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Engineering Ethics for Georgia Professional Engineers

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Table of Contents

Chapter 1: Overview of the Georgia Engineering Ethics, Laws and Rules **4**

Engineering Ethics	4
Georgia State Board of Registration for Professional Engineers & Land Surveyors	4
Georgia Statutory Laws	4
Georgia Board Rules	5
Georgia Board Disciplinary Authority	5

Chapter 2: Georgia Statutory Laws: Title 43, Chapter 15 **6**

43-15-22. Registrant or licensee required to obtain seal; inscription; purpose; fraudulent use of seal	6
43-15-25. Procedure for filing charges against holder of certificate, certificate of registration, or license	7
43-15-26. Cease and desist orders; civil penalties for violation of order	7
43-15-27. Enforcement of chapter	7
43-15-30. Unlawful acts	8

Chapter 3: Georgia Board Rules: Chapter 180 **9**

180-6-.01 General.	9
180-6-.02 Protection of the Public.	10
180-6-.03 Rules of Practice.	10
180-6-.04 Statement and Testimony.	11
180-6-.05 Conflict of Interest.	12
180-6-.06 Conduct.	13
180-6-.07 Ethics.	13
180-6-.08 Convictions.	13
180-6-.09 Certification.	14
180-10-.01 Corporate Practice: Professional Engineering.	14
180-11-.01 Introduction (Continuing Professional Competency.	15
180-11-.02 Definitions.	15
180-11-.03 Requirements.	16
180-11-.04 Units.	17
180-11-.05 Determination of Credits.	18
180-11-.06 Recordkeeping.	18
180-11-.07 Exemptions.	18
180-11-.08 Reinstatement.	19
180-11-.09 Comity/Out-of-Georgia Resident.	19
180-11-.10 Forms.	19
180-12-.01 Description.	20
180-12-.02 Sealing of Documents.	20

Chapter 4: Disciplinary Process **22**

Complaint Procedures	22
Investigation	22
Hearing Process	22

Chapter 5: Review of Disciplinary Cases **24**

Case No: PELS100033	24
Case No: PELS080046	24
Case No: PELS080093	24
Case No: PELS080068	24
Case No: PELS080061	24

Appendix A: References **25**

Chapter 1

Overview of the Georgia Engineering Ethics, Laws and Rules

Engineering Ethics

Engineering ethics is (1) the study of moral issues and decisions confronting individuals and organizations involved in engineering and (2) the study of related questions about moral conduct, character, ideals and relationships of peoples and organizations involved in technological development (Martin and Schinzinger, *Ethics in Engineering*).

Georgia State Board of Professional Engineers and Land Surveyors

The Georgia General Assembly created the Georgia State Board of Registration for Professional Engineers and Land Surveyors (Board) in 1937 with the charge of protecting life, health, and property and to promote the public welfare. The Board has the power to adopt rules, set standards for licensure, adopt mandatory standards of professional conduct and ethics, and investigate and discipline unauthorized, negligent, unethical or incompetent practice. The Board reviews applications, administers examinations, licenses qualified applicants, and regulates the professional practice of licensees throughout the state. The Board consists of nine members appointed by the Governor for a term of five years: six professional engineers, two land surveyors, and a member appointed from the public at large.

The Board has the authority to implement provisions of the Georgia State Laws: Title 43, Chapter 15 "Professional Engineers and Land Surveyors" and the Board Rules: Chapter 180, "Rules of State Board of Registration for Professional Engineers and Land Surveyors".

Georgia Statutory Laws

The Georgia statutory laws are a collection of state laws organized by subject area into a code made up of titles and chapters. Title 43, Chapter 15, "Professional Engineers and Land Surveyors" was created by the Georgia General Assembly in the interest of public health and safety to regulate the practice of engineering in the State of Georgia. It is continuously updated by laws that create, amend, or repeal statutory material. The Georgia statutory laws state the law followed by the history of the law which indicates when it was originally filed and subsequent effective dates of enactment.

Pertinent sections of Title 43, Chapter 15, which relate to the code of professional conduct and responsibility, are presented in Chapter 2 below.

Georgia Board Rules

The Georgia State board rules are a compilation of the rules and regulations of the Georgia regulatory agencies. It is organized by chapters with each chapter number representing a department, commission, board or other agency. Chapter 180 of the rules was created by the Georgia State Board of Registrations for Professional Engineers and Land Surveyors which states its functions with respect to the practice of engineering. It is continuously updated by the Board. The Board rules state the rule followed by the history of the rule which indicates when the rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date.

Pertinent sections of Chapter 180, which relate to the code of professional conduct and responsibility, are presented in Chapter 3 below.

Georgia Board Disciplinary Authority

The Board is charged with the duty of issuing certificates of registration to those professional engineers and land surveyors it has determined to be qualified. It has the authority and responsibility to revoke these certificates when charges such as gross incompetence are proven in a hearing against a registrant. It has the authority to initiate civil action against unlicensed persons who practice or offer to practice engineering or land surveying for the public.

The board is not authorized to settle boundary line disputes, establish cost for services, correct miscalculations or errors in a survey of real property, or settle contractual disputes. These types of problems are civil matters and are usually settled between the parties involved either in or out of the courts. If wrongdoing by a registrant is proven in court, the board would like to have certified copies of any orders issued to prevent the wrongdoing from happening again and to take other action as considered appropriate. Likewise, the board has no powers of restitution as these are reserved for the courts.

The disciplinary process of the Georgia State Board of Registration for Professional Engineers and Land Surveyors is illustrated in Chapter 4 below. Several disciplinary cases, presented in Chapter 5 below, were selected at random to further illustrate the disciplinary actions taken by the Board. In selecting these cases, different scenarios of violations are depicted along with their corresponding final decisions issued by the Board.

