Construction Engineering vs. Engineering Services

The Board discussed what aspects of the construction industry could be considered engineering experience. Present for this discussion were representatives from Brasfield & Gorrie, who offered clarification of what their company's procedures were, in order that the Board could determine if Brasfield & Gorrie required a Certificate of Authorization for Engineering. The Board confirmed that individuals could receive engineering experience credit for construction engineering, if the individual's experience fell within the definition of engineering as stated in Section 330-X-6.01 of the Administrative Code. It was the Board's opinion that construction engineering companies are not offering engineering services if they are only assuring compliance with drawings and specifications during the construction projects. If the company does any engineering modifications to the project, without the supervision and approval of the original engineer that stamped the drawings or specifications, then they are offering engineering services and as such require an engineering certificate of authorization.

Fictitious Names of Companies

The Board provided clarification on their position as to what would be considered a fictitious name. It was the consensus of the Board that "John Doe, Consulting Engineer" should be considered similar to "John Doe, P.E." and should not be considered as a fictitious name. Since "John Doe, Consulting Engineer" is not a fictitious name then there is no requirement for the individual practicing under that name to obtain a certificate of authorization.

Field and Branch Offices

The Board provided clarification on what was to be considered a field office instead of a branch office. In their opinion, a field office is at a location for a specific project, the field office is closed upon completion of the project, and there is no advertising of engineering or surveying services at the field office location. A branch office is a permanent location, open for business, and advertising services to the public.

Standard of Care for Lots in a Subdivision

An individual requested the Board's opinion on the standard of care that a land surveyor should have when completing a survey. The questions involved how much research and confirmation needed to be done prior to a surveyor certifying a single lot in a subdivision. It was the consensus of the Board that it should be expected that when the surveyor completes a boundary survey that they are certifying the boundary shown on the map or plat as correct. A boundary survey of a lot within an existing subdivision should certify the boundary of the lot. It was also the opinion of the Board that a prudent surveyor would confirm an exterior boundary of the lands which are to be subdivided into smaller tracts.

Pre-Engineered Buildings

An individual requested the Board's opinion concerning the designing and erection of agriculture buildings, developed out-of-state. It was the Board's opinion that if the engineering of the building was done in Alabama, or if the building was to be erected in Alabama, there would be a need for an Alabama licensed professional engineer to stamp the plans. It was the Board's opinion that there was no difference between a pre-engineered building or a custom engineered building, designed and stamped out-of-state, in regards to the requirement of having an Alabama licensed professional engineer involved in the design and erection of the building.

Legislative Update

The Board was briefed on the dates for the 2009 Legislative General Session. The Board concurred to seek sponsors to resubmit the proposed changes to the licensure law that had been submitted in the 2008 Legislative Session, but were never acted on. Mr. Reisz identified that it was still his wish to have legislation introduced that waives the fundamental examinations for those applicants who have obtained doctorates in engineering and surveying.

Exam Registration Update

The Board was briefed on the upcoming changes to the exam registration process. The flow charts that were developed will be provided to candidates and the universities to help get the word out. Candidates will now have to register on the ELSEES web site, after they have filed their applications with the Board.

Forensic Engineering

Mr. Arkle presented his thoughts on taking a proactive approach to the problem of having individuals doing forensic engineering in Alabama without first becoming licensed in Alabama. It was agreed that writing an article for distribution in the forensic engineering community would be beneficial.

Mobile County Inspection

An individual requested the Board's opinion if the procedures that are being used in Mobile County for permitting was consistent with the licensing law. It was explained that the Inspection Department of Mobile County had instituted procedures that called for outside professional engineers to review plans being submitted for permitting.

09-042. IT WAS MOVED by Mr. Arnold and seconded by Mr. Jackson that the Mobile County Procedures were not in violation of the Board's Code of Ethics. MOTION CARRIED UNANIMOUSLY.