

APA-1  
6/93

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 330 Department or Agency Board of Licensure for Professional  
Engineers & Land Surveyors

Rule No. 330-X-15-.03

Rule Title: Reconsideration of Denied Applications

XX New; \_\_\_\_\_ Amend: \_\_\_\_\_ Repeal; \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly harm  
or endanger the public health, safety, or welfare? 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 and, if  
so, to what degree? No

Is the increase in cost, if any, more harmful to the public than  
the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the  
purpose of, and so they have, as their primary effect, the  
protection of the public? Yes

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accom-  
panied 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 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 Procedures Division of the Legislative Reference Service.

Signature of certifying officer Regina A. Duman  
Date 4/17/12

APA-2

ALABAMA STATE BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:** 330-X-15-.01 Requirements - amended  
330-X-15-.03 Reconsideration of Denied Applications - New  
330-X-15-.04 Renewal Procedures - amended

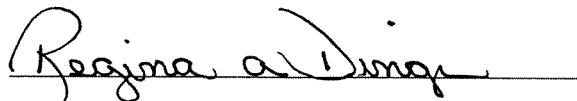
**INTENDED ACTION:** Amend and New

**SUBSTANCE OF AMENDMENT:** The Board proposes to amend existing Rule 330-X-15-.01 to clarify the requirement to have a licensee at each branch office that offers engineering and surveying. Rule 330-X-15-.03 is new and outlines the process for reconsideration of denied applications. Old Rule 330-X-15.03 is renumbered to 330-X-15.04.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** A public hearing will be held only if requested by an interested party. A written request should be submitted to the agency contact person listed below. Interested persons may present their views in writing to the Alabama Board of Licensure for Professional Engineers and Land Surveyors, 100 N. Union Street, Suite 382, Post Office Box 304451, Montgomery, Alabama 36130-4451.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** Written comments concerning these changes must be received by the Alabama Board of Licensure for Professional Engineers and Land Surveyors no later than June 6, 2012.

**CONTACT PERSON AT AGENCY:** Regina A. Dinger, Executive Director; Alabama Board of Licensure for Professional Engineers and Land Surveyors; P.O. Box 304451, Montgomery, AL 36130-4451; (334) 242-5568.



Regina A. Dinger, Executive Director  
Alabama State Board of Licensure for  
Professional Engineers and Land Surveyors

Statutory Authority: Section 34-11-9; Section 34-11-35, Code of Alabama 1975  
Effective date: January 19, 2005.

### **330-X-15-.03 Reconsideration of Denied Applications.**

(1) A denied application may be reconsidered by the Board if written notice of appeal is received by the Executive Director within thirty days after the applicant has been notified of the ruling of the Board.

(2) A hearing shall be held within a reasonable time after receipt of the notice of appeal, or at such time agreed upon by stipulation between the applicant and the Executive Director.

(3) At least a quorum of the Board must be present to hold a hearing.

(4) Evidence, including oral testimony, shall be freely admitted. The applicant shall be allowed to have counsel present if desired.

(5) The Board shall issue a final decision within thirty days of the date of the hearing, which shall include finds of fact and official action taken. The applicant shall be delivered a copy of the decision by first class mail.

(6) The decision of the Board may be appealed to the circuit court of Montgomery County, as provided in Code of Alabama, 19756, Section 34-11-13, within thirty days of the decision of the Board.

(7) The record on appeal shall be certified by the Executive Director of the board, and shall include the entire record including a transcript of the hearing, if a transcript is made.

Author: Board

Statutory Authority: Section 34-11-35

Effective Date:

### **330-X-15-.03 .04 Renewal Procedures**

(1) A certificate of authorization issued to a corporation, partnership or firm shall lapse on January 31 following the issuance or renewal if not renewed, and the corporation, partnership or firm may not offer or engage in engineering or land surveying services until the certificate of authorization has been renewed. A certificate of authorization not renewed within two years after it has lapsed will become null and void and is considered expired.

(2) Certificates of Authorization are renewed annually. Renewal notifications will be mailed no later than December 1 to every corporation, partnership, or firm holding a certificate of authorization. An application form shall be completed and returned with the renewal fee prescribed by the Board. All requirements for completing a renewal application will be the same as for an initial application as identified in Section 330-X-15.02.

Author: Board

Statutory Authority: Section 34-11-8; Section 34-11-9; Section 34-11-35, Code of Alabama 1975

Effective Date: January 19, 2005. Amended: December 5, 2006.