

Board Opinions

July 2009

The Board met with the owner of a construction business, to discuss the pending certificate of authorization applications for her company. She explained the business relationships between the company and the PLS and the PE. The PLS and PE were seeking to be recognized as the principals for the new certificate, but were not going to be located at the main office in Mobile and were not going to be full-time at the branch office in Birmingham. It was moved and seconded to approve, but the motion failed 2 to 3. The PLS and PE need to be full-time employees of the company to be a principal.

The Board reviewed enforcement action taken against Alabama licensees by other licensing jurisdictions. It was moved and seconded that a letter should be sent to the licensees involved in the cases, notifying them that the enforcement actions taken by the other jurisdictions would be made a part of their Alabama license files. The motion carried unanimously.

The Board reviewed the Continuing Education audit results that had anomalies. The cases were discussed in a sanitized format. The Board approved the use of hours worked on a sub-committee that developed National Electrical Codes as meeting the continuing education requirement. The staff was instructed to open investigations on the licensees who had not earned the sufficient number of hours, had not responded to the audit, or had not provided the required documentation. The Board disallowed the use of time preparing to be an expert witness to meet the continuing education requirement. The licensee will be instructed that they need to make-up the disallowed hours.

The Board reviewed the recently published articles on the status of higher education in the United States. The Board discussed the efforts by some in NCEES to require additional education for licensure at the same time as there are efforts by some institutions to structure degrees so that a bachelor's degree can be awarded in three years instead of the usual four.

The staff asked for clarification from the Board as to which foreign transcript evaluation service reports should be accepted. It was confirmed that the only evaluation service approved for new applications were the evaluations done by NCEES' Center for Professional Engineering Education. The Board identified that it would accept evaluations from the previously approved providers, if those evaluations had been done during the time that the provider was approved by the Board. It was moved and seconded that applicants who file their applications after July 1, 2009, who have an evaluation completed prior to July 1st from an approved evaluation service, will be allowed to use that evaluation. The motion carried unanimously.

The Board was briefed by the Executive Director on the results of the Board Nominating Committee meeting that had been held July 21, 2009. It was emphasized that significant efforts were made to involve the smaller societies and to seek minorities who might be interested in serving as a Board Member. The differences of opinion that were vocalized at the nominating committee meeting were also briefed. Mr. Arkle, as chair, appointed a

working group composed of the societies and one Board Member to draft proposed language for inclusion in the Administrative Code that would outline the procedures to be used by the Nominating Committee. It was stressed that the Board should not be directly involved in the selection of future Board Members.

The Board reviewed the request from the Texas Board of Professional Engineers and others to put NCEES on notice that Alabama required the Software Engineering discipline PE examination. The Board reviewed the graduation statistics from the software engineering degree at Auburn University and determined that they could quantifiably request the new discipline exam.

The Board reviewed a request from a PE who requested the Board's opinion if he could be the sole designer on a project to remodel a waterworks facility into a conservation education facility. The Board was concerned that the facility contained classrooms and thought that an architect may be required but that the PE should contact the Board of Architects for their opinion on the need for an architect.

The Board reviewed a request from an individual concerning the definition of supplanting. The individual asked: if a client, during the course of the project, elects to do the project in-house, instead of using the originally contracted firm, does that action violate the Code of Ethics, specifically the supplanting of business ? The Board's opinion is that this case does not violate the Code of Ethics concerning supplanting. Supplanting is an issue when licensees are vying for a client's business. The client is not subject to the Code, in this manner, as are the licensees.

The Board reviewed a request from a PLS, who asked if construction staking and mapping fell under the definition of surveying, and as such, required the services of a licensed professional land surveyor. It was the Board's opinion that surveying was one of several professions that could possibly perform construction staking and mapping. The requirement for a PLS is for the establishing of boundaries or the setting of control points that might be used for the setting of monuments or reference points. The PLS's involvement in mapping is dependent on the nature of the map being developed.