



The North Carolina Bulletin

The Newsletter of the North Carolina Board of Examiners for Engineers and Surveyors

February 2008

WINTER ISSUE

View from the Chair 2007—Resources for Licensees

by Gary W. Thompson, PLS



As I begin my fifth year on the Board, I am thankful for the opportunity to have participated in important issues that the Board has addressed during my term such as continuing education, advances in technology, education changes in the surveying law, and the development of the Geomatics program at North Carolina A & T State University. In addition, I am also thankful for my fellow Board members who dedicate their time and professional expertise to review such important issues and hear complicated cases.

Speaking of cases, the best way to avoid a case is to know the Board rules and adhere to them. In fact, the Board would rather spend its time and resources drafting sound rules, incorporating feedback, and promoting/explaining the rules to licensees than hearing cases. Therefore, it provides licensees with the following resources:

- Help line (919-791-2000)
- Newsletter (www.ncbels.org/newslett.htm)
- Web site (www.ncbels.org)

For example, making a simple call to the Board's staff could help you to avoid being involved in a disciplinary action by getting such questions answered as:

- Interpreting Board rules
- Setting up a company
- Meeting your Continuing Professional Competency (CPC) requirements
- Understanding "responsible charge"

If you have a question about "responsible charge," the best resource to check out is the "Attributes of Responsible Charge" article written by Mr. David Peeler, PE, in the Fall 2004 NCBELS newsletter (www.ncbels.org/newsletter/Fall2004.pdf). Mr. Peeler's article provided the North Carolina Statutes' definition of "responsible charge" as

having "the direct control and personal supervision, either of engineering work or land surveying, as the case may be..." which can be determined by answering a set of ten (10) questions that "serve as indicators of compliance with the responsible charge requirement over professional services."

NCBELS continually works to keep the web site current and useful by posting information and policies adopted by the Board on the Current Board News web page (<http://www.ncbels.org/brdnews.htm>) and by planning to add the following items to the site:

- More CPC information
- Information papers related to Board policies
- Sample GS 47-30 plat

In order to provide all these resources, the Board needs your assistance in the following matters:

- Feedback on Professional Development seminars
- Renew online
- Review proposed Board rule changes
- Promote land surveying as a profession

According to the Board Rules, each licensee is required to obtain fifteen (15) Professional Development Hours (PDHs) during the renewal period and the approved PDH sponsors are responsible for providing seminars that enhance a licensee's profession. Therefore, in order for the Board to maintain quality control on the seminars, it welcomes both positive and negative feedback on the seminars that you attended. If a seminar lacks professional development qualities, please provide the Board with the information.

When you renew your license at the end of the year, please renew online instead of by mail because it saves you a stamp and dramatically reduces our processing costs. Yes, we will still accept mailed-in renewals, but please be aware that it takes a staff member 45 minutes to process a mailed-in renewal, but only 15 minutes to process an online renewal.

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The North Carolina Bulletin

Published to provide news and information regarding statutory and regulatory changes and to promote a better understanding of the practices of engineering and land surveying in the State of North Carolina.

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During the past year, the Board has been reviewing the Board Rules and will submit a list of proposed changes to the Legislative Rules Review Commission. After the Rules Review Commission completes its review of the proposed changes, the Board will mail each licensee a document outlining the proposed changes along with a request for comments. When you receive this letter, which will probably be mailed out in March 2008, please review the proposed changes and submit your comments to the Board either in writing (email, mail or fax) or verbally (at a public hearing that will be scheduled later).

As most surveyors and many engineers are aware, the land surveying profession is becoming an aging profession with the average age of a North Carolina PLS at 54 years old. This means that in order to maintain the profession into the future, we need more young adults to enter the profession. Therefore, please promote the land surveying profession to young people by:

- Volunteering to attend a career day at your local high school(s)
- Encouraging your employees and/or co-workers to seek their land surveying licenses
- Supporting the Geomatics program at North Carolina A & T State University

Thank you. Your assistance is greatly appreciated.

On behalf of my fellow Board members, I would like to thank a recently retired Board member, Mr. George Freeman, PE, PLS, for serving on the board for two terms and for innumerable contributions to both the engineering and surveying professions. George was a mentor to me and many other Board members. We thank George for his service to North Carolina and will miss him.

BOARD MEETINGS

The NC Board of Examiners' Board meetings are open to the general public. The Board meetings are conducted at the Board office located at 4601 Six Forks Road, Suite 310, Raleigh, NC 27609 (unless otherwise noted). Persons wishing to be placed on the agenda should submit a written request to the Board address as follows: ATTN: Andrew Ritter, Executive Director, **at least two weeks in advance** of the next regularly scheduled Board meeting. These requests should contain information concerning the nature of the business that you would like to discuss with the Board.

NEED A SPEAKER?