Chapter 2

GA Statutory Laws - Title 43, Chapter 15

Title 43, Chapter 15: Professional Engineers and Land Surveyors

The following are excerpts from Title 43, Chapter 15 of the Georgia statutory laws. If you wish to review the entire chapter, please visit the website of the Georgia Board at:

<https://sos.ga.gov/index.php/licensing/plb/22>

§ 43-15-22. Registrant or licensee required to obtain seal; inscription; purpose; fraudulent use of seal

(a)Every professional engineer and professional land surveyor registered or licensed, as applicable, under this chapter shall, upon receipt of a certificate of registration or license, obtain a seal of the design authorized by the board, bearing the registrant's or licensee's name, certificate or license number, and the legend "Professional Engineer," or "Professional Land Surveyor," in accordance with the certificate of registration or license.

(b)Plans, specifications, plats, and reports issued by a registrant or licensee shall be stamped or sealed and countersigned by the registrant or licensee; but it shall be unlawful for the registrant or licensee or any other person to stamp or seal any document with such seal after the certificate of the registrant or license of the licensee named thereon has expired, or has been revoked, or during the period of any suspension imposed by the board. No plans, specifications, plats, or reports shall be stamped with the seal of a registrant or a licensee unless such registrant or licensee has personally performed the engineering or land surveying work involved or, when the registrant or licensee has not personally performed the engineering or land surveying work reflected in any plan, specification, plat, or report, such registrant or licensee has affixed his or her seal thereto only if such document has been prepared by an employee or employees under the registrant's or licensee's direct supervisory control on a daily basis and after the registrant or licensee has thoroughly reviewed the work embodied in such document and has satisfied himself or herself completely that such work is adequate.

(c)No registrant or licensee shall affix his or her seal to any plan, specification, plat, or report unless he or she has assumed the responsibility for the accuracy and adequacy of the work involved.

(d)Any registrant or licensee who has affixed his or her seal to any plan, specification, plat, or report prepared by another individual not under the registrant's or licensee's direct supervisory control on a daily basis, and without having thoroughly reviewed such work, shall be deemed to have committed a fraudulent act of misconduct in the practice of professional engineering or land surveying.

HISTORY: Ga. L. 1937, p. 294, § 16; Ga. L. 1945, p. 294, § 26; Ga. L. 1972, p. 222, § 8;

Code 1933, § 84-2121, enacted by Ga. L. 1975, p. 1048, § 1; Ga. L. 1992, p. 3297, § 5; Ga. L. 2018, p. 583, § 1/SB 425.

§ 43-15-25. Procedure for filing charges against holder of certificate, certificate of registration, or license

(a) Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or unprofessional conduct against any individual holding a certificate, certificate of registration, or license. Such charges shall be in writing, shall be sworn to by the person making them, and shall be filed with the board.

(b) All such charges, unless dismissed by the board as unfounded or trivial, shall be acted upon by the board.

HISTORY: Ga. L. 1937, p. 294, § 22; Ga. L. 1945, p. 294, § 35; Code 1933, § 84-2127, enacted by Ga. L. 1975, p. 1048, § 1.

§ 43-15-26. Cease and desist orders; civil penalties for violation of order

(a) After notice and hearing, the board may issue an order prohibiting any person from violating Code Section 43-15-7 and may fine such person at least \$100.00 but not more than \$5,000.00 per violation.

(b) The violation of any order of the board issued under subsection (a) of this Code section shall subject the person violating the order to an additional civil penalty not in excess of \$100.00 for each transaction constituting a violation of such order. The board may maintain an action in the superior courts of this state in its own name to recover the penalties provided for in this Code section.

HISTORY: Code 1933, § 84-2107, enacted by Ga. L. 1975, p. 1048, § 1; Ga. L. 1997, p. 527, § 1; Ga. L. 1999, p. 81, § 43; Ga. L. 2018, p. 583, § 1/SB 425.

§ 43-15-27. Enforcement of chapter

(a) It shall be the duty of all duly constituted law enforcement officers of this state and of the political subdivisions of this state to enforce this chapter and to prosecute any person violating this chapter.

(b) The Attorney General or his or her designated assistant shall act as legal adviser to the board and render such legal assistance as may be necessary in carrying out this chapter.

(c) Except as provided in Code Section 25-2-14, it shall be the duty of all public officials charged with the responsibility of enforcing codes related to construction to require compliance with Code Section 43-15-24 before engineering plans, drawings, and specifications are approved by construction. Except as provided in Code Section 25-2-14, no construction which is subject to Code Section 43-15-24 and which requires the service of an engineer shall be built without such approval prior to construction.

HISTORY: Ga. L. 1937, p. 294, § 23; Ga. L. 1945, p. 294, § 37; Code 1933, § 84-2129,

enacted by Ga. L. 1975, p. 1048, § 1; Ga. L. 1982, p. 2271, § 1; Ga. L. 2018, p. 583, § 1/SB 425.

§ 43-15-30. Unlawful acts

(a) Any person that violates Code Section 43-15-7 shall be guilty of a misdemeanor.

(b) Any individual presenting or attempting to use as his or her own the certificate of registration or license or the seal of another obtained under this chapter shall be guilty of a misdemeanor.

(c) Any person that gives any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate, certificate of registration, or license shall be guilty of a misdemeanor.

(d) Any person that falsely impersonates any other registrant or licensee or any person that attempts to use an expired or revoked certificate of registration or license shall be guilty of a misdemeanor.

(e) Any person offering services to the public that uses by name, verbal claim, sign, advertisement, directory listing, letterhead, or otherwise the words "Engineer," "Engineers," "Professional Engineering," "Engineering," or "Engineered" shall be guilty of a misdemeanor unless said person has complied with the provisions of this chapter.

(f) Any person offering services to the public that uses by name, verbal claim, sign, advertisement, directory listing, letterhead, or otherwise the words "Professional Land Surveyor," "Professional Land Surveyors," "Land Surveyor," or "Land Surveyors" shall be guilty of a misdemeanor unless such person has complied with the provisions of this chapter.

(g) Each day or occurrence in violation of any provision of this Code section shall be considered a separate offense.

