

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.01

364-X-1-.01. Purpose Of The Board.

Currentness

The Alabama Board of Licensure for Professional Geologists was created to protect life, property, health, safety, public welfare and the environment from danger and abuse by untrained or unprincipled persons who publicly practice the profession of geology, and to define and establish minimum professional standards for ethical conduct, professional responsibility, education, and experience. The Board is intended to insure that only those persons who meet the minimum qualifications for entry into the profession of geology, and are licensed as geologists, except for those who are exempted from licensing, shall publicly practice geology. This purpose is implemented by the adoption of the following rules and regulations, and through swift and effective discipline for those who are in violation.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-2.](#)

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Ala. Admin. Code r. 364-X-1-.01, AL ADC 364-X-1-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.02

364-X-1-.02. Composition And Selection Of The Board.

Currentness

The Board shall consist of seven (7) members, all licensed professional geologists. The Board shall include at least one (1) minority. All members shall be citizens of the United States, shall be residents of Alabama for five (5) years preceding appointment, and shall be at least twenty-five (25) years of age.

(1) Membership of the Board shall include at least one representative from each of the following work areas of geology: faculty of the departments of geology at colleges and universities in the State of Alabama; governmental agencies employing geologists; business; the mining industry; the petroleum industry; geotechnical and/or environmental engineering firms; and independent geological consultants.

(2) The term of office of each member shall be three (3) years and shall expire on September 30 of the last year of the appointment. No member shall serve more than two (2) consecutive three (3) year terms, without an interruption in service of at least three (3) years. The Governor may remove a member of the Board only for neglect of duty, an unexcused failure to attend more than one of the regularly scheduled meetings held in a calendar year, malfeasance, violation of this act, or conviction of a felony or other crime of moral turpitude.

(3) When the term of a member expires, the Governor shall appoint a new member or reappoint the current member for a full term. If a vacancy occurs the Governor shall appoint a replacement to fill the vacancy for the remainder of the unexpired term, within ninety (90) days of the vacancy.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-4.](#)

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.03

364-X-1-.03. Organization And Operation Of The Board.

Currentness

The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, secretarial, clerical and investigative, are paid from legislative appropriation of fees collected by the Board. The Attorney General and his/her assistants provide legal services to the Board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.04

364-X-1-.04. Officers Of The Board.

Currentness

(1) Election. The Board shall elect from its membership a Chair, a Vice Chair, and a Secretary-Treasurer. The Board may appoint an Assistant Secretary.

(2) Compensation and Expenses. Members of the board shall receive reimbursement for expenses incurred in the performance of duties of one hundred dollars (\$100) per day plus mileage payable at the same rate as paid for state officers and employees for each day of actual attendance at a regular or special meeting of the board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-4\(h\)](#).

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.05

364-X-1-.05. Employment Of Personnel By The Board.

Currentness

The Board may employ the necessary personnel for performance of its functions and fix their compensation. The Board may appoint committees to aid in the performance of its functions.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5](#).

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.06

364-X-1-.06. Executive Secretary.

Currentness

The Board may employ an Executive Secretary who shall be responsible for the administration of Board policy. The Board may also employ assistants to the Executive Secretary and other personnel needed for the performance of its functions. The Executive Secretary is designated as agent for the Board for service of legal process upon the Board. All correspondence to the Board, including requests, for information and all submissions and other requests, should be made to the Executive Secretary.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-4\(i\)](#).

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.07

364-X-1-.07. Rules Of Order.

Currentness

All proceedings of the Board shall be governed by Robert's Rules of Order, latest revised edition, except during disciplinary hearings and except where otherwise provided in these rules.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.08

364-X-1-.08. Order Of Business.

Currentness

The general order of business for a scheduled Board meeting shall be as follows unless otherwise amended by the Board:

- (1) Call to order
- (2) Verification by the Chair that a quorum of Board members is present
- (3) Approval of minutes of last Board meeting
- (4) Hearings to be held--Public and/or Disciplinary by the Board
- (5) Interview of applicants notified of or requested to appear before the Board
- (6) Consideration of applications
- (7) Committee reports
- (8) Correspondence (Communications)
- (9) Unfinished business
- (10) New business
- (11) Open Forum
- (12) Adjournment

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

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Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.09

364-X-1-.09. Quorum.

Currentness

A majority of the appointed membership of the Board shall constitute a quorum for all meetings.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5](#).

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.10

364-X-1-.10. Board Meetings.

Currentness

(1) Meetings can be called by the Chair or by a quorum of the Board.

(2) Each member of the Board shall be given at least seven (7) days' notice of the time, place, and purpose of any regular or special meeting by the Chair, unless such notice is waived by the individual member or unless such member is present at the called meeting.

(3) The Board shall hold at least three (3) regular meetings each year in Montgomery, Alabama. The Board may provide for additional special meetings including hearings, extra working days for applications review, and examination proctoring at any place agreed upon by the members.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

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Ala. Admin. Code r. 364-X-1-.10, AL ADC 364-X-1-.10

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1.-11

364-X-1.-11. Questions Of Procedure And Evidence.

Currentness

The Chair of the Board shall, except as otherwise provided in these rules, rule upon all questions of procedure and, in proceedings in which he/she presides and in which evidence is received, on the admissibility of that evidence. However, in disciplinary hearings or other proceedings, which could be considered a contested case under the Alabama Administrative Procedures Act, the Board may appoint a hearing officer to conduct the proceedings or to rule on matters of procedure.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.12

364-X-1-.12. Voting.

Currentness

All members of the Board physically present at the meeting, including the Chair, are entitled to vote and to make or second motions. A majority of those members of the Board physically present and voting on any matter shall decide that matter before the Board, except on procedural and evidentiary matters which are provided for in Rule 364-X-1-.11 and in matters which constitute contested cases under the Alabama Administrative Procedures Act which are provided for in [Code of Ala. 1975, § 41-22-12](#). The Chair shall vote as a member of the Board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5](#).

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Ala. Admin. Code r. 364-X-1-.12, AL ADC 364-X-1-.12

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.13

364-X-1-.13. Use Of Forms.

Currentness

All applications and requests for which the Board has a prescribed form must be made on the prescribed form. Copies of forms in use and instructions for their completion are available from the Executive Secretary or his/her assistant.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-5, 34-41-9.](#)

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Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.14

364-X-1-.14. Records.

Currentness

(1) “Public Record” for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known by the public. Records which do not constitute “public records” include but are not limited to those received by a public officer in confidence, sensitive personnel records, test scores, applications, letters of reference relating to applications, registrants records, complaints against registrants, and records the disclosure of which would be detrimental to the best interests of the public.

(2) Specific public records are available for inspection at Board headquarters during regular business hours.

(3) Any person wishing to obtain copies of specific public records may request same from the Executive Secretary or his/her assistant, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set from time to time by resolution by the Board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5, 34-41-9, 34-41-15.](#)

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.15

364-X-1-.15. Roster.

Currentness

The Secretary-Treasurer of the Board shall publish biennially a roster showing the names, license numbers, places of business, and business and residence addresses of all professional geologists licensed in Alabama. Copies of this roster shall be made available to the public upon request and payment of a reasonable fee, which shall be set by resolution of the Board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, Section 34-41-16.](#)

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-1. Organization and Administrative Procedures

Ala. Admin. Code r. 364-X-1-.16

364-X-1-.16. Declaratory Rulings.

Currentness

(1) Any person substantially affected by a statute administered by the Board, a rule promulgated by the Board, or an order issued by the Board, may request a declaratory ruling either as to the manner in which the statute or rule applies to a particular factual situation, the validity of a Board rule, or the meaning or scope of the order. A petition under this section shall be in writing and shall state with particularity facts sufficient to show that the person seeking relief is substantially affected by the rule statute, or order. For purposes of this section, “substantially affected by” means more than merely inconvenienced by the statute, rule or order.

(2) A petition for a declaratory ruling shall be submitted in the following form:

Petition for Declaratory Ruling On Rule No. ____

- (a) Name, address, and telephone number of petitioner,
- (b) All rules or statutes that may be involved in the petition, if known,
- (c) The exact question to which an answer is desired,
- (d) Clear and concise statement of the precise factual situation involved,
- (e) The reason for submitting the petition,
- (f) Full disclosure of the petitioner's interest,
- (g) Statement as to whether the petitioner's case is presently under consideration by the Board of Licensure for Professional Geologists,
- (h) Statement of whether an oral hearing is desired and, if so, the reason therefor, and
- (i) Affidavit Certification

Signature of Petitioner_____

Sworn to and subscribed before me this the ____ day of _____ 19____

—

Notary Public

(3) Such rulings will be made in accordance with the Alabama Administrative Procedures Act, [Section 41-22-11](#), [Code of Ala. 1975](#).

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5](#).

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-2. Definitions

Ala. Admin. Code r. 364-X-2-.01

364-X-2-.01. Definition Of Terms.

Currentness

The following terms are hereby defined:

- (1) “Board” shall mean The Alabama Board of Licensure for Professional Geologists.
- (2) “Geologist” is a person who holds a degree in the geological sciences from an accredited college or university.
- (3) “Geologist-in-Training” is a person who holds a degree in the geological sciences from an accredited college or university and who has successfully passed the part of the professional examination covering fundamental or academic geological subjects.
- (4) “Geology” is the science dealing with the earth and its history; its constituent rocks, minerals, liquids, gases, and other materials of which it is composed, and the study of the processes responsible for the development and change in the component parts of the earth, for the benefit of mankind.
- (5) “Good moral character” shall mean that character that tends to ensure the faithful discharge of the professional duties of the licensed professional geologist based on truth and adherence to ethical principles.
- (6) “License” shall be interpreted as a certificate issued by the Board recognizing the individual named in this certificate as meeting the requirements for licensing under this act.
- (7) “Licensed Professional Geologist” is the title for a person who holds a license as a professional geologist under this act.
- (8) “Public practice of geology” for purposes of these rules and also for purposes of the application of Sections 34-41-1, et seq. of the Code of Ala. 1975, shall mean the performance of geological service or work, including, but not limited to, consultation, geological investigation, surveys, evaluations, planning, mapping, or review of geological work related to the public practice of geology, or both, in which the performance is related to the public welfare or safeguarding of life, health, property, and the environment except as otherwise specifically provided by the Section 34-41-1, et seq. of the Code of Ala 1975. A person publicly practices or offers to publicly practice geology if the person does any of the following:
 - (a) Offers to or provides geological work or services to the public in any discipline of the profession of geology.

(b) Represents himself or herself to be a licensed professional geologist by verbal claim, sign, advertisement, letterhead, card, or in another way.

(c) Implies that he or she is a licensed professional geologist or that he or she is registered under this act through the used of some other title.

(d) Holds himself or herself out as one who performs or is able to perform any geological services or work recognized by the Board as the public practice of geology.

For purposes of these rules and for purposes of Code of Ala. 1975, § 24-41-1, et seq., the following tasks and services shall be considered services or geological work:

Geologic and hydrogeologic logging of wells; geologic and hydrogeologic cross sections and associated interpretations; geologic and hydrogeologic surveys and reports; interpretations of geologic formations and aquifers from regional and site data; interpretation of uppermost aquifer; interpretation of confined or unconfined aquifers from well logs; evaluation of perched ground water conditions using well logs; surficial geologic mapping; subsurface geologic mapping; interpretation of hydrogeologic flow characteristics; sedimentation and sediment geochemistry; interpretation of geologic and hydrogeologic characteristics from geophysical logs; mineralogic and petrologic petrographic evaluations.

These tasks and services, however, are not exhaustive of the tasks and services that may constitute geological services or geological work.

(9) “Responsible charge of work” shall mean the independent control and direction by the use of initiative, skill, and independent judgment of geological work or the supervision of such work.

(10) “Specialty” shall be interpreted as a discipline of geology which is recognized as a subdiscipline for purposes of certification after registration as a licensed professional geologist.

(11) “Subordinate” is a person who assists a licensed professional geologist in the public practice of geology without assuming the responsible charge of work and who is under the direction and supervision of a licensed professional geologist.

(12) “Unprofessional conduct” concerns the practice of geology by a licensed professional geologist who willfully performs any act, causes omissions, or makes any assertions or representation which are fraudulent, deceitful or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of geology.

(13) “Resident of Alabama” shall be interpreted by the Board to include an employee of an Alabama-based employer who may be living beyond the geographical boundaries of the State as a condition of employment at the time such an employee files.

(14) “Independent Consultant” shall mean an individual or a company consisting of no more than two persons the main business of which is to perform geological services for hire for other entities.

(15) “Public Record” for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known by the public.

(16) For purposes of [Rule 364-X-1-.16](#), an “Aggrieved Person” means a person substantially affected, not just inconvenienced, by a statute administered by the Board or a rule promulgated by the Board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-3](#).

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-3. Applications

Ala. Admin. Code r. 364-X-3-.01

364-X-3-.01. Classification Of Applications.

Currentness

In order to insure that each applicant's qualifications will be evaluated in accordance with the law, the Executive Secretary or his/her assistant will, after an initial review of the qualifications presented by the applicant, substantiate the qualifications and will classify the application into one of the following groupings for evaluation and approval or disapproval by the Board:

(a) Class 1--Professional Geologists' Applications

(b) Class 2--Geologist-in-Training Applications

(c) Class 3--Specialties Applications

(d) Class 4--Applications for Comity

(e) Class 5--Applications for Renewal

(f) Class 6--Applications for Replacement

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-5, 34-41-8, 34-41-9, 34-41-10, 34-41-12, 34-41-13, 34-41-21.](#)

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-3. Applications

Ala. Admin. Code r. 364-X-3-.02

364-X-3-.02. Application Form.

Currentness

(1) All applications for licensure or otherwise shall be made on a form provided by the Board and no applications made otherwise will be accepted. The applicant may request additional forms or duplicate the experience record part of the application form when space on the original form is insufficient. Applications must be clearly typewritten in black color and in a font suitable for photostatic copy and all questions must be answered. An incomplete application or one not properly made out, or not containing all of the information required, or not accompanied by the required fee, will be returned with a statement of the reason for return. The application shall be accompanied by an unmounted recognizable, recent photograph [one not more than six (6) months old] of the applicant, with date taken, or photoengraving of same size (2 by 2 inches overall with face not less than 3/4 inches wide).