Board members and staff are available to speak at meetings of professional and technical societies, as well as community-based organizations. Requests for speaking should be made as far in advance as possible to Andrew Ritter, Executive Director, at the Board Office location of:

4601 Six Forks Rd.
Suite 310
Raleigh, NC 27609

BOARD DIRECTORY

Main Number: (919) 791-2000

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John Stone	<i>Information Technology Systems Specialist</i>	jstone@ncbels.org	115

Examination Dates

National examinations are to be conducted on the following dates:

April 11 & 12, 2008 Deadline is January 2, 2008

October 24 & 25, 2008 Deadline is August 1, 2008

The Board administers national licensure examination as offered by the National Council of Examiners for Engineers and Surveyors (NCEES). For additional information about the exams or application process, please visit the Board's website at www.ncbels.org or contact the Board office at (919) 791-2000.

Examination Dates for Out-of-State Surveying Applicants

The Board of Examiners has added two additional exam dates for **Out-of-State Surveying Applicants ONLY**. The usual April and October examination periods also apply.

January 14, 2008 Deadline was November 1, 2007

July 21, 2008 Deadline is May 1, 2008

The Board administers national licensure examination as offered by the National Council of Examiners for Engineers and Surveyors (NCEES). For additional information about the exams or application process, please visit the Board's website at www.ncbels.org or contact the Board office at (919) 791-2000.

April 2007 Exam Results Received

The results from the April 2007 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

<i>Fundamentals of Engineering (FE)</i>	72% pass rate
<i>Principles & Practice of Engineering (PE)</i>	59% pass rate
<i>Fundamentals of Land Surveying (FLS)</i>	51% pass rate
<i>Principles & Practice of Land Surveying (PLS)</i>	
Part A:	37% pass rate
Part B:	61% pass rate
Part C:	65% pass rate

October 2007 Exam Statistics

The results from the October 2007 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

<i>Fundamentals of Engineering (FE)</i>	65% pass rate
<i>Principles & Practice of Engineering (PE)</i>	57% pass rate
<i>Fundamentals of Land Surveying (FLS)</i>	39% pass rate
<i>Principles & Practice of Land Surveying (PLS)</i>	
Part A:	53% pass rate
Part B:	80% pass rate
Part C:	77% pass rate

Future Changes to the NCEES Exams and Supporting Materials

Effective with the October 2008 Administration, there will be changes to the NCEES exams and exam supporting materials as noted below. **Changes will not take effect until October 2008.**

#1 Mechanical PE Exam: Effective with the October 2008 administration the PE exam in Mechanical will be under revised specifications. In addition, the afternoon module, Mechanical – Machine Design has been renamed Mechanical-Mechanical Systems and Materials. The new exam specs will be posted at www.ncbels.org in April 2008.

#2 Metallurgical PE Exam: Effective with the October 2008 administration the PE exam in Metallurgical will be under revised specifications. The new exam specs will be posted at www.ncbels.org in April 2008.

Civil, Electrical and Mechanical PE Exams: Candidates for these exams will be required to declare their depth modules when they register for the exams rather than selecting the modules on the day of the exam. Change is effective with the **October 2009 Civil exams** and for Electrical and Mechanical it will be effective in **April 2010**.

FE Exams: Effective with the **April 2010 exam**, candidates for the FE exam will be required to declare their depth modules when they register for the exam rather than selecting the modules on the day of the exam.

SURVEYING EDUCATION BILL NOW LAW

The surveying education bill sponsored by the North Carolina Surveying Society was signed on August 22, 2005 by the Governor and is now law.

The law dramatically changes the minimum education requirements to become a surveyor in North Carolina. In the short term the most important part of **this new law is that it goes into effect in the year 2013**. Current applicants have until 2013 to pass the FLS under the current law. After 2013 the new law will be in effect. The summary of the old and new requirements is as follows:

CURRENT EXPERIENCE		
Requirement	FLS	PLS
Bachelor's degree	0	2(1)
AA	0	4(3)
High School diploma	5(4 with PLS)	7(6)

NEW LAW EFFECTIVE 2013:		
Requirement	FLS	PLS
Bachelor's degree	0	2(2)
AA	4(2)	8(4)
High School diploma	10(6)	16(9)

A link to the full text can be found here:

<http://www.ncga.state.nc.us/sessions/2005/bills/house/html/h810v3.html>

If you have questions, contact the Board office.

BOARD MEMBERS and STAFF NEWS

Governor Appoints New Board Members

Photo pending

Governor Michael F. Easley appointed **John S. Tunstall, PE** to the Board of Examiners to replace George Freeman whose term expired December 2006. Mr. Tunstall is a PE with the firm Norris, Kuske, Tunstall Consulting Engineers in Wilmington. He earned his BS degree in Civil Engineering from NCSU in 1988. He became licensed as a Professional Engineer in February 1994. The Board welcomed Mr. Tunstall in August 2007.