HISTORY: Ga. L. 1937, p. 294, § 23; Ga. L. 1945, p. 294, § 40; Code 1933, § 84-2131, enacted by Ga. L. 1975, p. 1048, § 1; Ga. L. 1982, p. 2271, § 2; Ga. L. 2018, p. 583, § 1/SB 425.

Chapter 3

Georgia Board Rules - Chapter 180

Chapter 180: Rules of State Board of Registration for Professional Engineers and Land Surveyors

The following are excerpts from Chapter 180 of the Georgia Board rules. If you wish to review the entire chapter, please visit the website of the Georgia Board at:

<https://sos.ga.gov/index.php/licensing/plb/22>

180-6-.01 General.

(1) In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the professions of engineering and land surveying, the following Rules of Professional Conduct are promulgated in accordance with O.C.G.A. 43-15-6(1). The following rules shall be binding upon every individual who possesses a certificate or a certificate of registration issued by the Board and upon every firm, professional corporation, association, governmental agency, partnership, corporation or other legal or commercial entity offering engineering or land surveying services to the public and to all personnel of such firm, corporation, partnership, association, or entity who act in its behalf in the practice of engineering or land surveying in this state.

(2) The Rules of Professional Conduct as promulgated herein are an exercise of the police power vested in the Georgia Board of Registration for Professional Engineers and Land Surveyors by virtue of the acts of the legislature. By that investment, the said Board is authorized to establish conduct, policy, and practices in accordance with the powers hereinabove stated.

(3) All persons registered under O.C.G.A. Chapter 15, Title 43, are charged with having knowledge of the existence of these Rules of Professional Conduct and shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering or land surveying is a privilege as opposed to a right. The registrant shall be forthright and candid in his/her statements or written response to the Board or its representatives on matters pertaining to professional conduct.

Authority Ga. Code 84-21; O.C.G.A. Sec. 43-15-6(1). **History.** Original Rule was filed and effective on June 30, 1965. **Amended:** Original Rule entitled "Work Under Seal of Another" repealed by Emergency Rule entitled "General." Filed and effective on July 31, 1975, for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule. **Amended:** Permanent Rule adopted. Filed November 4, 1975; effective November 24, 1975. **Amended:** F. Aug. 9, 1990; eff. Aug. 29, 1990.

180-6-.02 Protection of the Public.

The engineer or land surveyor shall at all times practice in such a manner as to protect the safety, health and welfare of the public. If a registrant's engineering or land surveying judgment is overruled under circumstances where the safety, health or welfare of the public are endangered, he/she shall inform the proper authorities and his/her employer of the situation as may be appropriate.

Authority Ga. Code 84-21; O.C.G.A. Secs. 43-15-1, 43-15-5. **History.** Original Rule was filed and effective on June 30, 1965. **Amended:** Original Rule entitled "Additional Evidence" repealed by Emergency Rule entitled "Protection of the Public". Filed and effective on July 31, 1975, for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule. **Amended:** Permanent Rule adopted. Filed November 4, 1975; effective November 24, 1975. **Amended:** F. Aug. 9, 1990; eff. Aug. 29, 1990.

180-6-.03 Rules of Practice.

(1) The engineer or land surveyor shall perform services only in areas of his/her competence. The engineer or land surveyor shall undertake to perform engineering or land surveying assignments only when qualified by education or experience in the specific technical field of professional engineering or land surveying involved.

(2) The engineer or land surveyor 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 shall be performed by qualified associates, consultants or employees who shall sign, seal, and be responsible for such other phases or technical segments.

(3) The professional engineer who develops the design criteria and engineering concept for a project, provides analysis, and is responsible for the preparation of the construction documents shall be responsible for the design of the project within his/her contractual area of engineering services and shall be known as the engineer of record.

(4) In the event that a professional engineer who is not the engineer of record is used for specific portions of the work, that individual shall be a registered engineer in the State of Georgia and shall seal, sign, and date his/her own reports, calculations, and drawings. He/she shall coordinate his/her work with the engineer of record and shall be responsible to the engineer of record for that specific portion of the project design. He/she shall be known as the specialty engineer.

(5) The engineer or land surveyor shall not affix his/her signature and/or seal to any engineering or land surveying plan, document, or plat unless such plan, document, or plat is prepared by the registrant or an individual in the employ of the registrant. All plans, documents, and plats prepared by non-registrants must be prepared under the direct supervisory control of the registrant on a daily basis.

(6) "Direct supervisory control" shall require the registrant to have daily interaction with and provide guidance and direction to any non-registrant employee or non-registrant contract employee in the preparation of engineering or land surveying plans, documents or plats, in each phase of the preparation of the calculations, drawings, specifications, reports, surveys and all other documents completed by the non-registrant. Direct supervisory control may be typically established at a location (address) where both the registrant and the non-

registrant employee (whether full time or part time or contract) are employed and there is a direct connection between the registrant and the non-registrant employee. If the registrant and the non-registrant employee are not located at the same location, then the registrant shall be able to demonstrate how direct supervisory control is maintained over the non-registrant and how the registrant and the employee maintain a direct connection for the direct supervisory control of the engineering or surveying work as indicated above, upon an inquiry from the Board. Satisfactory proof of direct supervisory control from the registrant over the non-registrant employee includes, but is not limited to, written guidance or directions to the non-registrant employee; written records of ongoing communication during the project; and work product mark-ups by the registrant to the non-registrant. The Board shall determine if such supervisory control is being provided by the registrant is acceptable to the Board.

(7) In the event a question arises as to the competence of an engineer or land surveyor to perform an assignment, the Board may require him/her to submit to an appropriate examination, as determined by the Board. That action by the Board shall be required only if the question cannot be otherwise resolved to the Board's satisfaction.

(8) Renovation or the retrofitting of a building or structure is considered as the practice of engineering when the work involves the addition or reduction of weight or loading; analysis of structural systems or members; removal or addition of structural elements; analysis of drainage systems on or below the roof surface; changes to the drainage characteristics; or changes required for the building or structure to conform to current jurisdictional building codes. Nothing in this rule is intended to restrict the normal practice by registered architects. Nothing in this rule is intended to restrict the normal practice of roofing contractors insofar as repairing or the replacement of like kind of roofing systems so long as no additional weight is added.