(2) Applications for licensure as a Professional Geologist or for certification as a Geologist-in-Training shall be signed and dated by the applicant and sworn to, on a form provided by the Board, before a Notary Public or other person qualified to administer oaths.

(3) The conditions and rules included with the Application Form shall be construed to be a part of the Rules and Regulations, and Administrative Code of the Board.

(4) All applications for examination and enrollment as a Geologist-in-Training shall be filed with the Board at least forty-five (45) days before the date set for examination. Applications for examination and licensing as a Professional Geologist shall be filed with the Board at least ninety (90) days before the date set for examination. These time limits will allow for initial processing by the Board.

(5) Withholding information, misrepresentation, or false statements will be cause for denial of application.

(6) A geologist who is registered or licensed in another state, territory, or possession of the United States, or the District of Columbia, and whose license or registration is current may apply for licensure by comity in Alabama, provided that in order to obtain said license or registration the geologist has met requirements which are substantially the same as, or more stringent than, those required for licensure in Alabama. The acceptance of scores on examinations from the National Association of State Board of Geologists is governed by [Section 364-X-8-.07](#).

(7) The Board requires an official transcript from each college or university where the applicant received a degree with a major in geology or related science. The official transcript(s) should show degree(s) issued and date of issuance. It is the responsibility of the applicant to see that such an official transcript is sent directly from the institution to the Board

Office and no action will be taken by the Board until such documentation is received. All costs for such documentation shall be borne by the applicant.

(8) A graduate of a foreign institution should have his or her official transcript sent directly from the institution to a Board-approved organization (agency) which specializes in evaluating educational credentials for translation and authentication. Documentation of translation and authentication should then be sent from the Board-approved organization (agency) direct to the Board Office for evaluation by the Board. All costs for verification shall be borne by the applicant.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-5, 34-41-9, 34-41-10.](#)

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-3. Applications

Ala. Admin. Code r. 364-X-3-.03

364-X-3-.03. Reconsideration Of Denied Applications.

Currentness

- (1) A denied application for licensure or otherwise may be reconsidered by the Board, if notice of appeal is filed with the Executive Secretary within thirty (30) days after the applicant has been notified of the ruling of the Board.
- (2) A hearing before the Board shall be held, de novo, within ninety (90) days after filing of the notice of appeal, or at such time agreed upon by stipulation between the applicant and the Executive Secretary.
- (3) The hearing shall be held by at least a quorum of the Board, as defined in [Section 34-41-5, Code of Ala. 1975](#).
- (4) Evidence shall be admitted at the hearing in accordance with [Code of Ala. 1975, Section 41-22-13](#). The applicant shall be allowed to have legal counsel present if desired.
- (5) The Board shall issue a final decision within thirty-(30) days of the date of the hearing, which shall include findings of fact and official notice taken. The applicant shall be delivered a copy of the decision by first class mail.
- (6) Judicial review of the decision of the Board shall be as accordance with the Alabama Administrative Procedure Act.
- (7) The record on appeal shall be certified by the Executive Secretary of the Board, and shall include the entire record and transcript of the hearing.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-3-.03, AL ADC 364-X-3-.03

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-3. Applications

Ala. Admin. Code r. 364-X-3-.04

364-X-3-.04. Disposition Of Applications.

Currentness

(1) Approved Applications--When the Board, after due consideration of an application and of information pertaining thereto, is satisfied that the applicant is eligible for certification as a Geologist-in-Training, or licensing as a Professional Geologist, under Section 34-41-1 et seq., Code of Ala. 1975, the applicant will be granted a certificate or a license, and the applicant will be notified by the Executive Secretary.

(2) Deferred Applications--If an applicant's geological training and experience is considered inadequate upon Board review, but the Board believes the minimum legal requirements may be met within one (1) year, such application may be held by the Board for up to one (1) year without approval or denial. Such applicant will be advised of the basis for holding the application, of additional information to be submitted, and of the approximate date on which the application will be formally considered again. If more than one (1) additional year of experience is considered necessary, the application will be denied .

(3) Denied Applications--When the Board, after due consideration of an application and of information pertaining thereto, finds that the applicant is not eligible for licensure under Section 34-41-1 et seq. Code of Ala. 1975, the applicant will be denied licensure and the application will be held for five (5) years. The applicant will be notified of the action of the Board by the Executive Secretary, and for further consideration the applicant may submit a new application, without fee, after securing the necessary experience, provided the resubmittal is within five (5) years.

(4) Appeals--appeals from decisions of the Board with regard to applications shall be in accordance with 364-X-3-.03(6), above, and the Alabama Administrative Procedure Act.

(5) Inactive Applications--If all necessary information and documentation required for Board review is not received within one (1) year after the application has been filed, the application will be placed in the inactive file and the applicant will be notified.

(6) Records Retention Schedule--Applications that fall into the following classifications will be maintained on file in the Board office for the period shown and thereafter may be destroyed:

(a) deferred--two (2) years

(b) denied--five (5) years

(c) inactive--two (2) years

(7) Any application that involved disciplinary action or violations will be retained by the Board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-5, 34-41-15, 34-41-20.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-3-.04, AL ADC 364-X-3-.04

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-4. Fees

Ala. Admin. Code r. 364-X-4-.01

364-X-4-.01. Method Of Payment.

Currentness

Fees shall be payable to the Alabama Board of Licensure for Professional Geologists, Montgomery, Alabama, at the address noted on the Application. Payment of fees must be made by check (personal, company or cashier's) or money order. Credit card payments may only be used for payment online through Alabama Interactive. Partial payments will not be accepted. Applications not accompanied by the proper fee will be returned to the applicant.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §34-41-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed August 11, 2014; effective September 15, 2014.

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Ala. Admin. Code r. 364-X-4-.01, AL ADC 364-X-4-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-4. Fees

Ala. Admin. Code r. 364-X-4-.02

364-X-4-.02. Fees.

Currentness

No fee, or part of any fee, paid by any applicant for application, examination and/or licensure will be returned to the applicant, either in the event of his/her failure to take the examination, or in the event of his/her failure to pass the required examination, if and when given.

Fees to be collected by the Board are as follows:

1. Application Fee \$150
2. License Fee \$150
3. Geologist-In-Training Fee \$75
4. Seals and Stamps \$75
5. Renewal Fee \$150
6. Late Fee \$100
7. Temporary License Fee \$200
8. Fundamentals of Geology Exam \$150
9. Practice of Geology Exam \$250
10. Roster Fee \$25
11. License Replacement Fee \$10

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §34-41-5](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed August 27, 2007; effective October 1, 2007. **Amended:** Filed October 30, 2008; effective December 4, 2008. **Amended:** Filed August 11, 2014; effective September 15, 2014.

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Ala. Admin. Code r. 364-X-4-.02, AL ADC 364-X-4-.02

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-5. Curricula Approved by the Board

Ala. Admin. Code r. 364-X-5-.01

364-X-5-.01. Curricula Approved By The Board.

Currentness

(1) In accordance with the Licensure Law, [Section 34-41-1 et seq. Code of Ala. 1975](#), an applicant is eligible for a license as a professional geologist in the State of Alabama if he/she meets the following educational requirements:

(a) Has graduated from an accredited college or university with a degree in geology, engineering geology, or one of the related geological sciences. The college or university shall be accredited or officially recognized and approved as appropriate within the state in which the college or university is situated.

(b) Has a degree with a major in geology, engineering geology, or one of the related acceptable geological sciences from a department offering a formal curriculum in geology, engineering geology, or a related geological science, such as geophysics, or has obtained a graduate degree in one of the above referenced disciplines. In any event, a minimum of thirty (30) semester hours (or its quarter-hour equivalent) of geology courses or the equivalent course work in the geological sciences leading to a degree from an accredited university or college is required.

(2) The following courses (or their equivalent) are suggested for licensure.

Physical Geology	4 semester hours
Historical Geology	4 semester hours
Mineralogy	4 semester hours
Structural Geology	3 semester hours
Stratigraphy	3 semester hours
Field Geology	6 semester hours

Other courses, which may be considered toward the licensure requirements, shall include the following (or their equivalent)

Applied Geophysics

Economic Geology

Environmental/Engineering Geology

Geomorphology

Groundwater Hydrology, Hydrology, or Hydrogeochemistry Paleontology

Petroleum Geology

Petrology, Petrography, or Sedimentary Petrology

Igneous and Metamorphic Petrology

Optical Mineralogy

Sedimentology

Other geologically related courses may be considered by the Board.

In no case will course work which is not specifically focused on the geological sciences be considered toward meeting the basic education requirements.

(3) Documentation of all educational qualifications will be through certified written references or certified transcripts submitted directly to the Board by the accredited university or college.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§34-41-9, 34-41-10.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002. **Amended:** Filed April 22, 2015; effective May 27, 2015;

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Ala. Admin. Code r. 364-X-5-.01, AL ADC 364-X-5-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-6. Experience

Ala. Admin. Code r. 364-X-6-.01

364-X-6-.01. Qualifying Experience.

Currentness

The applicant for licensure as a professional geologist must have at least five (5) years of full-time professional work experience. In evaluating experience offered as qualifying experience under [Section 34-41-10, Code of Ala. 1975](#), the Board will take into consideration the following:

(1) Experience should be progressive and of an increasing standard of quality and responsibility and should follow receipt of a bachelor's or graduate degree as defined in [Section 34-41-10, Code of Ala. 1975](#).

(2) Experience must be gained either as a Geologist-in-Training or in geologic work related to the public practice of geology that is acceptable to the Board. In all cases, the Board shall determine if the applicant has demonstrated his or her ability by having gained experience by performing work in a responsible position. The adequacy of the required supervision and experience shall be documented to the Board and its approval is solely at the discretion of the Board.

(3) The term "Geologist-in-Training" shall mean a person who holds a degree in geology, engineering geology, or one of the related geological sciences from an accredited college or university and who has successfully passed the part of the professional examination covering fundamental or academic geological subjects. A "Geologist-in-Training" must be working under the direct supervision of a registered or licensed professional geologist or a geologist whose credentials are equal to or greater than the minimum qualifications acceptable for licensure under [Section 34-41-10, Code of Ala. 1975](#).

(4) If all or a portion of the claimed experience was not obtained as a "geologist-in-training," then the indirect supervision should be fully explained with clarification and documentation of the degree of supervision received. Such verification of this and other claimed experience must be on forms provided with the application. It is the responsibility of the applicant to see that these forms are completed and returned by the supervisor directly to the Board Office at least ten (10) days prior to the Board meeting at which the application is to be considered, or forty-five (45) days before the examination date.

(5) The Board, at its discretion, may give a maximum of one (1) year's experience credit for each graduate degree in geology, engineering geology, or one of the related geologic sciences.

(6) The Board, at its discretion, may consider work in related fields as acceptable work experience.

(7) Professional geologic research of applicants either teaching at the college or university level or in research agencies of state or federal government shall be credited and applied toward the experience requirements, provided this research

is acceptably documented to the Board and of a sufficiently responsible nature to be equivalent to the experience requirements set forth in [Section 34-41-10, Code of Ala. 1975](#).

(8) Experience must not be anticipated, that is, the application must not be postdated. The experience must have actually been received at the time the application is submitted.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-10](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-6. Experience

Ala. Admin. Code r. 364-X-6-.02

364-X-6-.02. Non-Qualifying Experience.

Currentness

- (1) Short periods of geological employment of less than three (3) months will not be considered creditable.
- (2) Experience must not have been obtained in violation of [Section 34-41-1, Code of Ala. 1975](#) (the Licensure Law) of Alabama or any other state.
- (3) Board will not accept the mere execution as a contractor of work designed by a licensed professional geologist as qualifying geological experience.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-10](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-6-.02, AL ADC 364-X-6-.02

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-7. References

Ala. Admin. Code r. 364-X-7-.01

364-X-7-.01. Statement Of Policy.

Currentness

References should clearly establish the character, reputation, responsibility, integrity and competence of the applicant and verify all claimed experience.

- (1) The geologists under whose direct supervision the applicant has worked should be given as references.
- (2) Any Board Member may on his/her own initiative, or the Board as a whole may request a Board Member, a staff employee, or others to make an independent investigation of the applicant's qualifications and report his/her findings.
- (3) Additional references may be required by the Board.
- (4) It is the responsibility of the applicant to assure the timely submissions of all experience verification forms and educational transcripts. Board action will not be taken until all necessary information has been received. This information must be on file in the Board office ten (10) days prior to the date of the next scheduled Board meeting and ninety (90) days prior to the date of the next scheduled examination for professional licensure.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-5, 34-41-10.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-7-.01, AL ADC 364-X-7-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-7. References

Ala. Admin. Code r. 364-X-7-.02

364-X-7-.02. References.

Currentness

- (1) The applicant shall furnish on his/her application for licensing the names and addresses of at least five (5) references.
- (2) At least three (3) of the five (5) references shall be professional geologists having personal knowledge of the geologic experience of the applicant.
- (3) Two (2) of the five-(5) references may attest to the moral character, reputation integrity and community standing of the applicant.
- (4) All references should know the applicant personally and should be able to issue judgments concerning the applicant's experience, ability, character and/or reputation.
- (5) Accurate statements of fact from responsible references covering the applicant's experience are necessary.
- (6) References dated more than one (1) year prior to Board review are not acceptable.
- (7) A current member of the Board may serve as a reference for an applicant, but must abstain from voting on that applicant.
- (8) The Board may occasionally find it necessary to correspond directly with a reference to seek clarification or amplification of the reference's original statements, which may have been unfavorable, questionable, or simply inadequate to substantiate experience claimed by the applicant. 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 and the applicant will be so notified, and additional references requested.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-9, 34-41-10.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-7. References

Ala. Admin. Code r. 364-X-7-.03

364-X-7-.03. Confidentiality Of Reference Replies.

Currentness

Those 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 364-X-1-.14](#), and such replies will be held confidential.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-15](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-8. Examinations

Ala. Admin. Code r. 364-X-8-.01

364-X-8-.01. Statement Of Policy.

Currentness

A candidate for licensing must pass a written examination, approved by the Board, which is designed to demonstrate that the applicant has the necessary knowledge and requisite skills to exercise the responsibilities of the public practice of geology.

