

## Georgia Professional Engineers and Land Surveyors Boards

229 Peachtree St. NE Suite 1875

Atlanta, GA 30303

404-693-5754

Email to [info@pels.ga.gov](mailto:info@pels.ga.gov)

### PETITION FOR RULE VARIANCE OR WAIVER

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#### INSTRUCTIONS

O.C.G.A. § 50-13-9.1 Allows for applicants and/or entities to petition a Professional Licensing Board to vary (modify) or waive (not apply) all or part of a rule requirement for the petitioner. For a rule or portion thereof to be varied or waived, the petitioner must be able to demonstrate how the strict application of the rule can lead to unreasonable, uneconomical, and unintended results in the petitioner's particular instance.

The statute also allows for the Professional Licensing Board to grant a variance or waiver when the petitioner is able to demonstrate that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver and that strict application of the rule would create a substantial hardship to such person.

The following steps must be taken in order for the petition to be considered by the Board:

- 1) **Submit a complete Petition For Rule Variance or Waiver Form which includes:**
  - a) The specific rule number, title and paragraphs from which the variance or waiver is requested;
  - b) The type of action requested (waiver or variance);
  - c) The **specific facts of substantial hardship** which would justify a variance or waiver for the petitioner, **including the alternative standards** which the person seeking the variance or waiver agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety, and welfare; and,
  - d) The reason why the variance or waiver requested would serve the purpose of the underlying statute.
- 2) **It is the petitioner's responsibility to submit the petition along with any and all documentation that the petitioner desires to be considered at the time the Board renders a decision on the petition.** Staff will not pull documents from an application to support the petition as such petitions and the consideration thereof is open to the public and any documentation submitted with an application is not. **They are two separate processes.** The petition should come with a separate set of documents and independent of an application.

**\*\*PLEASE NOTE \*\* A failure to follow the above instructions may result in the denial of the petition due to insufficient evidence to substantiate a hardship.**

The petition will be posted for a minimum of fifteen (15 days) on the **GeorgiaNet Public Registry**. **The general public will be able to view all petitions.** Petitioners may conduct a search for their petition on <https://services.georgia.gov/sos/sos-rw/searchHome.do>. Members of the public, including interested parties, shall have the opportunity to submit written comments in support of or against proposed variances or waivers prior to the Board decision. The Board has up to sixty (60) days from receipt of the petition to render a decision to either grant or deny the petition. The petitioner will be notified in writing of the Board's decision and the written statement will include relevant facts and the reasons for the Board's action.

The Board's decision to deny a petition for variance or waiver is subject to judicial review in accordance with O.C.G.A. § 50-13-19. Please review that statute if you desire to dispute the Board's decision. The validity of any variance or waiver which is granted by an agency may be determined in an action for declaratory judgment in accordance with O.C.G.A. § 50-13-10.



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Note: The Board cannot grant a variance or waiver for a LAW.

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Petitioner/Licensee/Applicant Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Agent: \_\_\_\_\_

(Name of agent filling petition if licensee is a corporation)

Board: \_\_\_\_\_

License #: \_\_\_\_\_ Type of License: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Email Address: \_\_\_\_\_

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**O.C.G.A. § 50-13-9.1(c) requires that a register of all pending requests for, and all approved variances and waivers be posted on the GeorgiaNet.**

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I hereby petition the \_\_\_\_\_ for the following action:  
(select one): (Board Name)

**Variance** (if you are requesting that a rule be **MODIFIED** in your particular situation)

**Waiver** (if you are requesting that a rule, or part of a rule, **NOT BE APPLIED** to your particular situation)

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➤ **Petitioner must provide the following information (attach additional pages if needed):**

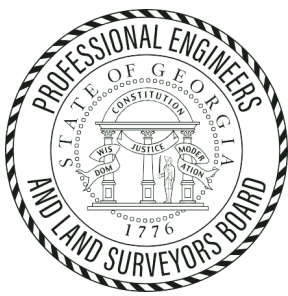
1. If an attorney or other representative will assist you with this petition, please identify:

Name: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Address: \_\_\_\_\_

2. I am requesting a variance or waiver of Rule #: \_\_\_\_\_

NOTE: The Board cannot grant a variance or waiver of a Law. Only Rules can be considered for variance or waiver.



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Petitioner's Name: \_\_\_\_\_

3. How would the strict application of the rule, identified in #2 above, create a substantial hardship would justify the Board granting this variance or waiver?  
(*"Substantial hardship" means as significant, unique, and demonstrable economic, legal, technological or other type of hardship which would impair your ability to continue to function in our profession.*)
4. What alternative standards would you agree to meet and how would such alternative standards afford adequate protection for the public health, safety, and welfare?
5. The rule, identified in #2 was enacted to serve the purpose of an underlying statute. How would this variance or waiver still serve the purpose of the underlying statute? (You may wish to refer to a copy of the laws and rules which can be located at <https://pels.georgia.gov/>)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Mail the completed application to:

**Georgia Professional Engineers & Land Surveyors Board**, 229 Peachtree St. NE, Suite 1875, Atlanta GA 30303

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DO NOT WRITE BELOW THIS LINE - BOARD USE ONLY

Date petition received \_\_\_\_\_

Actual date of review \_\_\_\_\_

Date forwarded to Board \_\_\_\_\_

Board Decision \_\_\_\_\_

Date petition posted \_\_\_\_\_

Date decision posted \_\_\_\_\_

Scheduled review date \_\_\_\_\_

Date petitioner noticed \_\_\_\_\_