

APA -1  
6/93

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Board of Licensure for Professional

Control 330 Department or Agency Engineers & Land Surveyors

Rule No. 330-X-16-.02

Rule Title: Probable Cause

         New;   X   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?         No        

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 Dingo  
Date 5/20/15

ALABAMA STATE BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:** 330-X-16-.02, Probable Cause.

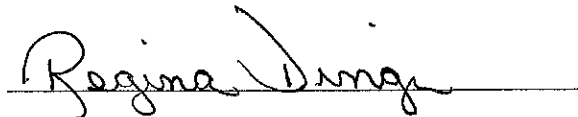
**INTENDED ACTION:** Amend

**SUBSTANCE OF AMENDMENT:** The Board proposes to amend the section to change the structure of the Investigative Committee and to require the unanimous vote of the committee determine what action should be taken.

**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 July 14, 2015.

**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-16  
DISCIPLINARY ACTION**

**330-X-16-.02 Probable Cause.** Upon receiving a complaint the Executive Director shall refer the complaint to one member of the Board; provided, however, that if the complaint is first made to a Board member, then it shall be referred to that Board member. The Board member to whom a complaint is referred, the Executive Director, and the Board's attorney, and the Board investigator (Investigative Committee), by a unanimous vote of the committee, shall determine appropriate action and/or whether probable cause exists. If charges are filed, the Board member who was a member of the Investigative Committee that made the probable cause determination shall not sit as a member of the Board at the disciplinary hearing held pursuant to the charges.

Author: Board

Statutory Authority: Section 34-11-11; Section 34-11-16; Section 34-11-35, Code of Ala. 1975  
Effective date: October 1, 1983. Amended: December 19, 1984, August 17, 1992, October 28, 1998, and July 24, 2008.