Authority Ga. Code 84-21; O.C.G.A. Sec. 43 -15. **History.** Original Rule entitled "Rules of Practice" was filed and effective as Emergency Rule on July 31, 1975, to remain in effect for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule. **Amended:** Permanent Rule adopted. Filed November 4, 1975; effective November 24, 1975. **Amended:** F. Aug. 9, 1990; eff. Aug. 29, 1990. **Repealed:** New Rule of same title adopted. F. Feb. 25, 1993; eff. Mar. 17, 1993. **Repealed:** New Rule of adopted. F. Jan. 17, 1997; eff. Feb. 6, 1997. **Amended:** F. Nov. 13, 1997; eff. Dec. 3, 1997.

180-6-.04 Statement and Testimony.

(1) The engineer or land surveyor shall be completely objective and truthful in issuing public statements, reports or testimony. He/she shall include all relevant and pertinent information in those statements, reports or testimony.

(2) The engineer or land surveyor, when serving as an 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 at issue. That expression shall reflect a background of technical competence in the subject matter, and an honest conviction of the accuracy and propriety of his/her testimony.

(3) No engineer or land surveyor licensed under O.C.G.A. Chapter 15, Title 43, shall issue statements, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party or parties unless he/she has prefaced such comments by explicitly identifying the party on whose behalf

he/she is speaking. The engineer or land surveyor must at the same time reveal the existence of any pecuniary interest he/she may have in the matters.

Authority Ga. Code 84-21; O.C.G.A. Sec. 43-15-6(1). **History.** Original Rule entitled "Statement and Testimony" was filed and effective as Emergency Rule on July 31, 1975, to remain in effect for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule. **Amended:** Permanent Rule adopted. Filed November 4, 1975; effective November 24, 1975. **Amended:** F. Aug. 9, 1990; eff. Aug. 29, 1990.

180-6-.05 Conflict of Interest.

(1)The engineer or land surveyor shall avoid conflicts of interest. The engineer or land surveyor shall conscientiously avoid conflict of interest with his/her employer or client, but, when unavoidable, the engineer or land surveyor shall forthwith disclose the circumstances to his employer or client.

(2)The engineer or land surveyor shall avoid all known conflicts of interest with his/her employer or client and shall promptly inform his/her employer of any business association, interests, or circumstances which could influence his/her judgment or the quality of his/her services.

(3)The engineer or land surveyor 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 interested parties.

(4)The engineer or land surveyor shall not solicit or accept financial or other valuable considerations, directly or indirectly, from material or equipment suppliers, or their representatives, for specifying their products.

(5)The engineer or land surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for which he/she is responsible.

(6)The engineer or land surveyor in public service as a member, advisor, or employee of a governmental body or department shall not participate in considerations or actions with respect to matters involving him/her or his/her organization's private or public engineering or land surveying practices.

(7)The engineer or land surveyor shall not solicit or accept an engineering or land surveying contract from a governmental body on which a principal or officer of his/her organization serves as a member.

Authority Ga. Code 84-21; O.C.G.A. Sec. 43-15. **History.** Original Rule entitled "Conflict of Interest" was filed and effective as Emergency Rule on July 31, 1975, to remain in effect for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule. **Amended:** Permanent Rule adopted. Filed November 4, 1975; effective November 24, 1975. **Amended:** F. Aug. 9, 1990; eff. Aug. 29, 1990.

180-6-.06 Conduct.

(1) The engineer or land surveyor shall solicit or accept professional employment only on the basis of his/her qualifications and competence for proper accomplishment of the work. No engineer or land surveyor may provide a fee proposal to a potential client until he/she (a) established or reviewed the scope of services for the project, (b) determined that, based on his/her review of the scope of services, that he/she is competent to provide the professional services required, and (c) made his/her qualifications known to the prospective client. On proposals including more than one engineer or land surveyor, each individual shall be responsible for complying with this rule for his/her respective portion of the proposal. The engineer or land surveyor shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(2) The engineer or land surveyor 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 of responsibility for prior assignments in brochures or other presentations for the solicitation of employment. He/she shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his/her or their past accomplishments with the intent and purpose of enhancing his/her qualifications or work.

Authority Ga. Code 84-21; O.C.G.A. Sec. 43-15. **History.** Original Rule entitled "Conduct" was filed and effective as Emergency Rule on July 31, 1975, to remain in effect for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule. **Amended:** Permanent Rule adopted. Filed November 4, 1975; effective November 24, 1975. **Amended:** F. Aug. 9, 1990; eff. Aug. 29, 1990. **Repealed:** New Rule of same title adopted. F. Feb. 25, 1993; eff. Mar. 17, 1993.

180-6-.07 Ethics.

(1) The engineer or land surveyor shall associate only with reputable persons or organizations. The engineer or land surveyor shall not 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 or dishonest nature.

(2) If the engineer or land surveyor has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of O.C.G.A. 43-15, he/she shall promptly present such information to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

Authority Ga. Code 84-21; O.C.G.A. Sec. 43-15. **History.** Original Rule entitled "Ethics" was filed and effective as Emergency Rule on July 31, 1975, to remain in effect for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule. **Amended:** Permanent Rule adopted. Filed November 4, 1975; effective November 24, 1975. **Amended:** F. Aug. 9, 1990; eff. Aug. 29, 1990.

180-6-.08 Convictions.

A violation of O.C.G.A. Chapter 15, Title 43, or of the rules of another jurisdiction, if for a cause which in the State of Georgia would constitute a violation of O.C.G.A. 43-15 or these rules, shall be grounds for a charge of violation of these rules.

Authority Ga. Code 84-21; O.C.G.A. Sec. 43-15-6(1). **History.** Original Rule entitled "Convictions" was filed and effective as Emergency Rule on July 31, 1975, to remain in

effect for a period of 120 days or until a permanent Rule covering the same subject matter has been adopted superseding this Emergency Rule. **Amended:** Permanent Rule adopted. Filed November 4, 1975; effective November 24, 1975. **Amended:** F. Aug. 9, 1990; eff. Aug. 29, 1990.