(1) The Board shall waive the written examination requirement if, within one (1) year after the initial Board's first request for applications, the applicant meets all other requirements and makes a written request to the Board for such waiver at the time of application for licensing.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-10, 34-41-11.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-8-.01, AL ADC 364-X-8-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-8. Examinations

Ala. Admin. Code r. 364-X-8-.02

364-X-8-.02. Examination Dates And Locations.

Currentness

- (1) Written examinations are offered annually at times and dates set by the Board.
- (2) Locations at which the examinations are given are designated by the Board and this information is available at least three (3) months in advance of the examinations.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-5, 34-41-10.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-8-.02, AL ADC 364-X-8-.02

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-8. Examinations

Ala. Admin. Code r. 364-X-8-.03

364-X-8-.03. Examinations In The English Language.

Currentness

All examinations will be in the English language.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-10, 34-41-11.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-8-.03, AL ADC 364-X-8-.03

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-8. Examinations

Ala. Admin. Code r. 364-X-8-.04

364-X-8-.04. Examination Fee.

Currentness

The fee for examination shall not exceed \$200.00 per examination.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-11.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-8-.04, AL ADC 364-X-8-.04

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-8. Examinations

Ala. Admin. Code r. 364-X-8-.05

364-X-8-.05. Examination Offerings.

Currentness

(1) An applicant will be notified at least thirty (30) days in advance of the examination time and location for which the exam fee has been paid.

(a) Should the applicant fail to take the examination offered or fail to pass the examination, the applicant must file a request for reexamination and pay the examination fee as set by the Board. Should the applicant fail to take the examination or fail to pass the examination applied for, the fee paid is not refundable.

(b) In the event an applicant fails to pass the required examination after three (3) attempts (including absences), the applicant will be notified that the application has been denied.

(c) If an application is denied, an applicant, in order to be considered for further examinations, must file a new application, pay the application fee as required by law and submit a statement of additional education that is satisfactory to the Board. It will be incumbent upon the applicant to indicate on the new application the extent of additional qualifying experience and/or education since application closing which will permit the applicant to qualify for further examinations.

(d) In the event the requalified applicant again fails to pass the required examination after three (3) additional attempts, the application will be denied and the procedure as outlined in (c) above would then be repeated before further consideration would be afforded the applicant.

(e) An application will be considered valid and retained on file for a period of five (5) years only. After three (3) failures or five (5) years, whichever occurs first, an application will be closed and the applicant will be required to follow the procedure outlined in (c) above for reapplication.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-10, 34-41-11.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-8-.05, AL ADC 364-X-8-.05

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-8. Examinations

Ala. Admin. Code r. 364-X-8-.06

364-X-8-.06. Examination Results.

Currentness

Examination results will be reviewed by the Board and no information will be given to any applicant who has taken the examination until after the scores have been approved by the Board. The passing score on each examination will be determined by the Board. Passing scores will not be reported; however, the candidate will be advised of his/her score if below the passing score.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-15.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-8-.06, AL ADC 364-X-8-.06

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-8. Examinations

Ala. Admin. Code r. 364-X-8-.07

364-X-8-.07. Reference Points.

Currentness

The Alabama Board of Licensure for Professional Geologists, in agreement with the National Association of State Boards of Geologists (ASBOG) and member states registration or licensure boards, accepts test scores for the ASBOG Fundamental and Practice examination as a part of the licensure and registration requirements and as part of the comity licensure requirements. However, because veterans preferences and other forms of score adjustment are not recognized by the Board for licensure in Alabama, test scores that have been enhanced to a passing score by awarding of veterans preference or other forms of score adjustment in another member state will not be accepted for purposes of comity if the original score was below the recommended passing grade as established by testing service. An applicant from those member states granting veterans' preference points or other score adjustments to an applicant's test score will be asked to provide the original test score and the amount of preference point adjustment. A passing grade for each of the ASBOG tests is 70, as determined by the ASBOG testing service. No other passing grades enhanced by veterans or other preference points will be accepted.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-15.](#)

HISTORY: New Rule: March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-8-.07, AL ADC 364-X-8-.07

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-8. Examinations

Ala. Admin. Code r. 364-X-8-.08

364-X-8-.08. Challenges And Appeals To Professional Licensure Examination Tests.

Currentness

(1) The Alabama Board of Licensure for Professional Geologists, in agreement with the National Association of State Boards of Geologists (ASBOG), abides by the conditions and procedures as outlined in the examination contract between the Board and ASBOG. The Board, in using the ASBOG examinations, Fundamentals of Geology and Practice of Geology, has agreed to follow the suggested guidelines as provided in Sections 7 and 8 of the ASBOG Examination Contract. Those provisions are as follows:

Section 7. Appeals of Examination Results.

(a) Any appeals by candidates of the Examination shall be made directly to the Member Board.

(b) ASBOG will maintain a copy of the Examination for the purpose of legal review. In the event of a statutory appeal from a decision of the MEMBER BOARD, ASBOG, upon written request of the MEMBER BOARD, shall:

(1) manually re-score or re-grade answer sheets of any of the Examinations for a period of up to 90 days after the release of the Examination grades by the MEMBER BOARD; and

(2) promptly deliver, along with the above-referenced manually graded answer sheet(s), (via secured, traceable means) a copy of the Examination and related reference materials. The examination(s) and reference materials shall be returned by MEMBER BOARD (via secured, traceable means) to ASBOG promptly upon conclusion of appeal.

(c) ASBOG shall further respond to requests from the MEMBER BOARD for assistance with respect to challenges to the Examination by providing the MEMBER BOARD with written documentation that describes a statistical performance of examinations.

Section 8. Retention of Records. ASBOG shall retain scores, copies of the Examinations, scoring keys and the examination candidate's original answer sheet for a period of three (3) years after the Examinations are given by the MEMBER BOARD. In the event the MEMBER BOARD wants the above-stated documents retained for a period in excess of three (3) years from the date of Examinations are given, the MEMBER BOARD shall provide written notice of this request to ASBOG at least ninety (90) days prior to the end of the retention period.

(2) The Board will not accept challenges or request for appeal from individual examinees as to the results of the examination, if the examinee has a grade of less than 65. Challenges with a score of 65 to 69, when appealing the test score results, may review the examination and select no more than a total of six questions for comprehensive review. If,

after review, the challenger still has not achieved a passing score of 70, no further challenge or appeal will be allowed for that particular examination. If the challenger is successful, the test may be re-scored. If the re-score examination is 70, the Board shall pass the examinee.

(3) Questions and challenges directed toward the methodology of preparation and grading of the examinations are to be directed to ASBOG and not to the Board. Scoring statistics of individual examinations are available to the Board upon request.

(4) All costs incurred in a challenge or appeal are to be borne by the challenger. An administrative fee of \$100.00 per challenge or appeal must be submitted to the Board in order to initiate a challenge for review. All costs above the administrative fee are to be paid directly to ASBOG as prescribed by ASBOG. Under no circumstances will any part of the Administrative fee be waived or returned to the challenger.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-15](#).

HISTORY: New Rule: Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-8-.08, AL ADC 364-X-8-.08

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-9. Classifications and Specialties of Geology

Ala. Admin. Code r. 364-X-9-.01

364-X-9-.01. Classification Of Licensee.

Currentness

Applicants shall be registered or licensed under one or more of the following titles:

(1) Professional Geologist

(2) Geologist-in-Training

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-9.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-9-.01, AL ADC 364-X-9-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-9. Classifications and Specialties of Geology

Ala. Admin. Code r. 364-X-9-.02

364-X-9-.02. Specialties Of Geology.

Currentness

[Section 34-41-13, Code of Ala. 1975](#), makes no specific designations as to the specialties of Geology for which Certificate of Licensure as Professional Geologist shall be issued; however, the Rules of Professional Conduct, Rule 364-X-14-.03, provides that a professional geologist shall act only in fields in which he/she is qualified by education, training or experience. For consideration under [Section 34-41-10, Code of Ala. 1975](#), the Board will recognize degrees received in Geology from accredited institutions and will issue Certificates of Licensure as a Professional Geologist to applicants who demonstrate their qualifications under the provisions of the Law and in conformity with the Rules and Regulations of the Board.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-10, 34-41-13](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-9-.02, AL ADC 364-X-9-.02

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-10. Licensure

Ala. Admin. Code r. 364-X-10-.01

364-X-10-.01. Tasks And Services For Which Licensing Is Required.

Currentness

(1) For purposes of these rules and for purposes of [Code of Ala. 1975, § 34-41-1, et. seq.](#), the following tasks and services shall be considered geological services or geological work and therefore requiring licensure under [Code of Ala. 1975, § 34-41-1, et. seq.](#), by the person performing the tasks or services.

- (a) Geologic and hydrogeological logging of wells;
- (b) Geologic and hydrogeologic cross sections and associated interpretations;
- (c) Geologic and hydrogeologic surveys and reports;
- (d) Interpretations of geologic formations and aquifers from regional and site data;
- (e) Interpretation of confined or unconfined aquifers from well logs;
- (f) Evaluation of perched ground water conditions using well logs;
- (g) Surficial geologic mapping;
- (h) Subsurface geologic mapping;
- (i) Interpretation of hydrogeologic flow characteristics;
- (j) Sedimentation and sediment geochemistry;
- (k) Interpretation of geologic and hydrogeologic characteristics from geophysical logs; and
- (l) Mineralogic and petrologic petrographic evaluations.

(2) These tasks and services, however, are not exhaustive of the tasks and services, which may constitute geological services or geological work. Geological services and geological work is further defined above under [Rule 364-X-2-.01](#) and under [Code of Ala. 1975, § 34-41-3\(8\)](#).

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-12](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-10-.01, AL ADC 364-X-10-.01

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-10. Licensure

Ala. Admin. Code r. 364-X-10-.02

364-X-10-.02. License Number.

Currentness

At the time an applicant is granted a license by the Board, he/she will be assigned a serial number. These numbers will be issued consecutively in the order in which the applications are approved by the Board. The applicant will be advised of this serial number in the notice sent to him/her by the Executive Secretary.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-12.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-10. Licensure

Ala. Admin. Code r. 364-X-10-.03

364-X-10-.03. Certificates Of Licensure.

Currentness

Upon approval of a completed application, the Board will issue a Certificate of Licensure, signed by the Chairman and the Secretary/Treasurer, bearing the seal of the Board, and also bearing on its face the serial number of the licensee.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-12.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-10-.03, AL ADC 364-X-10-.03

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-10. Licensure

Ala. Admin. Code r. 364-X-10-.04

364-X-10-.04. Reissuance Of Certificates.

Currentness

A licensee requesting a new Certificate of Licensure to replace a certificate under the provisions of [Section 34-41-12, Code of Ala. 1975](#), shall surrender to the Board, if possible, the original certificate held by him/her and shall file with his /her request a sworn affidavit setting out the reasons for his/her request so that the Board records will reflect the reason for its issuance of a new certificate. Upon payment of fee as provided by [Section 34-41-12, Code of Ala. 1975](#) and completed form, a new certificate will be prepared.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-12](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-10-.04, AL ADC 364-X-10-.04

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-11. Seals

Ala. Admin. Code r. 364-X-11-.01

364-X-11-.01. Seal Of The Board.

Currentness

A seal of the Board shall be imprinted on all certificates issued by the Board. This seal of the Board shall be circular in form and at least two (2) inches in diameter. No corporation or company may use the seal of the Board, or any representation thereof, in any manner to advertise the licensure of its employees by the Board or to imply licensure or sanction by the Board. However, a licensed professional geologist, as defined under [Code of Ala. 1975, § 34-41-3\(7\)](#), may use the seal of the Board, or a representation thereof, on his or her individual business stationary or business cards but must indicate his or her license number in a prominent manner in conjunction therewith, with the seal of the Board not exceeding 1.5 inches in diameter. Otherwise than is specifically permitted by this rule, the use of the seal of the Board, or any representation thereof, for any purpose is prohibited without the express written permission of the Board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Repealed and New Rule:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-11-.01, AL ADC 364-X-11-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-11. Seals

Ala. Admin. Code r. 364-X-11-.02

364-X-11-.02. Seal Of The Licensee.

Currentness

(1) Upon approval of his/her application by the Board, the registrant will be advised that he/she may secure an official seal which shall be applied to geological drawings, specifications, reports and other geological documents prepared by him or under his responsible supervising control in accordance with [Code of Ala. 1975, § 34-41-14\(a\)](#).

(2) The seals to be used by the licensees are to be circular in form and at least 1 5/8 inches in diameter with copy of the design to be furnished each licensee upon registration.

(3) Rubber stamps, identical in size, design, and content with the approved seals may be used by the licensee at his/her option.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-14](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-11-.02, AL ADC 364-X-11-.02

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-11. Seals

Ala. Admin. Code r. 364-X-11-.03

364-X-11-.03. Seal On Documents.

Currentness

(1) The seal, signature, and serial number of a licensee on a document constitute a certification that the document was prepared by the licensee or under his/her direct supervision or that he/she has reviewed the document in sufficient depth to fully coordinate and assume responsibility for plans prepared by another geologist. A geological report, document, or illustration cannot be submitted in the name of a corporation, company, or partnership without the signature and seal of the licensed geologist accepting the responsibility for the work described. Geological documents include any document, illustration, or paper (including those electronically or photostatically reproduced), resulting from professional services or supervision of professional services, where such services requires the application of geological principles or data. When appropriate, use of electronic or digital reproduction of the seal or stamp is allowed, provided the reproduction is in accordance with 364-X-11-.02 and 364-X-11-.03(3).

(2) Each sheet of plans, drawings, documents, specifications and reports shall be signed, sealed, and dated by the licensee or permit holder preparing them, or directing and controlling their preparation.

(3) Where more than one (1) sheet is bound together in one (1) volume, the licensee or permit holder who prepared said volume, or under whose direction and control said volume was prepared, may sign, seal, and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume, and provided that any of the other sheets which were prepared by or under the direction and control of, another licensee or permit holder, be signed, sealed, and dated by said other licensee or permit holder.

(4) Additions, deletions or other revisions affecting public health and safety or State and local codes shall not be made unless signed, sealed, and dated by the licensee or permit older who made the revisions or under whose direction and control said revisions were made.