David L. Pond, PE, was appointed by Governor Easley to fill the unexpired term of Caroline Guzniczak. Mr. Pond, Executive Vice-President and Chief Operating Officer of W.K. Dickson and Co., was appointed in late December 2007. He received his BS in Civil Engineering from NCSU in 1979. Mr. Pond has served the engineering profession in numerous capacities in PENC, ACEC/NC and NSPE.



Caroline Guzniczak, PE, resigned from the Board October 12, 2007 due to her relocation to Pennsylvania. Ms. Guzniczak began her tenure as a Board member in December 2003. The Board expresses its thanks for her service and wishes her well.

J. Glenn Haynes Reappointed



J. Glenn Haynes, PLS, received word from Governor Easley's office on January 7, 2008 that he had been reappointed for a second five-year term. The new five-year term will expire in December 2012.

Mr. Haynes was first appointed in December 2001 to fill the unexpired term of another Surveying appointee.

During his first full term, he served as Board Chair in 2005.

Mr. Haynes became a licensed NC Surveyor in 1972. He resides with his wife Lynda in Asheville, NC and has owned a surveying business since 1973.

Staff Changes

Martha Michalowski began her tenure July 26, 2007 as Renewals and CPC Sponsors specialist. She is responsible for processing the annual renewals for both individuals and businesses and keeping records for the CPC Sponsors. In addition, she assists with processing annual CPC audits. She brings experience from the CPA Board where she was employed for 2 years. Martha is married and has two children.

Dawn Taylor began her employment through a temporary agency and became a permanent part time employee October 16, 2007. She is the main backup for the reception area and front desk and also assists with other projects and deadline-related tasks. She comes to the Board with a banking background. Dawn is single and has two children.

John Stone joined the staff in July 2007 as the Information Technology (IT) Specialist. He is responsible for keeping the computer system working at its best and performing upgrades as required. He is married and has three small children.

Laura Parham assumed the duties of Sylvia Harrell in March 2007 when Ms. Harrell retired. Laura is now responsible for the processing of all Professional Engineering applications for examinations, comity and reinstatements.

Chimene Link, formerly Administrative Assistant for the reception area, is now the Administrative Assistant to the Executive Director and Board Counsel.

Stephanie Bryant currently serves as Administrative Assistant for the front desk and reception area. Stephanie moved to Raleigh from Utah and has a little girl.

Lanice Heidbrink, formerly the renewal and CPC specialist, left the Board on July 18, 2007 to pursue a new career path. While employed with the Board, Lanice obtained her certificate as a paralegal and is now employed by a Raleigh law firm. The Board wishes her success in her new endeavors.

Karen Free left the Board on July 13, 2007.

George E. Freeman, PE, PLS, Completes Tenure as Board Member



The Board affectionately said goodbye to **George Freeman** in October 2007 after he had served two five-year terms as a Board member. Mr. Freeman began his career as a Professional Engineer in June of 1958 and as Professional Land Surveyor in June of 1976. He was appointed to the Board for his first-five year term in 1997 by Governor James B. Hunt and re-appointed for his second five-year term in 2002 by Governor Michael F. Easley. He officially completed his tenure in December 2006 but remained in office until September 2007 when his replacement was appointed by Governor Easley.

Being a dual licensee, Mr. Freeman contributed a great deal of expertise and leadership while serving on the Board. His 40+ years of knowledge and experience, along with his activities in various professional and civic organizations, have been extremely beneficial to the Board. Mr. Freeman will be missed, remembered and quoted as his influence continues to be reflected by the Board he has served so long and so well. He was also recently named a Board Member Emeritus.

Mr. Freeman was honored for his service with a dinner and program given by the Board at JK's Steak House in North Hills on October 11, 2007. Speakers for the program were Board members Henry Liles, Frank Tyndall and Jerry Carter, Executive Director of NCEES. Mr. Liles presented Mr. Freeman with a plaque and a beautiful glass sailboat clock in recognition of his service to the Board and the state of North Carolina.

Mr. Freeman said that he planned to pursue new challenges and spend more time relaxing on his boat and enjoying life.



Board Honors Sylvia Harrell at Retirement Party



Sylvia Harrell, a veteran Board employee with more than 30 years of service, retired on March 31, 2007. Sylvia began her employment with the Board as a part-time employee in the early 70's and became a full-time employee when the Board was still a State agency. Montgomery T. Speir was the Executive Secretary at the time of her hire. Throughout her tenure she was responsible for processing, maintaining, and licensing the Professional Engineers. Sylvia was conscientious, loyal and dedicated.