180-6-.09 Certification.

(1)The term "Certification" as used in Rule 180-6-.09(2) and (3) and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

(2)When an engineer or land surveyor is presented with a certificate to be signed or sealed, he or she should carefully evaluate that certification to determine if the certification:

(a) relates to matters which are within the technical competence of the engineer or land surveyor;

(b) involves matters which are within the scope of services actually provided by the engineer or land surveyor or;

(c) relates to matters which were prepared under the supervision, direction and control of the engineer or land surveyor.

(3)Engineers or land surveyors who sign or seal certification not meeting criteria in subsection (2) are subject to discipline pursuant to O.C.G.A. 43-15-19(a)(5).

Authority O.C.G.A. Sec. 43-15. **History.** Original Rule entitled "Certification" adopted. F. Aug. 12, 1993; eff. Sept. 1, 1993.

180-10-.01 Corporate Practice: Professional Engineering.

(1)As used in O.C.G.A. § 43-15-23(c), the phrase "responsible charge" means the independent control, direction and supervision, by the use of initiative, skill and independent judgment of the practice of professional engineering as defined in O.C.G.A. § 43-15-2(11).

(2)In order to be considered eligible for a certificate of authorization, any individual who is in responsible charge of the practice of professional engineering for the firm, corporation, professional corporation, partnership or association or other entity shall be a full-time employee of the firm, corporation, professional corporation, partnership, association or other entity, regularly engaged in the practice of professional engineering. Such individual shall not be:

(a) available to perform engineering services only on a part-time, independent contractor basis at the call of such firm, corporation, partnership, association or other business entity; or

(b) available on an if-and-when needed consulting basis; or,

(c) not actively practicing professional engineering with such firm, corporation, partnership, association or other business entity.

(3)The practice of professional engineering for any firm, corporation, partnership,

association or other business entity shall not be considered to be under the direction of a professional engineer unless such professional engineer bears a continuing bonafide relation thereto and has such authority from the governing body of such business entity as would result in its being legally liable for all such professional engineer's professional acts and judgments.

Authority Ga. L. 1975, pp. 1048-1071, Ga. Code 84-2106(a); O.C.G.A. Secs. 43-15-4(a), 43-15-6(1), 43-15-23. **History.** Original Rule entitled "Hearings and Violations" was filed and effective on June 30, 1965. **Amended:** Rule repealed. Filed July 31, 1975; effective August 20, 1975. **Amended:** Rule entitled "Corporate Practice; Professional Engineering" adopted. Filed November 23, 1981; effective December 13, 1981. **Amended:** F. Aug. 9, 1990; eff. Aug. 29, 1990. **Repealed:** New Rule entitled "Corporate Practice: Professional Engineering" adopted. F. Jan. 10, 1991; eff. Ja

180-11-.01 Introduction (Continuing Professional Competency).

Beginning January 1, 1997, as stated in O.C.G.A. 43-15-6(b), "...which begins after the 1996 renewal cycle," every registrant shall meet the continuing professional competency requirements of these rules for professional development as a condition for licensure renewal.

Authority Ga. L. 1945, pp. 294, 299; O.C.G.A. Sec. 43-15-6(b). **History.** Original Rule entitled "Reconsideration of Applications and Re -Applications" was filed and effective on June 30, 1965. **Amended:** Rule repealed. Filed July 31, 1975; effective August 20, 1975. **Amended:** New Rule entitled "Introduction" adopted. F. Jul. 8, 1996; eff. Jul. 28, 1996.

180-11-.02 Definitions.

Terms used in this section are defined as follows:

(a) Professional Development Hour. A contact hour (nominal) of instruction or presentation. The common denominator for other units of credit. The numerical unit of measure used in calculating compliance with this Chapter is a Professional Development Hour or PDH. All units and hours attributed to the courses and activities acceptable in satisfying this Chapter's requirement are translated into PDH's by operation of Rule 180-11-.04 of this Chapter.

(b) Course/Activity. Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the land surveyor's or professional engineer's practice.

(c) Continuing Education Course/Unit.

1. Continuing Education Course. A course, seminar, workshop or other professional or technical presentation or activity taken or attended for the purpose of maintaining, improving, or expanding the skills and knowledge relevant to the registrant's practice.

2. Continuing Education Unit. The unit of measure attributed to Continuing Education Courses is a Continuing Education Unit or CEU. Ten (10) hours of class in a Continuing Education Course equals one (1) Continuing Education Unit.

(d) College Courses/Unit Measure.

(a) College Course. When used in this Chapter, a College course is a technical course in a curriculum which has been accredited by the Accreditation Board for Engineering and Technology, or a technical course that is specifically relevant to engineering or surveying, which is offered by a college, university, or other institution.

(e) College/Unit Semester/Quarter Hour. A College/Unit Semester/ Quarter Hour is a unit of measure attributed by the offering college, university, or institution, to a particular course, which is translated into PDH's by operation of Rule 180-11-.04 of this Chapter.

(f) Registrant. When used in this Chapter, a person who is licensed as either a professional engineer or a land surveyor is deemed to be a registrant.

(g) Dual Registrant. When used in this Chapter, a person who is licensed as both a professional engineer and a land surveyor is deemed to be a dual registrant.

(h) Board. The State Board of Registration for Professional Engineers and Land Surveyors.

(i) Sponsor. A sponsor is an organization, college, university, institution, or individual which provides a course/activity for which the professional engineer or land surveyor seeks to obtain Professional Development Hour credit.

(j) Successful Completion of a Course/Activity. Satisfactory completion of a course/activity taken for the purpose of obtaining PDH's means fulfilling the course or activity's requirements and obtaining a certificate of completion or its equivalent.