(5) Working drawings consisting of sketches, reports or other work products which are in a/hole or part intended to communicate work to be performed or for use in specific proposals and/or becomes a part of defining the scope of a contract for work, written or verbal, must be sealed by the licensed professional geologist who prepared these drawings or under whose supervision they were prepared.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §34-41-14.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002. **Amended:** Filed March 5, 2018; effective April 19, 2018.

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Ala. Admin. Code r. 364-X-11-.03, AL ADC 364-X-11-.03

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-12. Interim Permits

Ala. Admin. Code r. 364-X-12-.01

364-X-12-.01. Requirements.

Currentness

(1) The Board may grant an interim permit for comity, not to exceed ninety (90) days in any calendar year, to practice as a professional geologist to persons who apply for such permit and who are eligible under [Section 34-41-5\(h\)](#) and [34-41-8\(b\)\(2\)](#), [Code of Ala. 1975](#). The application procedure for an interim permit is identical to that prescribed for continuing licensure as a professional geologist in this State. A person desiring an interim permit will file the prescribed application for license and request in writing within ten (10) days of entering the State for commencing the work for which the permit is sought that he/she be issued an interim permit. This request will state the reason for requesting such permit, the specific work to which it applies, and maximum time, both in-State and out-of-state, for completing the work.

(2) If the Executive Secretary of the Board finds the application and request to be in order, the request for an interim permit will be referred to a Member of the Board by mail, and upon his/her approval the interim permit and number will be issued through the Office of the Board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-8](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002. **Amended:** Filed May 12, 2011; effective June 16, 2011.

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Ala. Admin. Code r. 364-X-12-.01, AL ADC 364-X-12-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-12. Interim Permits

Ala. Admin. Code r. 364-X-12-.02

364-X-12-.02. Issuance.

Currentness

- (1) An interim permit will be effective for an aggregate of ninety (90) days in any one-(1) calendar year.

- (2) While practicing under an interim permit in the State, the holder thereof will affix to all plans and documents for use and execution in this State, the seal or stamp required in the state in which he/she is licensed or registered, with the added notation: "Practicing in the State of Alabama under Interim Permit No....."

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-8.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002. **Amended:** Filed May 12, 2011; effective June 16, 2011.

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Ala. Admin. Code r. 364-X-12-.02, AL ADC 364-X-12-.02

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-13. Expiration and Renewals

Ala. Admin. Code r. 364-X-13-.01

364-X-13-.01. Renewals.

Currentness

(1) Stipulations with reference to expirations and renewal of Certificates of Licensure are set out in [Section 34-41-12, Code of Ala. 1975](#). Licenses will expire from the effective date of licensure the second year after date of award of licensure and registration. Registrants will be mailed biennially, an application for renewal of registration. This original application must be signed and returned to the Board office with the renewal fee within thirty (30) days of receipt. The registration renewal notice will contain the Rules of Professional Conduct (Code of Ethics), Rule 364-X-14, which the registrant is required to read and by signature reaffirms agreement to abide by the Rules of Professional Conduct.

(2) The Renewal Fee is set each renewal period and it may vary from period to period. Therefore, no advance renewal fees will be accepted.

(3) No continuing education activities are required during the initial licensing period and renewal is automatic for the second two (2)-year period of licensure upon application. In order to apply for a second renewal of licensure applicants must have satisfactorily completed continuing education requirements as set forth below

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-12](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed November 22, 2004; effective December 27, 2004.

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Ala. Admin. Code r. 364-X-13-.01, AL ADC 364-X-13-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-13. Expiration and Renewals

Ala. Admin. Code r. 364-X-13-.02

364-X-13-.02. Continuing Education.

Currentness

(1) Purpose--In order to safeguard life, health, and property, and to promote the public welfare, the practice of geology in Alabama requires continuing education in accordance with [Section 34-41-12\(c\), Code of Ala. 1975](#), and this Rule.

(2) Scope -- Each in-state and out-of-state licensee shall be required to meet the continuing educational requirements of these regulations for professional development as a condition for license renewal. Continuing education obtained by a licensee should maintain, improve or expand skills and knowledge obtained prior to initial licensure or develop new and relevant skills and knowledge.

(3) Definitions -- Terms used in this section are defined as follows:

(a) Professional Development Hour (PDH)--A contact (clock) hour consisting of not less than fifty (50) minutes of instruction or presentation and which further meets the requirements of these rules.

(b) Sponsor -- An individual, organization, association, institution or other entity which provides an educational activity used to fulfill the continuing educational requirements of this rule.

(c) Board -- The Alabama Board of Licensure for Professional Geologists, the legal state entity having jurisdiction to license individuals to practice the profession of geology and to discipline those practitioners who violate the applicable laws or rules promulgated by the Board.

(d) Licensee -- A person licensed as a professional geologist in the State of Alabama.

(4) Requirements -- To demonstrate that a licensed professional geologist maintains an acceptable level of competency, a licensee must obtain the number of Professional Development Hours (PDH) as shown below. This requirement must be satisfied biennially during the two (2) year period from July 1 through June 30 except for any carryover permitted.

(a) The licensed professional geologist must earn a minimum of thirty (30) PDH per biennial period, except for the carryover permitted. The number of professional development hours which may be carried forward into the next biennial period shall not exceed fifteen (15).

(5) Activities -- Continuing educational activities which satisfy the professional development requirements shall include, but not be limited to:

- (a) successfully completing or auditing college or university sponsored courses,
- (b) successfully completing courses which are awarded continuing educational units (CEU),
- (c) attending seminars, tutorial, short courses, correspondence courses, televised courses or videotaped courses,
- (d) attending in-house programs sponsored by corporations or other organizations,
- (e) teaching or instructing as described in (a) through (d) above,
- (f) authoring published papers, articles, or books,
- (g) making presentations at technical meetings,
- (h) attending program presentations or field trips at related technical or professional meetings.

All of such activities as described in (a) through (h) above must be relevant to the practice of geology and may include both technical or managerial content. Participation in any claimed PDH activity must be accompanied by the prescribed documentation as established by the Board.

(6) Criteria -- Continuing educational activities must meet the following criteria:

- (a) there is a clear purpose and objective for each activity which will maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.
- (b) the content of each presentation is well organized and presented in a sequential manner.
- (c) there is evidence of preplanning which should include the opportunity for input by the target group to be served.
- (d) the presentation will be made by persons who are well qualified by education or experience.
- (e) there is a provision for individual participant registration which will include information required for record keeping and reporting.

(7) Units -- The conversion to PDH units from other units is as follows:

One	(1) University semester hour of credit	fifteen (15)PDH
One	(1) University quarter hour of credit	ten (10) PDH
One	(1) Continuing Educational Unit (CEU)	ten (10) PDH
One	(1) Hour of acceptable professional activities	one (1) PDH

(8) Credits -- Professional Development Hours (PDH) of credit for qualifying courses successfully completed which offer semester hour, quarter hour, or CEU credit is as specified above. All other activities permit the earning of one (1) PDH of credit for each contact hour as defined in Rule 364-X-13-.02(3)(a), with the following exceptions:

(a) auditing of university or college courses permit PDH credit of 1/3 that shown in (7) above.

(b) teaching or instructing qualifying courses or seminars or making presentations at technical meetings can earn PDH credit at twice that of participants.

(c) authorship of papers, articles, books, or other published works cannot be claimed until actually published. Credit earned will equal preparation time spent not to exceed twenty-five (25) PDH per publication.

(d) the Board does not encourage meeting continuing educational requirements through correspondence courses. Correspondence course PDH's may be acceptable; however, the registrant should submit supporting documentation to the Board to demonstrate high quality education from the course, preferably before attempting the course.

(9) Exemptions -- A licensee may be exempt from the professional development educational requirements for one of the following reasons:

(a) new licensees by way of examination or reciprocity shall be exempt for their first renewal period.

(b) non-career military licensees serving on active duty in the armed forces of the United States may be exempted at the discretion of the Board upon application of the licensee from obtaining the professional development hours required during the biennial period.

(c) a licensee employed as a professional geologist and assigned to duty outside the United States may be exempted from obtaining the professional development hours required during that biennial period upon application of the licensee.

(d) licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board.

(e) licensees who list their occupation as Retired/inactive on the Board approved renewal form and who certify that they are not currently practicing geology shall be exempt from the professional development hours required. In the event such

a person elects to return to active practice of professional geology, professional development hours must be earned for the exempted period not to exceed the requirement for two (2) years before the person returns to active practice.

(f) licensees who are the age of sixty-five (65) at the time of renewal.

(10) Reciprocity -- Continuing educational requirements may be met without completing the entire renewal form if a licensee resides in another state which is listed by the Alabama Board as having continuing educational requirements equivalent and acceptable to the Alabama Board and the licensee certifies in the appropriate section that all continuing educational and licensure requirements for that state have been met.

(11) Forms -- All renewal applications will require the completion of a continuing education form specified by the Board outlining PDH credit claimed. The licensee must supply sufficient detail on the form to permit audit verification, must certify and sign the continuing education form, and submit it with the renewal application and fee.

(12) Records -- The responsibility of maintaining records which can be used to support credits claimed is the responsibility of the licensee. Records required include but are not limited to: (1) a log showing the type of activity claimed, sponsoring organization-1, location, duration, instructor's or speaker's name, and PDH credits earned; (2) attendance verification records in the form of completion certificates, signed attendance receipts, paid receipts, a copy of a listing of attendees signed by a person in responsible charge, or other documents supporting evidence of attendance. These records must be maintained for a period of three (3) years and copies must be furnished to the Board for audit verification purposes if requested.

(13) Disallowance -- If the Board disallows claimed PDH credit, the licensee shall have 180 days after notification to substantiate the original claim or to earn other credit to meet the minimum requirement.

(14) Failure to Comply -- If a licensee fails to furnish the required continuing education form, properly completed and/or signed, the right to practice as a Licensed Professional Geologist in the State of Alabama will expire on September 30th of the renewal year as specified in [Rule 364-X-13-.03](#).

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §34-41-12](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed May 31, 2016; effective July 15, 2016.

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Ala. Admin. Code r. 364-X-13-.02, AL ADC 364-X-13-.02

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-13. Expiration and Renewals

Ala. Admin. Code r. 364-X-13-.03

364-X-13-.03. Expirations.

Currentness

The right to practice as a Licensed Professional Geologist expires two years from the date of issuance. The right to renew without penalty is sixty days past the expiration date. The license will be renewed or restored assuming the licensee meets all other statutory requirements in existence at the time of renewal or restoration. The penalty or restoration fee(s) will be set by a resolution of the Board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§34-41-5, 34-41-12.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. Amended: Filed September 20, 2012; effective October 25, 2012.

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Ala. Admin. Code r. 364-X-13-.03, AL ADC 364-X-13-.03

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-13. Expiration and Renewals

Ala. Admin. Code r. 364-X-13-.04

364-X-13-.04. Examination For Record Purposes.

Currentness

(1) Any geologist licensed by this Board may take for record purposes the examination upon payment of a fee as established by the Board.

(2) Failure to pass the examination will in no way affect current licensure.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-11.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-13-.04, AL ADC 364-X-13-.04

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-14. Professional Conduct (Code of Ethics)

Ala. Admin. Code r. 364-X-14-.01

364-X-14-.01. Preamble.

Currentness

(1) In order to meet the intent of the Title 34, Chapter 41, Code of Ala. 1975, to safeguard the life, health, property, and welfare of the public and to establish and maintain a high standard of integrity, skill and practice in the profession of geology, the following Rules of Professional Conduct shall be binding upon:

(a) every person holding a license as a Professional Geologist in the State of Alabama,

(b) all partnerships or corporations or other legal entities who offer or perform geologic services in the State of Alabama, and

(c) every certified Geologist-in-Training.

(2) Professional Geologists licensed under Chapter 41, Title 34, Code of Ala. 1975, are charged with having knowledge of the existence of the Rules of Professional Conduct (Code of Ethics), Rules 364-X-14-.02 through 364-X-14-.08, shall be deemed to be familiar with the several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of geology is a privilege, as opposed to a right, and the licensee shall be forthright and candid in his/her statement or written response to the Board or its representatives on matters pertaining to professional conduct.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: Code of Ala. 1975, § 34-41-5.

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-14-.01, AL ADC 364-X-14-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-14. Professional Conduct (Code of Ethics)

Ala. Admin. Code r. 364-X-14-.02

364-X-14-.02. Conflict Of Interest.

Currentness

The professional geologist shall avoid conflict of interest and shall exercise independent judgments, decisions and practices on behalf of his/her clients and employers as follows:

(1) The professional geologist shall conscientiously avoid conflict of interest with his/her employer or client, but, when unavoidable, the geologist shall forthwith disclose the circumstances to his/her employer or client of any business association, interest, or circumstances which might tend to influence his/her professional judgments, decisions or practices of the quality of his/her services.

(2) The professional geologist shall not accept compensation financial or otherwise, from more than one, party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all those parties involved.

(3) The professional geologist shall not solicit or accept financial or other valuable consideration from any party for specifying their material, equipment, supplies, products, or services.

(4) The professional geologist shall not solicit or accept substantial gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his/her client or employer in connection with work for which he/she is responsible.

(5) When in public service as a member, advisor, or employee of a governmental body or department, the professional geologist shall not participate in considerations or actions with respect to services provided by him/her or his/her organization in private geological practice.

(6) The professional geologist shall not solicit or accept a geologic contract from a governmental body on which a principal or officer of his/her organization serves as a member.

(7) The professional geologist shall not attempt to supplant another professional geologist in a particular employment after becoming aware that the other professional geologist has been selected for employment.

(8) The professional geologist shall conduct his/her practice in order to protect the public health, safety and welfare. The professional geologist shall at all times recognize his/her primary obligation to protect the safety, health, and welfare of

the public in the performance of his/her professional duties. If his/her geologic judgment is overruled under circumstances where the safety, health, and/or welfare of the public are endangered, he/she shall inform his/her employer of the possible consequences and notify other proper authority of the situation, as may be appropriate.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-14-.02, AL ADC 364-X-14-.02

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-14. Professional Conduct (Code of Ethics)

Ala. Admin. Code r. 364-X-14-.03

364-X-14-.03. Qualified By Education And Experience.

Currentness

The professional geologist shall act competently and use proper care in performing geologic services for clients or employers and shall perform his/her services only in areas of his/her competence as qualified by education and experience as follows:

(1) The professional geologist shall undertake or perform geologic assignments only when qualified by education or experience in the specific technical field of geology involved.

