

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-7-.03
Rule Title: Confidentiality of Reference Replies
 New; XX 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 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 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. Ding
Date 4/17/12

ALABAMA STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 330-X-7-.01 Statement of Policy
330-X-7-.02 References
330-X-7-.03 Confidentiality of Reference Replies

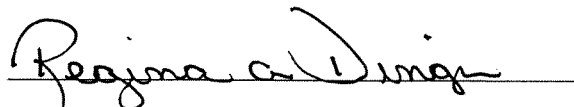
INTENDED ACTION: Amend

SUBSTANCE OF AMENDMENT: The Board proposes to amend existing rules to clarify that references should be from those individuals who have personal knowledge of an applicant and can issue judgments concerning an applicant's experience, ability, character, and reputation; and to identify that references are to remain confidential unless disclosure is required by law.

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

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**CHAPTER 330-X-7
REFERENCES**

- 330-X-7-.01 Statement of Policy
- 330-X-7-.02 References
- 330-X-7-.03 Confidentiality of Reference Replies

330-X-7-.01 Statement of Policy. References are those individuals who should have personal knowledge of an applicant and who are able to issue judgments concerning an applicant's experience, ability, character, and reputation.

- (1) The applicant should give serious attention to the selection of references.
- (2) The licensed professional engineers or licensed professional land surveyors under whose direct control and personal supervision the applicant has worked should normally be named as references.
- (3) Any Board Member may request a Board Member, a staff employee or others, to make an independent inquiry or investigation of the applicant's qualifications and report the findings.
- (4) Additional references may be required by the Board.

Author: Board

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

Effective date: September 10, 1982. Amended: April 9, 1990, October 18, 1994, June 17, 1996 and October 28, 1998.

330-X-7-.02 References.

- (1) The applicant shall furnish on the application for licensure five reference names, their addresses and if licensed, the jurisdictions in which they are licensed.
- (2) If applying for engineer licensure, a minimum of three of the five references must be currently licensed professional engineers; ~~however, it is desirable that all the references be licensed professional engineers~~ who are qualified to evaluate the applicant's engineering training and experience. It is preferable that all the references be licensed professional engineers.
- (3) If applying for land surveyor licensure, a minimum of three of the five references must be currently licensed professional land surveyors, who are qualified to evaluate the applicant's land surveying training and experience. It is preferable that all the references be licensed professional land surveyors.
- (4) All references should know the applicant personally and should be able to issue judgements concerning the applicant's experience, ability, character and reputation.
- (5) Accurate statements of fact from responsible references covering the applicant's experience are necessary.

(6) A current member of the Board cannot serve as a reference for an applicant.

(7) The Board may find it necessary to correspond directly with a reference to seek clarification or amplification of the reference's responses on the form submitted. If the reference fails or declines to furnish the necessary information within a reasonable time, all information submitted by that reference may be disregarded in consideration of the application involved.

(8) It is the responsibility of the applicant to have the reference forms completed that are provided in the application package. ~~The endorsers must return these forms directly to the Board office. See Rule 330-X-3-.01(4).~~

Author: Board

Statutory Authority: Section 34-11-5; Section 34-11-35, Code of Alabama 1975

Effective date: September 10, 1982. Amended: April 9, 1990, August 17, 1992, October 28, 1998, June 4, 2003 and January 29, 2008.

330-X-7-.03 Confidentiality of Reference Replies.

~~Those replies~~ Replies received from references regarding the qualifications of an applicant shall be included as records which do not constitute public records as provided for in Rule 330-X-1-.11, and such replies will be held confidential. The source and character of the/this information shall remain confidential unless disclosure is required by law.

Author: Board

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

Effective date: September 10, 1982. Amended: October 28, 1998.