Authority O.C.G.A. Sec. 43-15-6. **History.** Original Rule entitled "Supplement to Application" adopted. F. and eff. June 30, 1965. **Repealed:** F. July 31, 1975; eff. Aug. 20, 1975. **Amended:** New Rule entitled "Definitions" adopted. F. July 8, 1996; eff. July 28, 1996. **Amended:** F. May 21, 1998; eff. June 10, 1998. **Amended:** F. Nov. 26, 2001; eff. Dec. 16, 2001.

180-11-.03 Requirements.

(1) Professional Engineers. Every professional engineer is required to obtain thirty (30) PDH's each twenty-four (24) month (Biennial) renewal period. If a professional engineer exceeds the requirements in any biennial renewal period, a maximum of fifteen (15) PDH's may be carried forward into the subsequent renewal period.

(2) Land Surveyors. Every land surveyor is required to obtain fifteen (15) PDH's each twenty-four (24) month biennial renewal period. In addition, every land surveyor must ensure that, once every five (5) years, at least six (6) PDH's in "Minimum Technical Standards" be included in their PDH's acquired. If a land surveyor exceeds the requirements in any biennial period, a maximum of seven and one-half (7.5) PDH's may be carried forward into the subsequent renewal period.

(3) Dual Registrants. The person with a dual license is required to obtain thirty (30) PDH units for a twenty-four (24) month (Biennial) renewal period. If a dual registrant exceeds the requirement in any Biennial renewal period, a maximum of fifteen (15) PDH's may be carried forward into the subsequent renewal period. At least one-third (1/3) of the PDH's in a renewal period must be obtained in engineering, and one-third (1/3) in surveying. The remaining units may be in either field, at the discretion of the registrant.

(4) PDH's may be earned as follows:

- (a) Successful completion of college courses.
- (b) Successful completion of continuing education courses.
- (c) Successful completion of correspondence, televised, videotaped, audiotaped, and other short courses/tutorials taken for the purpose of maintaining, improving, or expanding the skills and knowledge relevant to the land surveyor's or professional engineer's practice.
- (d) Presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions or conferences which are relevant to the land surveyor's or professional engineer's practice.
- (e) Teaching or instructing in any area relevant to the land surveyor's or professional engineer's practice.
- (f) Authoring published papers, articles, or books in any area relevant to the land surveyor's or professional engineer's practice.
- (g) Active participation in professional or technical societies. (For professional engineers only)
- (h) Receiving patents in any area relevant to the land surveyor's or professional engineer's practice.

Authority Ga. L. 1945, pp. 294, 299, 308; O.C.G.A. Sec. 43-15 -6(b). **History.** Original Rule entitled "Exemptions—How to Obtain" was filed and effective on June 30, 1965. **Amended:** Rule repealed. Filed July 31, 1975; effective August 20, 1975. **Amended:** New Rule entitled "Requirements" adopted. F. Jul. 8, 1996; eff. Jul. 28, 1996.

180-11-.04 Units.

The conversion of other units of credit to Professional Development Hours is as follows:

- (1) One (1) college or unit semester hour: 45 PDH
- (2) One (1) college or unit quarter hour: 30 PDH
- (3) One (1) Continuing Education Unit: 10 PDH
- (4) One (1) Hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, conferences, or examination preparation.
- (5) For teaching of professional development coursework as in 180-11-.04, apply a multiple of two (2). Teaching credit valid for teaching a course or seminar for the first time only. Teaching does not apply to full-time faculty.
- (6) Authorizing published papers, articles, or books in any area relevant to the land surveyor's or professional engineer's practice: 10 PDH
- (7) Active participation in professional and technical society (for professional engineers only): 2 PDH
- (8) Each patent in any area relevant to the land surveyor's or professional engineer's

practice: 10 PDH

Authority O.C.G.A. Sec. 43-15-6. **History.** Original Rule entitled "Units" adopted. F. July 8, 1996; eff. July 28, 1996. **Repealed:** New Rule of same title adopted. F. Feb. 3, 1999; eff. Feb. 23, 1999. **Repealed:** New Rule of same title adopted. F. Nov. 26, 2001; eff. Dec. 16, 2001.

180-11-.05 Determination of Credits.

The Board has the final authority regarding:

- (1) Approval of courses, classes, seminars, meetings, and all other methods of satisfying the requirements of this Chapter; and
- (2) The number of PDH's allocated to each course, class, seminar, meeting, and any other method of satisfying the requirements of this Chapter.

Authority O.C.G.A. Sec. 43-15-6(b). **History.** Original Rule entitled "Determination of Credits" adopted. F. Jul. 8, 1996; eff. Jul. 28, 1996.

180-11-.06 Recordkeeping.

To ensure compliance of continuing education, the Board shall randomly audit a number of registrants. Registrants licensed by way of examination or comity, shall be exempt from continuing education requirements for their first renewal period. Maintaining records to be used to support PDH's Claimed, is the responsibility of the registrant. Records required include:

- (a) A log showing the type of activity, sponsoring organization, location, duration, instructor's or speaker's name, and PDH's earned.
- (b) Attendance verification records in the form of completion certificates, or other documents supporting evidence of attendance; or records as maintained by professional organizations, or other similar repositories designated by the Board.
- (c) The log and records described in Rule 180-11-.06(a) and (b) must be maintained for a period of four years and copies may be requested by the Board for audit verification purposes.

Authority O.C.G.A. Sec. 43-15-6(b). **History.** Original Rule entitled "Recordkeeping" adopted. F. Jul. 8, 1996; eff. Jul. 28, 1996.

180-11-.07 Exemptions.

A registrant is exempt from the professional development education requirements under any of the following circumstances:

- (1) Registrants licensed by way of examination or comity, shall be exempt for their first renewal period.
- (2) A professional engineer serving on temporary duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days shall be exempt from obtaining 15 of the professional development hours required during that

biennial period in which the majority of the days of duty fall. Likewise, a land surveyor shall be exempt from obtaining 7.5 professional development hours during that biennial period.