(2) The professional geologist may accept an assignment requiring education or experience outside of his/her own field of competence, but only to the extent that his/her services are restricted to those phases of the project in which he/she is qualified. All other phases of such project work shall be performed by qualified associates, consultants, or employees.

(3) The professional geologist shall not affix his/her signature and/or seal on any document dealing with subject matter to which he/she lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his/her direct supervisory control except that the professional geologist may affix his/her seal and signature to drawings and documents depicting the work of two or more professionals provided he/she designates by note under his/her seal, the specific subject matters for which he/she is responsible.

(4) The professional geologist shall be completely objective and truthful in all professional reports, statements or testimony. He/she shall include all relevant and pertinent information in such reports, statements or testimony.

(5) The professional geologist, when serving as a expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his/her testimony.

(6) The professional geologist will issue no statements, criticism, or arguments on geologic matters connected with public policy which are inspired or paid for by an interested party, or parties, unless he/she has prefaced his/her comment(s) by explicitly identifying himself/herself, by disclosing the identities of the party or parties on whose behalf he/she is speaking, and by revealing the existence of any pecuniary interest he/she may have in the instant matters.

(7) The professional geologist shall not engage in any professional matter for which a specific license is required without first being licensed in that profession.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-14. Professional Conduct (Code of Ethics)

Ala. Admin. Code r. 364-X-14-.04

364-X-14-.04. Confidences Of Clients And Employers.

Currentness

The professional geologist shall safeguard and preserve the confidences and private information of clients and employers as follows:

- (1) Except as permitted by Rule 364-X-14-.04, the professional geologist shall not knowingly:
 - (a) reveal a confidence or private information regarding or in possession of his/her client or employer, current or former.
 - (b) use a confidence or private information regarding or in the possession of his client or employer, current or former, to the disadvantage of such client or employer.
 - (c) use a confidence or private information regarding or in the possession of his client or employer for the advantage of a third person, unless the client or employer, current or former, consents after full disclosure.
 - (d) nothing in this Article shall relieve a professional geologists from complying with [Rule 364-X-14-.03\(e\)](#).
- (2) The professional geologists may reveal confidences or private information under the following circumstances:
 - (a) when he/she has obtained the consent of the client or clients, employer or employers, current or former, affected but only after full disclosure to them.
 - (b) when required by law or court order.
 - (c) when necessary to establish legal proof of his/her relationship with a client or employer, current or former, in a court action to recover salaries, fees, or other compensation due him/her as a result of his/her employment or association with such a client or employer, current or former.
 - (d) when necessary to defend himself/herself or his/her employee or associates in a legal action alleging wrongful conduct.

(3) The professional geologists shall exercise reasonable care to prevent unauthorized disclosure or use by his/her employees and associated or private information or confidences regarding or in the possession of a client or employer, current or former.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-14. Professional Conduct (Code of Ethics)

Ala. Admin. Code r. 364-X-14-.05

364-X-14-.05. Practice.

Currentness

The professional geologists shall solicit or accept work only on the basis of his/her qualifications, and shall endeavor to build his/her practice and professional reputation on the merit of his/her services as follows:

(1) The professional geologist shall not offer to pay, either directly or indirectly, any compensation, political contribution, or gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(2) The professional geologists shall compete for professional employment on the basis of qualifications and competence for proper accomplishment of the work. He/she shall not solicit or submit proposals for professional services containing false, fraudulent, misleading, deceptive, or unfair statements or claims regarding the cost, quality, or extent of his/her services to be rendered.

(3) The professional geologist shall not falsify or permit misrepresentation of his/her or his/her associate's academic or professional qualifications. He/she shall not misrepresent or exaggerate his/her degree or responsibility in or for the subject matter or prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employee, associates, joint ventures, or his/her or their past accomplishments with the intent and purpose of enhancing his/her qualifications and his/her work. Prohibitions listed above include but are not limited to:

(a) the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading;

(b) statements intended or likely to create an unjustified expectation;

(c) statements containing prediction of future success; or

(d) statements containing an opinion as to the quality of services.

(4) Consistent with Rule 364-X-14-.05(c) above, the Licensed Professional Geologist may advertise for recruitment of personnel and may prepare articles for lay or technical press; such articles shall not imply credit to the author for work performed by others.

(5) The professional geologist shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another professional geologist, nor shall he/she indiscriminately criticize another's geologic work public. If he/she believes that another geologist is guilty of misconduct, misrepresentation, or illegal practice, he/she shall present such information to the proper authority for action.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-14. Professional Conduct (Code of Ethics)

Ala. Admin. Code r. 364-X-14-.06

364-X-14-.06. Ethics.

Currentness

A professional geologist shall contribute to the maintenance, integrity, independence and competency of the geologic profession as follows:

(1) The professional geologist shall not:

(a) violate any provision of the Alabama Law regulating the practice of geology or the Administrative Code of the Alabama Board of Licensure for Professional Geologists;

(b) participate, directly or indirectly, in any plan, scheme or arrangement attempting or having as its purpose the evasion of any provision of the Alabama Law regulating the practice of geology in Alabama;

(c) fail to exercise reasonable care or diligence to prevent his/her partners, associates, and employees from engaging in conduct which if done by him/her, would violate any provision of the Alabama Law regulating the practice of geology;

(d) engage in any illegal conduct involving moral turpitude; or

(e) engage in any conduct that discredits or tends to discredit the profession of geology;

(f) permit or allow himself/herself, his professional identification, seal, firm, or business name, or his/her services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create the opportunity for unauthorized practice of geology by any person, firm or corporation in Alabama;

(g) perform any acts, allow omissions or make any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever tend to create a misleading impression;

(h) knowingly associate with or permit the use of his/her name or firm name in a business venture by any person or firm which he/she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent, deceitful, or dishonest nature;

(i) knowingly associate with or permit the use of his name, professional identification, seal, firm or business name in connection with any venture or enterprise which he/she knows, or has reason to believe, is engaging in trade, business or professional practice of a fraudulent, deceitful or dishonest nature;

(j) injure or attempt to injure or damage the professional reputation of another by any means whatsoever; provided and except, however, that this shall not relieve a professional geologist of the obligation to expose unethical or illegal conduct to the proper authorities or preclude a frank but private appraisal of geologists or other persons or firms considered for employment;

(k) aid and abet, directly or indirectly, any unlicensed person in connection with the unauthorized practice of geology; or any firm or corporation in the practice of geology unless carried on in accordance with the provisions of [Section 34-41-1 of the Code of Ala. 1975](#), regulating the practice of geology;

(l) place his/her seal and/or signature and license number on a document constituting a certification that the document was prepared by the licensee, unless that document was prepared by a licensed geologist or under his/her direct supervision or unless the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for the work or report prepared or done by another licensed geologist; and

(m) review the certified work of another geologist, except with the knowledge or consent of such geologist, unless the connection of the geologist with such work has been terminated.

(2) The professional geologist shall be personally and professionally responsible and accountable for the care, custody, control and use of his/her professional geologist seal, his/her professional signature and identification. The professional geologist whose seal has been lost, misplaced or stolen shall, upon discovery of its loss, report same immediately to the Board. The Board may invalidate the stolen registration number of said seal, if it deems this necessary, and issue another registration number to said geologist. The cost of replacement shall be borne by the professional geologist.

(3) When in public service as a member or employee of any governmental body, agency or department, or institution, the professional geologist shall not participate, directly or indirectly, use or make use of property, facility or service of such governmental body, agency or department, or institution for the benefit of any private business or activity in which such professional geologist also may be engaged, unless prior, proper authorization is obtained in writing. Such written authorization must be made available to the Board upon request.

(4) The professional geologist shall not, directly or indirectly, use or make use of any property/facility or service of his/her client or employer for the benefit of said geologist, unless prior and proper approval is obtained in writing.

(5) The professional geologist shall not practice or offer to practice geology in any governmental jurisdiction in which to do so would be in violation of the laws regulating the practice of professional geology in that jurisdiction.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-14. Professional Conduct (Code of Ethics)

Ala. Admin. Code r. 364-X-14-.07

364-X-14-.07. Responsibility Of Conduct.

Currentness

A company, corporation, partnership, firm, or professional association shall be held responsible for the conduct and acts of its agents, employees, officers, partners, or owners, licensed or non-licensed.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-14. Professional Conduct (Code of Ethics)

Ala. Admin. Code r. 364-X-14-.08

364-X-14-.08. Convictions.

Currentness

The revocation, suspension, or denial of a license to practice geology in another jurisdiction, for reasons or causes which the Board finds would constitute a violation of the Alabama Law regulating the practice of Geology or any rule, regulation or code promulgated by the Board shall be sufficient cause for the denial, suspension or revocation of a license to practice geology in the State of Alabama.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-15. Compliance and Enforcement

Ala. Admin. Code r. 364-X-15-.01

364-X-15-.01. Compliance.

Currentness

[Section 34-41-8, Code of Ala. 1975](#), provides that a company, partnership, corporation, firm or professional association, in which the primary activity consists of geological services affecting the public welfare and which require licensing pursuant to the Act, may engage or offer to engage in the practice of professional geology; provided that one or more of the partners or officers of such a company, partnership, corporation, firm or professional association are licensed as provided by Title 34, Chapter 41 of the [Code of Ala. 1975](#).

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-8](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-15. Compliance and Enforcement

Ala. Admin. Code r. 364-X-15-.02

364-X-15-.02. Enforcement.

Currentness

The Board may initiate action in cases where a person's or business entity's actions are in violation of the Act or the Board's rules. Upon receipt of evidence that any person is so acting, the Board may assemble the facts, obtain legal guidance and follow the case to completion based on the legal guidance given.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-18.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.01

364-X-16-.01. Filing Of Complaints And Charges.

Currentness

(1) Any person, business, or other entity, including a member of the Board, may file with the Secretary of the Board a complaint or charge of any misconduct or other circumstance listed under [Section 34-41-19, Code of Ala. 1975](#). Such a complaint or charge must be in writing and sworn to. Complaints shall be referred to a standing investigative committee of the Board consisting of a board member, the Board's investigator, the executive secretary, and the Board's attorney. The investigative committee shall submit a report to the Board as to the validity or merit of the complaint or charge. After consideration of any complaint or charge by the investigative committee, the Board may give notice of an administrative hearing under the Alabama Administrative Procedure Act, or may take other action as provided by regulation or statute. All complaints or charges received by the Board are to be held in confidential status until the investigative committee reviews the allegations and recommends further action.

(2) Examples of conduct for which the Board may take disciplinary action under [Code of Ala. 1975, Section 34-41-19](#), shall include, but not limited to, the following:

- (a) basic scientific principles are ignored;
- (b) critical factors are not investigated;
- (c) data are not analyzed or are selectively analyzed;
- (d) data collection is incomplete or inappropriate;
- (e) unsupported assumptions are made or unsupported conclusions reached;
- (f) misleading presentations of data;
- (g) conclusions or recommendations that lack the support from the presented data.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-17](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Repealed and New Rule:** Filed March 5, 2002; effective April 9,2002.

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Ala. Admin. Code r. 364-X-16-.01, AL ADC 364-X-16-.01

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.02

364-X-16-.02. Reprimand.

Currentness

If probable cause for the complaint or charge is found, but it is determined that license revocation or suspension would not be warranted even if the complaint or charge was proven, the accused party shall be informed of the nature of the complaint or charge, and that the complaint or charge, if admitted, may result in a private reprimand, and will be asked to respond to the complaint or charge. If the accused party admits to the complaint or charge, then a private reprimand will be issued if appropriate. If the accused party denies the complaint or charge, then the accused party will be given an opportunity to appear before the Board for an informal hearing at which the evidence supporting the complaint or charge will be considered. If after the informal hearing the Board finds that the complaint or charge is established, the Board may issue a private reprimand. A record of any private reprimand issued by the Board under this rule shall be maintained in the Board's office but shall not be made public.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-17.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Repealed and New Rule:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.03

364-X-16-.03. Dismissal Of Charges.

Currentness

If no probable cause is found, the Board shall dismiss the charges as unfounded or trivial and prepare a statement, in writing, of the reasons for the decision. The statement shall be mailed to the accused party and the complaining party by registered or certified mail.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-17.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.04

364-X-16-.04. Letter Of Caution.

Currentness

If no probable cause is found, but it is determined by the board that the conduct of the accused party is not in accord with accepted professional practice or may be subject to disciplinary action if continued or repeated, the Board may issue a Letter of Caution to the accused party stating that the conduct, while not the basis for a disciplinary hearing, is not professionally acceptable or may if repeated be the basis for a letter of reprimand or a disciplinary hearing from which suspension or revocation of license could result. A record of such Letter of Caution shall be maintained in the office of the Board but shall not be made public.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-17.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.05

364-X-16-.05. Right Of Hearing.

Currentness

If the Board finds probable cause exists and that the nature of the alleged violation could result in license suspension or revocation, the accused party shall be notified of the right to a hearing before any disciplinary action is taken. The notification shall be by certified mail, and shall include a factual statement of the alleged violation, a statement as to the possible action that could result from a determination by the Board, a statement as to the legal authority and jurisdiction under which the hearing would be held. The accused party may assert his/her right to a hearing by mailing a request for a hearing to the Board by certified mail within 30 days of receipt of the notice, and the notification shall inform him or her of the timeframe and method for making this request. If an accused party fails to request a hearing in the manner provided here, the Board shall proceed to consider the alleged violation and appropriate disciplinary action, if any, based upon the information in its possession. If the alleged violation is by a person or entity which does not hold a license, the Board may refer the case to the appropriate prosecutor for criminal prosecution or seek an injunction in a court of appropriate jurisdiction under [Code of Ala. 1975, Section 34-41-23](#), or other applicable provision of law.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20](#).

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Ala. Admin. Code r. 364-X-16-.05, AL ADC 364-X-16-.05

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.06

364-X-16-.06. Request For Hearing.

Currentness

(1) When an individual believes his or her rights, duties or privileges have been or may be affected by the Board's administrative action, but has not received notice of a right to an administrative hearing, he or she may file, in writing, a formal request for a hearing.

(2) Before an individual may file a request, he/she must first exhaust all reasonable efforts to resolve the issue informally with the Board office. This requirement will be satisfied by decision of the matter by the chairman of the Board or other designee of the Board.

(3) Subsequent to such informal action, if still dissatisfied, the individual may submit a request, in writing, to the Board with the container of the request bearing the notation: "RE: REQUEST FOR ADMINISTRATIVE HEARING." That request should contain the following information:

- (a) Name and address of the petitioner,
- (b) A concise statement of the action taken by the Board which is challenged;
- (c) A concise statement of the way in which the petitioner has been aggrieved; and
- (d) A clear and specific statement of request for a hearing.

(4) Such request will be acknowledged, in writing, promptly and, if deemed appropriate, a hearing will be scheduled.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.07

364-X-16-.07. Granting Or Denying Hearing Request.

Currentness

- (1) The Board or its designee will decide whenever to grant a request for a hearing.
- (2) A denial of a request for a hearing will be issued immediately upon decision, and in no case later than 30 days after receipt of the request. Such denial shall contain a statement of the reasons leading the Board to deny the request.
- (3) Approval of a request for a hearing will be signified by the issuing of a notice as required by the Alabama Procedures Act, and explained in [Rule 364-X-16-.08](#) of this Section.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.08

364-X-16-.08. Notice Of Hearing.

Currentness

In addition to the items specified in the Alabama Procedures Act to be included in the notice, notices of administrative hearing, of the Board shall:

- (1) Give the name, position, address and telephone number of a person in the Board office to contact for further information or discussion;
- (2) Include a statement that failure to inform the Board within 30 days after notice is mailed of intent to appear at any hearing or preheating conference scheduled in the hearing notice will be deemed a waiver of the right to a hearing;
- (3) Give notice of date and place for a preheating conference, if any;
- (4) Give scheduled the date of the hearing; and
- (5) Include any other information deemed relevant to informing the party or parties as to the procedure of the hearing.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-16-.08, AL ADC 364-X-16-.08

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.09

364-X-16-.09. Discipline.

Currentness

(1) Upon a finding, either after a hearing or, if a hearing is not requested, after informal consideration, that a licensee has committed any of the acts or omissions, or is subject to any of the circumstances set out in [Code of Ala. 1975, Section 34-41-19](#), the Board may impose any of the disciplinary penalties provided under that subsection.

(2) Upon a finding based upon informal consideration under subsection (1) the Board may, at its discretion, either permanently or temporarily stay the execution of its order imposing disciplinary penalties on a licensee. The stay may be conditional upon any provision that the Board deems appropriate for the circumstances of the case.

(3) Upon a finding after a hearing under subsection (1) the imposition of a stay of any order imposing disciplinary sanctions shall be governed by the Alabama Administrative Procedures Act.

(4) In determining whether a license should be revoked or suspended, and whether and what conditions the Board's order should be stayed, the Board shall consider relevant factors, including but not limited to the following:

- (a) the severity of the offense;
- (b) the danger to the public or the environment;
- (c) the number of present violations;
- (d) any previous offense;
- (e) the length of time since the violations;
- (f) the number of previous complaints against the licensee;
- (g) the length of time the licensee has practiced the profession;
- (h) the actual damage to the complainant, the public, or the environment;

- (i) the deterrent effect of the penalty imposed;
- (j) the effect of the penalty upon the licensee's livelihood;
- (k) any efforts of rehabilitation by the licensee;
- (l) any other mitigating or aggravating circumstances.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-17, 34-41-18, 34-41-19, 34-41-22, 34-41-23, 34-42-20, 34-42-21.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Repealed and New Rule:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-16-.09, AL ADC 364-X-16-.09

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.10

364-X-16-.10. No Ex Parte Communications.

Currentness

After notice of the opportunity for hearing, no member of the Board assigned to make a decision or to make findings of fact or conclusions of law in a contested case shall communicate, directly or indirectly, regarding any issue of fact or law in the case, with any party or his/her representative or with any member of the Board or employee of the Board involved in the investigation or consideration of that case or with any party or complainant or his representative or agent, except on notice and opportunity for all parties to participate.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Repealed and New Rule:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-16-.10, AL ADC 364-X-16-.10

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.11

364-X-16-.11. Petition For Intervention.

Currentness

(1) The right to intervene in a contested case is governed by [Code of Ala. 1975, Section 41-22-14](#). Any application for intervention shall be in writing and shall include the following:

(a) the name and address of the petitioner;

(b) the business and occupation of the petitioner, if relevant;

(c) a full identification of the contested case in which the petitioner is seeking intervention;

(d) if intervention based on statutory right is claimed, an identification of the statute and explanation of how the statute grants a right of intervention to the petitioner;

(e) if the intervention is claimed based on an individual interest in the outcome of the case as opposed to a public interest, an explanation of that individual interest and of how the representation of that individual interest is inadequate without intervention;

(f) the claim or defense with respect to which intervention is sought; and

(g) a summary of the arguments or evidence that the petitioner intends to present.

(2) Upon receipt of the petition the Board shall mail copies of the petition to the parties in the case, with the cost chargeable to the petitioner. The parties will be given the opportunity to comment in writing upon the merits of the petition prior to any decision as to whether intervention shall be allowed.

(3) If the Board determines that the petitioner is entitled to intervention, notice of this decision, in writing, shall be issued promptly to all parties and to the petitioner. If the Board determines that the petitioner is not entitled to intervention but that intervention is nonetheless appropriate for proper resolution of the issues, the Board may vote to permit intervention, either as to the case as a whole or as to certain matters, and notification to the parties and the petitioner shall include a statement of any limitations to be imposed upon the intervenor, such as of time, subject matter, or evidence.

(4) If the Board decides to deny intervention, the petitioner shall be promptly notified, in writing of this decision and the reasons for the decision.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Repealed and New Rule:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-16-.11, AL ADC 364-X-16-.11

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-16. Disciplinary Action and Procedures

Ala. Admin. Code r. 364-X-16-.12

364-X-16-.12. Hearing Officers: Designations: Powers.

Currentness

(1) A hearing officer, designated by the Board, may, at the Board's option, preside at hearings in contested cases, but the Board shall, regardless, be present to hear the testimony, examine the evidence, and, if desired, ask questions of any witnesses.

(2) The hearing officer may, in addition, conduct any prehearing conferences, regulate discovery, issue subpoenas, and exercise any other powers appropriate under the Alabama Administrative Procedures Act.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-11.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Repealed and New Rule:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-17. Administrative Hearings: Decisions: Related Rights:

Ala. Admin. Code r. 364-X-17-.01

364-X-17-.01. Procedures.

Currentness

- (1) Plea. The Respondent shall plead either “guilty” or “not guilty” to the charges set forth in the complaint.
- (2) Opening Statement. Each side will have the opportunity to make an opening statement.
- (3) Evidence. The State will present its evidence, followed by the Respondent. The State will follow with a rebuttal. Each witness called may be examined in the following order:
 - (a) Direct examination.
 - (b) Cross examination.
 - (c) Examination by the Board.
 - (d) Re-direct examination.
 - (e) Re-cross examination.
 - (f) Re-examination by the Board.
- (4) Closing argument. Each side will have the opportunity to make a short closing argument. These arguments will summarize the evidence presented and urge the application of pertinent law to the evidence presented.
- (5) Proposed Decision. See also [Rule 364-X-17-.06](#). The Board may request either or both sides to prepare within seven (7) days for the Board's consideration a proposed decision of the Board, which shall include findings of fact, official notice and conclusions of law. Any underlying facts of record in support of the findings will be disclosed.
- (6) Decision. The Board shall issue a decision. Its decision is the prerequisite “final agency decision” for the right to judicial review. See also [Rule 364-X-17-.05](#).

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Alabama Administrative Code

Alabama Board of Licensure for Professional Geologists

Chapter 364-X-17. Administrative Hearings: Decisions: Related Rights:

Ala. Admin. Code r. 364-X-17-.02

364-X-17-.02. Failure To Appear.

Currentness

(1) If a party fails to appear in a contested case after proper service of notice, the Board, if no adjournment is granted, may proceed with the hearing and make its decision in the absence of the party.

(2) Continuances, adjournments and like dispositions will be granted in compelling circumstances. Usually only one such postponement will be allowed.

(3) Petition for reopening a case will not be granted except when the petitioner can show, in writing, that the reasons for his or her failure to appear were justifiable and unavoidable and that fairness requires reopening the case. Such petitions, however, will have no effect of the running of the 30 day period for seeking judicial review, which starts the day of final judgment by the Board.

(4) The decision of the Board will be in writing and a copy will be sent via registered or certified mail to the petitioner and made a part of the record of the hearing.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-17-.02, AL ADC 364-X-17-.02

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-17. Administrative Hearings: Decisions: Related Rights:

Ala. Admin. Code r. 364-X-17-.03

364-X-17-.03. Simplification Of Issues.

Currentness

Except as prohibited by statute, the parties to a contested case, specifically including the Board, may agree in advance to simplify the hearing by: decreasing the number of the issues to be contested at the hearing; accepting the validity of certain proposed evidence; accepting the findings in some other case with relevance to the case at hand; or agreeing to such other matters as may expedite the hearing .

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-17, 34-41-20.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-17. Administrative Hearings: Decisions: Related Rights:

Ala. Admin. Code r. 364-X-17-.04

364-X-17-.04. Subpoenas.

Currentness

(1) Subpoenas requiring the attendance of witnesses, or those to produce documents, evidence, or things, will be issued by the Board or its designee within four business days of the receipt of a request from a party to the case for such subpoena, except as stated in this Rule.

(2) Subpoenas shall be served as the officer issuing the subpoena shall direct, as may be appropriate to the circumstances of the case. Subpoenas may be directed to be served by either of the following methods:

(a) by an employee of the Board; or

(b) by the sheriff of the county in which the person subpoenaed resides, when the party requesting such subpoena prepays the sheriff's service fee.

(3) Subpoenas shall be issued in duplicate, with a "Return of Service" form attached to each copy. The person serving the subpoena shall fill out the "Return of Service" form for each copy and promptly return one copy of the subpoena, with the attached "Return of Service" forms completed, to the Board.

(4) The Board or its designee will have the discretion to refuse to issue a requested subpoena if, clearly, on its face, the request is objectionable or unreasonable.

(5) Except as otherwise stated in a particular subpoena, any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board by mailing same to the Board office. Such objection must be filed within five (5) days of receipt of the subpoena or two days prior to the date on which the subpoena is returnable or testimony to be taken, whichever shall be sooner.

(6) Such objection will include a concise, but complete statement of the reasons why the subpoena should be revoked or modified. These reasons may include lack of relevance of the evidence sought, or any other reason sufficient in law for holding the subpoena invalid, such as that the evidence is privileged, that appearance or production would be so disruptive as to be unreasonable in light of the significance of the evidence sought, or other undue hardships.

(7) Any such objection to a subpoena must be served on the party who requested the subpoena simultaneously with the filing of the objection with the Board.

(8) The party who requested the subpoena, in such time as may be granted by the Board or its designee, may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness simultaneously with filing the response with the Board.

(9) After receipt of the objection and response thereto, if any, the Board or its designee shall issue a notice to the party who requested the subpoena and the party who is challenging it, and may notify all other parties, of an open hearing, to be scheduled as soon as practicable, at which time evidence and testimony may be presented, limited to the narrow questions raised by the objection and response, if any.

(10) Promptly after the close of such hearing, the Board or its designee will rule on the challenge and issue a written decision. A copy of the decision will be issued to all parties and made a part of the record.

(11) Subpoenas shall contain the following:

(a) the caption of the case;

(b) the name and address of the person subpoenaed;

(c) the date, hour and location of the hearing in which a witness is commanded to appear;

(d) a particularized description of the books, papers, records, maps, charts or objects the witness is directed to bring with him or her to the hearing, if any;

(e) the identity of the party on whose application the subpoena has been issued, and the date of issue;

(f) the manuscript signature of the Board chairman or his designee; and

(g) a "Return of Service" form, fully executed, which shows; the name and capacity of the person serving the subpoena; the date on which the subpoena was delivered to the person directed to make service; the date on which service was made; the person on whom service was made; the location and manner in which service was made; and the manuscript signature of the person making service.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-17-.04, AL ADC 364-X-17-.04

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Alabama Administrative Code

Alabama Board of Licensure for Professional Geologists

Chapter 364-X-17. Administrative Hearings: Decisions: Related Rights:

Ala. Admin. Code r. 364-X-17-.05

364-X-17-.05. Final Decisions In Administrative Hearings.

Currentness

Within thirty (30) days of the date of the final hearing, the Board will issue the final, written decision in all contested cases. This decision will include findings of fact, official notice taken, and conclusions of law. Any underlying facts of record in support of the findings will be disclosed.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-17. Administrative Hearings: Decisions: Related Rights:

Ala. Admin. Code r. 364-X-17-.06

364-X-17-.06. Proposal For Decisions.

Currentness

(1) When the official or a majority of the officials of the Board who are to make a final decision have not heard a contested case, the decision shall not be made until a proposal for decision is served on the parties, and an opportunity is given to each party to file exceptions and proposed findings of fact and to present oral and written arguments to the officials who are to make the decision.

(2) When a “Proposal for Decision” is rendered by a Hearing Officer, any party may file written exception thereto and submit his own proposed findings of fact and conclusions of law.

(3) Any exceptions to the procedures during the hearing, the handling of the hearing by the Hearing Officer, rulings on evidence, or any other matters, must be written and refer specifically to pages of record or otherwise precisely identify the occurrence being excepted to. Such exceptions must be filed with the Board within five (5) days of the receipt of the Hearing Officer's proposal for decision. The container of such written exceptions should bear the notation: RE: EXCEPTIONS TO THE PROCEEDINGS IN THE CASE OF (name of case).

(4) The Board will direct whatever corrective action it may deem advisable in light of the exceptions, if any. Any decision made will be a part of the record and copy there given to all parties.

(5) Any party may present further oral arguments to the Board upon request. Such request must be made in writing to the Board not later than three (3) days after receipt of the Hearing Officer's “Proposal for Decision.”

(6) Upon receipt of request for further oral argument, notice will be issued promptly by registered or certified mail to all parties designating time and place for such oral argument.

(7) The parties, by written stipulation or at the meeting, may waive compliance with this section.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-17-.06, AL ADC 364-X-17-.06

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-18. Judicial Review

Ala. Admin. Code r. 364-X-18-.01

364-X-18-.01. Right To Judicial Review.