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

(4) Registrants over the age of 65 who have applied for an inactive license, who list their occupation as "Retired" or "Inactive" on the Board-approved renewal form, and who further certify that they are no longer receiving any remuneration from providing professional engineering or land surveying services shall be exempt from professional development hours. In the event such a person elects to return to active practice of professional engineering or land surveying, professional development hours must be earned as described in "180-11-.08 Reinstatement" before returning to active practice.

(5) Individuals who qualify for exemption by way of paragraph (4) above may continue to use the words Professional Engineer (or P.E.), or Land Surveyor (or L.S.) as appropriate, after their names as long as they continue to fall under the restrictions specified and are not actively practicing engineering or land surveying.

Authority O.C.G.A. Sec. 43-15-6(b). History. Original Rule entitled "Exemptions" adopted. F. Jul. 8, 1996; eff. Jul. 28, 1996. Amended: F. Feb. 11, 2000; eff. Mar. 2, 2000.

180-11-.08 Reinstatement.

A registrant may bring an inactive or suspended (provided all other conditions of the suspension are filled) license to active status by obtaining all delinquent PDH's. A MINIMUM OF 15 PDH's are required for each year in an inactive or suspended status for professional engineers and 7.5 PDH's for land surveyors, up to a maximum of 30 PDH's for professional engineers and 15 PDH's for land surveyors.

Authority O.C.G.A. Sec. 43-15-6(b). **History.** Original Rule entitled "Reinstatement" adopted. F. Jul. 8, 1996; eff. Jul. 28, 1996. **Repealed:** New Rule, same title, adopted. F. Oct.13, 1998; eff. Nov. 2, 1998.

180-11-.09 Comity/Out-of-Georgia Resident.

The Board shall recognize the continuing education requirements imposed by other states to the extent that such continuing education courses meet the requirements imposed by the Board. Comity/Out-of-Georgia residents will be required to keep recordkeeping as listed under Rule 180-11-.06.

Authority O.C.G.A. Sec 43-15-6(b). **History.** Original Rule entitled "Comity/Out-of-Georgia Resident" adopted. F. Jul. 8, 1996; eff. Jul. 28, 1996.

180-11-.10 Forms.

Included with all license renewal applications will be a continuing education summary log form that the registrant must use to summarize the professional development hours for which he/she has requested credit during the current biennial period. In order to ensure compliance with O.C.G.A. 43-15-6(b), the Board shall audit some registrants at a later date and will instruct them to submit this form to the Board office, signed and certified. The form must supply sufficient detail relevant to continuing education hours claimed in order to

permit the Board to complete its audit.

Authority O.C.G.A. Sec. 43-15-6(b). **History.** Original Rule entitled "Forms" adopted. F. Jul. 8, 1996; eff. Jul. 28, 1996.

180-12-.01 Description (Seals).

The seal authorized by the State Board of Registration for Professional Engineers and Land Surveyors for registrants may be of the crimp type and/or rubber stamp facsimile or may be computer generated. The seal design is to be circular in form, the diameter of the outer circle being 1 1/2 inches, and the diameter of the inner circle being one inch. The registration seal design will be furnished to each registrant as part of the licensure process.

Authority O.C.G.A. Sec. 43-15- 22. **History.** Original Rule entitled "Preamble" adopted. F. Oct. 24, 1968; eff. Nov. 12, 1968. Repealed: F. July 31, 1975; eff. Aug. 20, 1975. **Amended:** New Rule entitled "Description" adopted. F. April 18, 2001; eff. May 8, 2001.

180-12-.02 Sealing of Documents.

(1) The term, "documents," as used herein shall mean engineering and/or land surveying work issued in the form of plans, drawings, maps, surveys, reports, specifications, design information, and calculations, including such work issued in digital form.

(2) The term "issued" as used herein shall mean documents in the final form which bear the seal, signature and date of the registrant and the entity's Certificate of Authorization Name, Authorization Number and Expiration date of the COA (as required by GA Law 43-15-23. Practice of professional engineering by or through firm, corporation, or other entity for COA requirements.)

(3) The registrant shall seal, sign and date and provide COA name, Authorization Number and expiration date of the COA all original final documents which are issued to a client or any public agency. The sealing of documents by the registrant shall certify that the work was performed by the registrant or under the direct supervisory control of the registrant on a daily basis. For engineering documents, the date of signature shall be placed immediately under the seal and signature.

(4) No registrant shall issue or allow to be issued draft, incomplete, preliminary, in-progress, or for-review document or any type that contains the seal of the registrant unless such document does not contain a signature. Further any such draft shall display the date of issue and a notation under or adjacent to the seal in bold lettering, such as "PRELIMINARY", "DRAFT", "NOT FOR CONSTRUCTION OR "FOR REVIEW ONLY," which clearly identifies the purpose for which the document is issued. Any document containing a seal, signature, date and COA information as required in (2) above shall be considered to be issued.

(5) Seals, signatures, dates, and/or other notations required by this Rule shall be placed on original documents such that the seal, signature, date and/or notations, will be reproduced when copies are made. A "facsimile signature" that is to be placed on a property survey map or plat in accordance with OCGA 15-6-67 may be a scanned image of an actual signature or a computer generated signature, and must be kept in the strict control of the land surveyor.

(6) Each drawing sheet, whether bound or unbound, shall be sealed, signed and dated by the registrant(s) responsible for the work on that sheet and contain the entity's COA

information. If a document is sealed, signed and dated and contains the entity's COA information by more than one registrant, the portion of the work for which each registrant is responsible shall be clearly noted.

(7) Each document that is sealed, signed and dated by a registrant shall contain the name, address, and contact information of the firm or sole practitioner certifying the work. Each document shall have the entity's COA information included.

(8) Documents as defined in Paragraph (1) that are transmitted electronically beyond the direct control of the licensee shall have the computer-generated seal removed from the original file, unless signed with an electronic signature as defined in Paragraph (9) of this Rule. After removal of the seal the electronic media shall have the following inserted in lieu of the signature and date: "This document originally issued and sealed by (name of sealer), (license number), on (Date of sealing) and the entity's COA Information. This medium shall not be considered a certified document." Hardcopy documents containing the original seal, signature, date and entity's COA information of the licensee may be duplicated by photocopy or electronic scanning processes and distributed either in hardcopy or electronic medium. The scanned digital files of certified documents are not subject to the requirements of this paragraph. The electronic transmission beyond the direct control of the license of CAD, vector or other files subject to easy editing are subject to the requirements of this paragraph. Easy editing is based on the file consisting of separated elements that can be individually modified or deleted.