Currentness

Any person who is aggrieved by a final Board decision in a contested case, is entitled to a judicial review of such decision under Alabama Procedures Act, or by any other procedure for judicial review available under law.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-18-.01, AL ADC 364-X-18-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-18. Judicial Review

Ala. Admin. Code r. 364-X-18-.02

364-X-18-.02. Manner/Seeking Review: Time/Filing Petition: Waiver. (Repealed)

[Currentness](#)

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-20.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Repealed:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-19. Rule Making Procedures

Ala. Admin. Code r. 364-X-19-.01

364-X-19-.01. General Purpose.

Currentness

The rules of this section shall govern rule making procedures conducted under the review of the Board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-19-.01, AL ADC 364-X-19-.01

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-19. Rule Making Procedures

Ala. Admin. Code r. 364-X-19-.02

364-X-19-.02. Copies Of Regulations: Inspection.

Currentness

(1) Anyone desiring to obtain a copy of the rules of the Board may do so by requesting such from the Board. The Board may charge reasonable fees to recover mailing and duplication costs.

(2) The rules of the Board and other documents specified in Alabama Procedures Act are available for public inspection at the office of the Executive Secretary of the Board, Montgomery, Alabama, during regular office hours.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-19. Rule Making Procedures

Ala. Admin. Code r. 364-X-19-.03

364-X-19-.03. Petition For Rule Making Procedures.

Currentness

Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule by the Board shall forward the written petition to the Board. The first page of the petition should clearly bear the notation: RE: RULE MAKING PETITION and then the subject area.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-19. Rule Making Procedures

Ala. Admin. Code r. 364-X-19-.04

364-X-19-.04. Disposition Of Petitions.

Currentness

(1) The Board will decide whether the petition contains sufficient information for the Board to determine whether the public interest will be served by granting the request. The Board may request additional information from the petitioner(s), may contact an interested person or persons likely to be affected by the proposed rule and request comments, and may use any other appropriate methods for obtaining additional information.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-19. Rule Making Procedures

Ala. Admin. Code r. 364-X-19-.05

364-X-19-.05. Written Submission.

Currentness

(1) Any person may file a written submission containing data, comments, or arguments after distribution or publication of a rule making notice until five (5) days of the hearing, less a longer or shorter time period has been prescribed in the notice or granted upon quest. These written comments should be sent to the Board.

(2) The first page of any written submission shall clearly identify the rule making proceeding or proposed rule to which the comments are addressed and include a statement of the position of the person making the submission (for example, “In support adopting proposed Rule .00000” or “In opposition to adopting proposed Rule .00000”).

(3) Upon receipt of written comments, acknowledgment will be made with an assurance that the comments therein will be considered fully by the Board.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-19-.05, AL ADC 364-X-19-.05

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-19. Rule Making Procedures

Ala. Admin. Code r. 364-X-19-.06

364-X-19-.06. Statement Of Reasons For Decision.

Currentness

(1) Any interested person desiring a concise statement of the principal reasons for and against adoption of a rule by the Board and the factors that led to overruling the considerations urged for or against its adoption may submit a request to the Board.

(2) The request must be made in writing and submitted prior to adoption of the rule or within 30 days thereafter.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-19-.06, AL ADC 364-X-19-.06

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-19. Rule Making Procedures

Ala. Admin. Code r. 364-X-19-.07

364-X-19-.07. Record Proceedings.

Currentness

A record of all rule making proceedings will be maintained by the Board for as long as the rule is in effect, and for five (5) years thereafter, following filing with the Administrative Procedures Section of the Office of the Attorney General and the Legislative Services Commission. This record will contain the original petition, the notice, all written memoranda and presentations, if any. Records of rule making proceedings will be available for public inspection at the office of the Board during the regular working hours.

Author: Thornton L. Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996.

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Ala. Admin. Code r. 364-X-19-.07, AL ADC 364-X-19-.07

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-20. Severability

Ala. Admin. Code r. 364-X-20-.01

364-X-20-.01. Severability.

Currentness

If any of the Rules and Regulations of the Board which shall be known as “The Alabama Board of Licensure for Professional Geologists” or any part thereof, or any sentence, paragraph, clause, phrase or word thereof is construed by the courts to be invalid for any reason, it is the intention of the Board that the remainder shall continue in full force and effect; that is, it is the intention of the Board that each Rule and/or any portions thereof, are severable.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-5, 41-22-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-20-.01, AL ADC 364-X-20-.01

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-21. Amendment of Rules

Ala. Admin. Code r. 364-X-21-.01

364-X-21-.01. Petition For Adoption Of Rules.

Currentness

(1) Any person who wishes to propose that the Board adopt, repeal or amend any rule may file a petition for adoption of rules, which shall be submitted, in the following form:

PETITION FOR ADOPTION OF RULE

1. Petitioner.

Name:

Address:

Phone:

2. Character of Change.

I propose that the Alabama Board of Licensure for Professional Geologists:

(a) adopt the following new rule.

(b) amend Rule _____ as follows:

(c) repeal Rule _____ in total.

3. Text of Proposed Rule.

If you checked box “a” above, type the rule you proposed in the space below. If you checked box “b” above, type the currently effective rule in the space below, adding any proposed language. Proposed new language should be underlined and proposed deletions should be stricken through. If you checked box “c” above, skip this and go to Part 4 (use additional sheets if necessary).

4. Purpose of Change. Briefly describe what the effect of this change will be, and why you believe the change should be made.

5. Signature.

.....

Date

Petitioner

(2) The Board shall meet and consider any petition for adoption, repeal or amendment within sixty (60) days of its submission.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-5, 41-22-8.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-21-.01, AL ADC 364-X-21-.01

End of Document

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-21. Amendment of Rules

Ala. Admin. Code r. 364-X-21-.02

364-X-21-.02. Notice.

Currentness

(1) The Board shall give at least thirty-five (35) days' notice of any proposed action on any rule by publication in the Alabama Administrative Monthly in compliance with the Alabama Administrative Procedures Act, [Section 41-22-5\(a\)\(1\), Code of Ala. 1975](#).

(2) Any person who wishes to receive notice by mail of all proposed actions on rules may do so by requesting such notice from the Secretary-Treasurer, and pay an annual charge of \$50 to cover costs of the mailings. All annual subscriptions begin October 1 and expire September 30.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, §§ 34-41-5, 41-22-5](#).

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-21. Amendment of Rules

Ala. Admin. Code r. 364-X-21-.03

364-X-21-.03. Public Hearings.

Currentness

The Board shall permit all interested persons reasonable opportunity to submit data, views or arguments concerning any proposed rule action. Data, views or arguments submitted in writing must be received by the Secretary at least seven (7) days before the date specified in the notice as the day of the public hearing. Those persons wishing to appear before the Board to present data, views or arguments orally must submit a request to appear before the Board to the Secretary, and such request must be received by the Secretary at least seven (7) days before the scheduled public hearing.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5, 41-22-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-21-.03, AL ADC 364-X-21-.03

Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-21. Amendment of Rules

Ala. Admin. Code r. 364-X-21-.04

364-X-21-.04. Board Decision.

Currentness

The Board shall fully consider all written and oral submissions concerning every proposed rule action. Upon adoption of a rule, the Board, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any consideration urged against its adoption.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975, § 34-41-5, 41-22-5.](#)

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-21. Amendment of Rules

Ala. Admin. Code r. 364-X-21-.05

364-X-21-.05. Emergency Rules.

Currentness

In the event that the Board finds that an immediate danger to the public health, safety or welfare requires adoption of a rule upon fewer than thirty-five (35) days' notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than thirty-five (35) days' notice, the Board may adopt an emergency rule under the provisions of the Alabama Administrative Procedures Act, [Section 41-22-5](#), [Code of Ala. 1975](#).

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975](#), §§ 34-41-5, 41-22-5.

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists
Chapter 364-X-21. Amendment of Rules

Ala. Admin. Code r. 364-X-21-.06

364-X-21-.06. Compliance With Administrative Procedures Act.

Currentness

All rules adopted by the Board shall otherwise substantively and procedurally comply substantially with the provisions of the Alabama Administrative Procedures Act, Chapter 22, Title 41, Code of Ala. 1975.

Author: Thornton Neathery

Credits

STATUTORY AUTHORITY: [Code of Ala. 1975](#), §§ 34-41-5, 41-22-5.

HISTORY: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002.

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Ala. Admin. Code r. 364-X-21-.06, AL ADC 364-X-21-.06

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Alabama Administrative Code
Alabama Board of Licensure for Professional Geologists

Ala. Admin. Code r. 364-X App. I

Appendix I. FORMS ASSOCIATED WITH THESE RULES AND REGULATIONS

Currentness

FORM ASSOCIATED WITH THESE RULES AND REGULATIONS

ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

2777 Zelda Road

Montgomery, AL 36106

334.269.9990

Fax 334.263.6115

APPLICATION FOR LICENSING AS A GEOLOGIST

By education, examination and experience

By reciprocity

For reinstatement

For Geologist-in-Training

INSTRUCTIONS TO APPLICANT

1. The Application form must be typewritten, fully completed signed, notarized and accompanied by the requisite fee BEFORE it will be accepted for consideration by the Board. Enclose two (2) recent (less than two years old) passport size photographs.

2. Non-refundable fees MUST accompany the application (Application fee \$150.00 and License fee \$150.00). Do not send cash Make checks or money orders payable to: *Alabama Board of Licensure for Professional Geologists (ABLPG)*

3. All reciprocal applicants must request a Letter of Good Standing be sent from the reciprocal state directly to the Alabama Board of Licensure for Professional Geologists.

1. FULL NAME LAST FIRST MI

2. PREFERRED FORM OF NAME FOR CERTIFICATE, STAMP
AND SEAL:

3. HOME ADDRESS:

4. BUSINESS NAME:

ADDRESS:

5. PREFERRED MAILING ADDRESS

HOME

BUSINESS

6. HOME TELEPHONE:

()

FAX: ()

7. BUSINESS TELEPHONE:

()

FAX: ()

8. E-MAIL ADDRESS

9. BIRTH DATE

10. PLACE OF BIRTH

11. SOCIAL SECURITY NUMBER

12. HAVE YOU EVER BEEN CONVICTED OF A FELONY OR MISDEMEANOR? IF
"YES," FULLY EXPLAIN ON A SEPARATE SHEET OF PAPER. (EXCLUDE TRAFFIC
VIOLATIONS)

YES # NO

13 EDUCATION

APPLICANT SHOULD ARRANGE FOR TRANSCRIPTS FROM COLLEGES OR UNIVERSITIES TO BE SENT DIRECTLY FROM THE INSTITUTION TO THE BOARD ON FORMS PROVIDED. TRANSCRIPTS FROM APPLICANTS WILL NOT BE ACCEPTED. HOLDERS OF DEGREES FROM FOREIGN INSTITUTIONS, SEE THE ADMINISTRATIVE RULE 364-X-3-.028(8).

Include in chronological order attendance at each educational institution beyond high school.

NAME AND LOCATION	ATTENDANCE			DEGREE	DATE OF
OF INSTITUTION	FROM	TO	MAJOR	RECEIVED	DEGREE

14. SUMMARY OF PROFESSIONAL EXPERIENCE

Summarize your professional practice, beginning with your most recent position, in the table below. Describe your professional expertise in detail on the experience data sheets or copies thereof.

DATES		EMPLOYER NAME AND ADDRESS	JOB
FROM	TO	SUPERVISOR NAME	TITLE

16. REGISTRATION/LICENSING DENIAL

Has any state denied you registration/licensing? Or, has any state suspended # YES

or revoked your registration/licensing/certification other than for your failure to renew? # NO

(If "YES", explain on a separate sheet of paper)

17. PROFESSIONAL AFFILIATIONS

NAME OF ORGANIZATION	TYPE OF MEMBERSHIP AND OFFICES HELD

18. REFERENCES

List the names of five (5) references: three (3) licensed or registered geologists, qualified geologists, or professional engineers who can attest to your character, reputation, responsibility, integrity, and competence; and two (2) personal references. Have them communicate directly to the Board using the forms provided for reference evaluation. You are encouraged (but not required) to list your most recent supervisor (Item 15) as a reference.

NAME	ADDRESS AND TELEPHONE NUMBER

19. ATTACH THE TWO PASSPORT SIZE PHOTOGRAPHS AT THE BOTTOM OF THIS PAGE.

“I understand that I may be required to furnish additional information, if requested by the Board.”

“ I, ___ hereby certify that I have read the “Alabama Geologists Licensing Act” (Title 34, Chapter 41 of the Alabama Code. 1975). the Rules and Regulations of the Alabama Board of Licensure for Professional Geologists, and the Code of Professional Conduct adopted by the Board. I further certify that the information contained in this application, including attached sheets, is true and correct to the best of my knowledge.”

Signature of Applicant: _

County of ___ State of ___

Sworn and subscribed before me, this ___ day of ___, 20 ___.

___, Notary Public

My Commission Expires: ___

EXPERIENCE DATA SHEET

Applicant Name ___ Sheet ___ of ___

This sheet (or copies thereof) may be used to provide detailed information for Item 14 of the application. The nature of each work engagement including time in responsible charge should be indicated. **PLEASE TYPE INFORMATION.**

Position:	From - To Month/Year:	Employer Address:
-----------	-----------------------	-------------------

DESCRIPTION: _

—
—
—
—
—

Supervisor's Name:

Supervisor's Experience and Qualifications:

Is the Supervisor a registered/licensed Geologist? # Yes # No

If so, for what period of time and where:

Position:

From - To Month/Year:

Employer Address:

DESCRIPTION: _

—

—

—

—

—

Supervisor's Name:

Supervisor's Experience and Qualifications:

Is the Supervisor a registered/licensed Geologist? # Yes # No

If so, for what period of time and where:

Alabama Board of Licensure Professional Geologists

2777 Zelda Road

Montgomery, AL 36106

FRM 2 10/96

Revised 11/05

[THIS FORM MAY BE DUPLICATED AS NECESSARY.]

ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

2777 Zelda Road

Montgomery, AL 36106

FORM FOR PROFESSIONAL REFERENCE

(THREE REQUIRED)

NAME AND ADDRESS OF APPLICANT _

I WAIVE MY RIGHT TO INSPECT THE CONTENTS OF THIS DOCUMENT

SIGNATURE ___ DATE ___

TO BE COMPLETED BY THE APPLICANT

TO BE COMPLETED BY RESPONDENT

The above named applicant has applied for licensing as a geologist in Alabama under the provisions of Title 34, Chapter 31 of the Alabama Code, 1975. The Alabama Board of Licensure for Professional Geologists requires, as part of the licensing process, references to satisfy the Board as to the character, reputation, responsibility, integrity and competence of the applicant. These references must be submitted by a licensed geologist, qualified geologist [FN1] or professional engineer under whom the applicant has worked. **PLEASE TYPE OR PRINT NEATLY.**

This form has been supplied to you by the applicant. You are requested to mail the completed form directly to the Board Information will be treated by the Board as strictly confidential. Your candid appraisal of the applicant's professional competence is appreciated.

1. Your name: _

2. Your address: _

3. Your telephone no.: _

4. Your profession: _

5. Your years of experience: _

6. Your specialty (if any): _

THIS FORM MAY BE DUPLICATED AS NECESSARY

7. Your professional registration/license/certification:

a. Type (engineer/geologist): _

b. State: _

c. Registration/Certification No.: _

d. Date of issue: _

8. How long have you known the applicant:

a. Personally: _

b. Professionally as a practicing geologist _

9. What has been your professional relationship with the applicant?

Employer

Supervisor

Co-worker

Other

10. Please indicate your appraisal of the applicant in the following categories:

	Excellent	Good	Poor	Unknown
a. Technical competence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Professional integrity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Professional reputation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Personal integrity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. Do you know of any instances where the applicant was convicted of illegal conduct professional misconduct?

Yes No

If "yes", please explain on separate sheet

12. Would you entrust the applicant with responsibility for an important geologic project involving the life, health, property and welfare of the public? Yes No

(If "No", please explain. Please consider this question carefully. As a licensed professional, the applicant will represent all geologists working in the public sector.)

13. Additional information and comments which would amplify or clarify the items above and thus assist the Board in evaluating the applicant's experience and qualifications are strongly requested. Attach additional pages as required.

—

—

—
—
—

Signature: _

Date: _

frm4 2/97

ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

2777 Zelda Road

Montgomery, AL 36106

FORM FOR PERSONAL REFERENCE

NAME AND ADDRESS OF APPLICANT _

I WAIVE MY RIGHT TO INSPECT THE CONTENTS OF THIS DOCUMENT

SIGNATURE ___ DATE ___

TO BE COMPLETED BY THE APPLICANT

TO BE COMPLETED BY RESPONDENT

The above named applicant has applied for licensing as a geologist in Alabama under the provisions of Title 34, Chapter 31 of the Alabama Code, 1975. The Alabama Board of Licensure for Professional Geologists requires as part of the licensing process, personal references are required to satisfy the Board as to the character, reputation, responsibility, integrity and competence of the applicant. These references must be submitted by a personal acquaintance or professional colleague who has known the applicant for at least 5 years immediately prior to submittal of this application on for licensure on the reference forms provided. **PLEASE TYPE OR PRINT NEATLY.**

This form will be supplied to you by the applicant. However, you are requested to mail the completed form directly to the Board. Information will be treated by the Board as strictly confidential. Your candid appraisal of the applicant's personal character is appreciated.

1. Your name: _

2. Your address: _

Telephone No. _

3. How long have you known the applicant:

a. Personally ? _

b. Professionally ? _

This form maybe reproduced as required

4. What has been your personal relationship with the applicant?

Employer

Supervisor

Co-worker

Other

Friend

Relative

5. Please indicate your appraisal of the applicant in the following categories;

	Excellent	Good	Poor	Unknown
a. Personal Honesty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Personal Integrity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Do you know of any instances where the applicant was convicted of illegal conduct or misconduct?

Yes

No

If "yes", please explain on separate sheet

7. Additional information and comments which would amplify or clarify the items above and thus assist the Board in evaluating the applicant's personal qualifications are strongly requested. Attach additional pages if required.

—

—

—

—

Your signature: _

Date: _

frm 3/96

FOREIGN DEGREE EVALUATION SERVICES

For those individuals that obtained their geological degree or required courses, we recommend that you contact one of the below services for your evaluation. These three services have been contacted by this Board and will be aware of your needs. Please call the Board office should you have any questions.

ECE - Educational Credential Evaluators, Inc.

Post Office Box 92970

Milwaukee, WI 53202-0970

414-289-3400

414-289-3411 Fax

Lisano International

Post Office Box 407

Auburn, AL 36831-0407

334-745-0425 Telephone/Fax

World Education Services, Inc.

Post Office Box 745

New York, NY 10113-0745

212-966-6311

212-966-6395 Fax

(Mid-West Office)

Post Office Box 11623

Chicago, IL 60611-0623

312-222-0882

312-222-1217 Fax

ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

VERIFICATION OF DEGREE GRANTED

APPLICANT SHALL COMPLETE THE UPPER PART OF THIS FORM

Name in Full: _

Home Address: _

Business Address: _

Birth Date: ___ Social Security No. ___

College or University Attended: _

Applicant's Signature: ___ Date: ___

(After completion of above, the applicant shall send this form to each college or university from which he/she has obtained a degree in geology or related field. Please request the following certificate be completed and that an official transcript and this form be returned directly to the Board. Under no circumstances will the Board accept transcripts from the applicant.)

CERTIFICATE

I hereby certify that the above name applicant has graduated from this institution with a degree of: ___ Major: ___ on ___

An official transcript of the applicant's academic record at this institution is attached

SEAL OF UNIVERSITY

Signature: _

Official Position: _

Institution: _

Date: _

Return to:

ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

2777 Zelda Road

Montgomery, AL 36106

[THE FORM MAY BE DUPLICATED AS NECESSARY]

frm 5 10/96

ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

2777 Zelda Road

Montgomery, AL 36106

(334) 269-9990

(334) 263-6115 (fax)

APPLICATION FOR TEMPORARY PERMIT (90 DAYS) AS A GEOLOGIST

INSTRUCTIONS TO APPLICANT

1. The Application form must be typewritten, fully completed, signed, notarized and accompanied by the requisite fee (\$200.00) BEFORE it will be accepted for consideration by the Board. Enclose two (2) recent (less than two years old) passport size color photographs.

2. Non-refundable fee MUST accompany the application. Do not send cash. Make checks or money orders payable to "Alabama Board of Licensure for Professional Geologists" (ABLPG)

FIRST NAME ___ M INITIAL ___ LAST NAME ___

MAILING ADDRESS _

CITY ___ ST ___ ZIP ___

BUSINESS NAME _

BUSINESS ADDRESS _

CITY ___ ST ___ ZIP ___

BUSINESS TELEPHONE ___ FAX ___

EMAIL ADDRESS ___ SOCIAL SECURITY # ___

DATE OF BIRTH ___ PLACE OF BIRTH ___

LIST YOUR LICENSE NUMBER(S) AND ISSUING STATE(S)

-

-

LIST THE COMPANY AND LOCATION OF JOB:

—

—

GENERAL NATURE OF GEOLOGIC/HYDROLOGIC STUDY:

—

—

ARE YOU THE PRINCIPLE GEOLOGIST/HYDROLOGIST ON THE JOB # YES # NO. IF NOT WHO? (LIST THE NAME, LICENSE STATE AND NUMBER OF INDIVIDUAL) ___

IS THE WORK SUBJECT TO REGULATORY APPROVAL OR ACCEPTANCE? #YES #NO. IF YES, WHICH AGENCY: ___

NAME THE LOCATION(S) OF THE WORK BEING PERFORMED: ___

Signature and Seal of Applicant _

County of ___ State of ___

Sworn to and subscribed before me, this the ___ day of ___, 20 ___

___ Notary Public

My Commission Expires: _

2005 CONTINUING EDUCATION REPORTING FORM

NAME _

ADDRESS _

CITY ___ ST ___ ZIP ___

LICENSE NUMBER _

NOTICE: For general guidelines, please read the document titled Continuing Education Guidelines for Alabama Licensed Professional Geologists (2005), which can be viewed on the Board's website, www.algeobd.alabama.gov. For specific guidelines, please refer to Alabama Board of Licensure for Professional Geologists Administrative Rules, Ethics, and Enabling Act, Section 364-X-13-.02. Please note that documentation is required for all PDH credit claimed and should be available for later examination, if requested. This form can be modified as needed to document your particular PDH credit, but please use this form for reporting. The categories, 1 through 5 below, correspond to the same numbered categories in the 2005 Guidelines. Please note that contract hours' and PDHs are not the same as explained in the 2005 Guidelines for each category. Further, in some categories, there are limitations on the number of PDHs that can be

claimed and/or the PDHs are prorated in some manner. Please see 'Examples of PDH Credit Conversion' in the 2005 Guidelines, which is located on the Board's website, www.algeobd.alabama.gov.

1) Formal Educational Activities

Name of College of University	Course	Date Attended	Semester Hrs	QtrHrs	PDHs
-------------------------------	--------	---------------	--------------	--------	------

a.

b.

c.

2) Formal Activities of Professional Societies, Agencies, and Organizations

Organization	Subject	Date	Contact Hrs	PDHs
--------------	---------	------	-------------	------

a.

b.

c.

d.

3) Field Trips

Organization	Subject	Date	Contact Hrs	PDHs
--------------	---------	------	-------------	------

a.

b.

c.

4) Regulatory and Safety Training, Interest Seminars and Courses & In-House Activities

Source/Description	Date	Contact Hrs	PDHs
--------------------	------	-------------	------

a.

b.

c.

d.

5) Oral and Written Technical Contributions

Title of Paper	Published By	Date	Pages	Prep Hrs	PDHs
----------------	--------------	------	-------	----------	------

a.

b.

c.

Total PDHs carried forward from last biennium ____

Total ____

Total PDH's Claimed ____

Total PDHs carried forward to next biennium [FN2] ____

—

Signature of Applicant/Date

Licensee certifies that the informatio above is true and correct by applying his/her seal or stamp. **(Apply Seal or Stamp)**

ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

2777 Zelda Rd

Montgomery, AL 36106

Phone: 334/420-7236

FAX: 334/263-6115

Email: geology@warrenandco.com

Website: www.algeobd.alabama.gov

PROFESSIONAL GEOLOGIST		GEOLOGIST-IN-TRAINING	
#	\$150.00 Renewal Fee The following if applicable:	#	\$75.00 Renewal Fee The following if applicable:
#	\$100.00 Late Fee (If not received 90 days after expiration date)	#	\$100.00 Late Fee (If not received 90 days after expiration date)

Note: THE BOARD ACCEPTS PERSONAL OR COMPANY CHECKS MADE PAYABLE TO THE ABLPG. Also, Continuing Education **is** required for this biennial license renewal period. Thirty (30) PDH's are required. Please see the Continuing Education Reporting Form or refer to your Continuing Education Guidelines booklet. You may access the CE Guidelines on the Board's website, www.algeobd.alabama.gov. **Also, your AL Seal Or Stamp must be affixed to your CE Reporting Form.**

Please complete the following:

Name of Licensee: ____ Lic. Number: ____ Date of Birth: ____

Residence Address: _

Street & Number City State Zip

Residence Phone: (____)____ FAX: (____)____ County: ____

Business Name: _

Business Address: _

Street & Number City State Zip

Business phone: (____) ____ FAX: (____)____ County: ____

E-Mail address: ____

PLEASE MARK THE APPROPRIATE CATEGORY:

Academia Business* Consultant, (Independent) Geotechnical
 Government Mining Petroleum Retired

I hereby attest that the above information contained herein is true to the best of my knowledge and belief. I have read Chapter 364-X-14 Professional Conduct (Code of Ethics) and hereby reaffirm my agreement to abide by these rules set forth by the Board.

Signature: ____ Date: ____

Social Security Number (Required): ____

Alabama Board of Licensure for Professional Geologists

2777 Zelda Rd

Montgomery, AL 36106

334/420-7236 Fax: 334/263-6115

www.algeobd.alabama.gov

Email: geology@arrenandco.com

Dear Licensee:

Congratulations on obtaining your PG license for the State of Alabama! We are excited about the response that we have received and look forward to working with you and assisting you in any way that we can.

The Licensing Act, § 34-41-14(a), states, “Each geologist, upon the issuance of a license, shall obtain from the secretary-treasurer of the board or his or her designee, at a cost prescribed by the board, a seal of the design authorized by the board bearing the name of the licensee and the legend “Licensed Professional Geologist -- State of Alabama” together with the serial number of the licensee. A licensed professional geologist shall approve, sign, and affix his or her seal to all drawings reports, or other geologic papers or documents involving the public practice of geology which have been prepared by the licensed professional geologist or a subordinate employee under the direction of the licensed professional geologist for the use of, or for delivery to any person or for public record within the State of Alabama.”

The Alabama Geologists Board seal was recently approved and we are now able to offer to you, your seal and stamp. In order to obtain your stamp and seal, we ask that you return the bottom portion of this letter along with a check for \$50.00 to the Board's office. The stamp and seal will not be ordered until your request form and check have been received and processed. Once ordered, it will take a minimum of 6-8 weeks for your stamp and seal to be delivered to you

Please note that the above referenced seal/stamp is the only acceptable form of seal/stamp. The Board will not recognize any seal/stamp purchased from outside sources.

–

Geologist Stamp/Seal Request Form

Name: ____ License No. ____

(As you wish it to appear on your seal/stamp)

Address: _

E-mail: _

Please make \$50.00 check payable to:	ABLPG
Please remit payment to:	ABLPG
(Board has moved)	Attn: Hope Paulene
	2777 Zelda Rd
	Montgomery, AL 36106

Author: Board of Licensure for Professional Geologists

Credits

STATUTORY AUTHORITY: Code of Ala. 1975, §§

HISTORY: New Rule: Filed September 20, 2012; effective October 25, 2012.

[FN1]

Note: A “qualified geologist” is a person who possesses all the qualifications specified for licensing under Title 34, Chapter 41 of the Code of Alabama, 1975, except that he/she is not licensed.

[FN2]

Category 4 PDHs cannot be carried forward into the next biennium.

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Ala. Admin. Code r. 364-X App. I, AL ADC 364-X App. I