(9) Documents to be electronically transmitted beyond the direct control of the licensee that are signed using an electronic signature shall contain the authentication procedure in a secure mode and a list of the hardware, software and parameters used to prepare the document(s). Secure mode means that the authentication procedure has protective measures to prevent alteration or overriding of the authentication procedure. This paragraph does not apply to property survey maps and plats governed by OCGA 15-6-67 which may be submitted in an electronic file format that is regulated by the Georgia Superior Court Clerks Cooperative Authority. The term "electronic signature" shall be an electronic authentication process that is attached to or logically associated with an electronic document. The electronic signature shall be:

(a) Unique to the licensee using it;

(b) Capable of verification;

(c) Under the sole control of the licensee; and

(d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document is changed.

Authority O.C.G.A. Secs. 43-15 -4, 43-15-6, 43-15 -18, 43-15-22. **History.** Original Rule entitled "Land Titles and Location" adopted. F. Oct. 24, 1968; eff. Nov. 12, 1968. **Repealed:** F. July 31, 1975; eff. Aug. 20, 1975. **Amended:** New Rule entitled "Sealing of Documents" adopted. F. May 7, 2001; eff. May 27, 2001. **Repealed:** New Rule of same title adopted. F. Jan. 28, 2005; eff. Feb. 17, 2005.

Chapter 4

Disciplinary Process

Complaint Procedures

The Board must depend in large measure on reports from the public and engineering and land surveying professionals to provide factual evidence to help regulate the practice of engineering and land surveying in the state.

Violations and complaints must be reported to the Board in writing, and the complaint with other supporting evidence must be notarized in accordance with O.C.G.A. 43-15-25. Documents received are not returned. The complaint must contain sufficient factual evidence to indicate a clear violation of the registration law. The Board is would immediately act on any complaint to the extent permitted by law.

Investigation

Every complaint is given a serious consideration by the Board and further investigative action may be taken, if appropriate. The Board investigator may contact the complainant for more information if necessary. A referral of a complaint for further investigation does not necessarily mean that a licensing violation has occurred. Investigations are completed as soon as possible, depending upon the nature and circumstances of the complaint.

Investigative files are considered confidential for any purpose other than a hearing before the Board; however, the Board is authorized to release such records to another enforcement agency or lawful licensing authority.

Hearing Process

After reviewing the results of the investigation, the Board may determine that an apparent violation of the licensing law exists. If so, the Board will refer the case to the State Attorney General's office to initiate formal proceedings. However, not all cases referred to the Attorney General result in formal hearings before the Board. In some instances, both the Board and the registrant agree to certain disciplinary sanctions by signing a consent agreement.

Those cases which proceed to formal hearings are conducted by an Administrative Law Judge in accordance with the Georgia Administrative Procedures Act. If a hearing is conducted, the complainant may be called upon to testify, which implies the identity of the complainant may become known.

After the formal hearing is conducted, the Administrative Law Judge issues an initial decision which contains the findings of fact, conclusions of law, and recommended disciplinary actions. The registrant may request or the Board may, on its own, seek a review

of the Administrative Law Judge's decision. After the final decision is issued, the registrant may appeal that decision to the Superior Court of Fulton County.

The procedure is sometimes lengthy and may take many months to complete. However, it is designed to ensure due process and to protect the rights of all individuals involved.

Chapter 5

Review of Disciplinary Cases

The following disciplinary cases were extracted from the March 9 and June 8, 2010 meeting minutes posted on the website of the Georgia State Board of Registration for Professional Engineers and Land Surveyors. In selecting these cases, different scenarios of violations are depicted along with their corresponding final decisions issued by the Georgia Board.

CASE No: PELS100033

This case involves allegations of fraud/misrepresentation. The Board made a recommendation to send to the Attorney General's office to assess \$1,000.00 fine and forward to the District Attorney's office for forgery issue.

CASE No: PELS080046

This case involves allegations of unlicensed practice. The Board made a recommendation to send to legal for a Consent Order assessing a \$1,000.00 fine and placing the license on probation for 24 months.

CASE No: PELS080093

This case involves allegations of practicing on a lapsed license. The Board made a recommendation to send to legal for a Consent Order assessing a \$1,500.00 fine.

CASE No: PELS080068

This case involves allegations of unprofessional conduct. The Board made a recommendation to send to legal services for voluntary surrender of PE license and \$5,000.00 fine.

CASE No: PELS080061

This case involves allegations of unlicensed PE services by a South Carolina licensee. The Board made a recommendation to send to legal for a Cease and Desist order assessing a \$500.00 fine and forward to the South Carolina Board and to the Georgia Residential General Contractor's Board.

Appendix A

References

Georgia State Board of Registration for Professional Engineers and Land Surveyors
<https://sos.ga.gov/index.php/licensing/plb/22>

Georgia Laws
[https://sos.ga.gov/plb/acrobat/Laws/09 Professional Engineers and Land Surveyors.pdf](https://sos.ga.gov/plb/acrobat/Laws/09_Professional_Engineers_and_Land_Surveyors.pdf)

Board Rules
<http://rules.sos.ga.gov/gac/180>

Complaint Procedure
[https://sos.ga.gov/index.php/licensing/plb/22/engineers and land surveyors complaint procedure](https://sos.ga.gov/index.php/licensing/plb/22/engineers_and_land_surveyors_complaint_procedure)

Board Meeting Minutes, June 8, 2010
<https://sos.ga.gov/PLB/acrobat/BoardMinutes/pels/20100608.pdf>

Board Meeting Minutes, March 9, 2010
<https://sos.ga.gov/PLB/acrobat/BoardMinutes/pels/20100309.pdf>