The Board staff, friends and Sylvia's family celebrated her retirement with a luncheon/party on March 16, 2007. The affair was a catered Pig Pickin', BBQ Chicken, Ribs and Brunswick stew luncheon with all the trimmings by BBQ and Ribs Company of Raleigh. There was also a whimsical cake designed after her favorite basketball team, the UNC-Tarheels. The cake was from Edible Art in Raleigh and was fantastic, both in taste and design.

Attending the party were Sylvia's three sons, Michael, Jason and Brian; two daughters-in-law, Ginger and Angela and one bride-to-be, Tonya. Other special guests included Mr. Speir and his wife, Jo Ann ; ex-Board member Larry Barnett and his wife Betty; and Jerry Carter, Executive Director of NCEES, who was the Executive Director of the Board during a good portion of Sylvia's employment. There were approximately 25 guests in all. Sylvia received many wonderful gifts and several items of memorabilia related to her beloved Tarheels.

Mr. Speir gave a glowing speech about how well-organized Sylvia was. He jokingly said one of the things he remembered most about Sylvia was that "she always had a list of directions on how to do everything and that she never let that list get too far out of sight."

The Board gave Sylvia a plaque, a watch and a pendant for her years of service with the Board and wished her all the best in her retirement.

Sylvia said she planned to spend her retirement enjoying not having to get up so early in the morning, spending time with her grandchildren and traveling.



DISCIPLINARY ACTIONS

The following summaries represent disciplinary actions taken by the Board from October 1, 2006 to November 30, 2007. Penalties vary depending upon the specific circumstances of each case. Space limitations preclude full reporting of all circumstances. Questions or requests for information concerning specific cases should be directed to David S. Tuttle, Board Counsel, at (919) 791-2000, extension 111 or via email at dstuttle@ncbels.org.

CASE NO. V98-077, unlicensed

Phil Mock
Lewisville, NC

VIOLATION: Practiced or offered to practice engineering without a license and used the words "engineer" or "engineering" [G.S. 89C-23].

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC, including, but not limited to, structural analysis, design or recommendations beyond residential prescriptive code tables and to cease and desist using the words "engineer" or "engineering" in titles until licensed with the Board.

CASE NO. V02-005, unlicensed

John Salstrom
Winston-Salem, NC

VIOLATION: Practiced or offered to practice engineering without a license [G.S. 89C-23].

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering including, but not limited to, providing structural inspections, or any other disciplines of engineering such as electrical or mechanical in NC until licensed with the Board.

CASE NO. V02-012

Manuel P. Lott, unlicensed
Sneads Ferry, NC

VIOLATION: Practiced or offered to practice engineering without a license; falsely claimed to be licensed and presented the seal of another [G.S. 89C-23].

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering and to avoid any representation of being an engineer or being licensed in NC.

CASE NO. V02-013

Bock & Clark Corporation
Akron, OH

VIOLATION: Practiced or offered to practice land surveying in violation of G.S. 89C and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering land surveying in NC until licensed with the Board (Combined w/Case No. V04-075).

CASE NO. V02-089, unlicensed

Thomas T. Grayson
Mountain City, TN

VIOLATION: He and his firm practiced or offered to practice land surveying without being licensed as required by G.S. 89C-23, 24.

BOARD ACTION: Issued letter to cause respondent and his firm to cease and desist offering or practicing land surveying in NC until licensed with the Board and not to associate with any other Professional Land Surveyor to do surveys in NC.

CASE NO. V02-117, unlicensed

Don Chesner, d/b/a Chesner Builders, unlicensed
New Bern, NC

VIOLATION: He and his firm offered or practiced engineering and used the word "engineering" in violation of licensing requirements [G.S. 89C-23, 24].

BOARD ACTION: Issued letter to cause respondent and his company to cease and desist offering or practicing engineering and using the word "engineering" with respect to the activities in NC, until licensed with the Board.

CASE NO. V03-014

Linville M. Hodgin, unlicensed
Star, NC

VIOLATION: He and his firm offered or practiced engineering and used the words "engineer" or "engineering" in violation of licensing requirements [G.S. 89C-23, 24].

BOARD ACTION: Issued letter to cause respondent and his firm to cease and desist offering or practicing engineering including but not limited to, corrective action plans, and using the words "engineer" or "engineering" in NC until licensed with the Board.

CASE NO. V03-050

Decatur Mold Tool & Engineering, Inc., unlicensed
North Vernon, IN

VIOLATION: Practiced or offered engineering without being licensed [G.S. 89C-24, 55B] and used the name of a corporation not authorized by the Secretary of State [0902(a)].

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering until licensed with the Board and to cease using the name of a corporation not authorized by the NC Secretary of State.

CASE NO. V03-058

Redflex Traffic Systems, Inc., unlicensed
Culver City, CA

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC until licensed with the Board. The services provided by the company that require engineering education, training or experience in order to properly perform and protect the public are within the definition of engineering in G.S. 89C, to include the disciplines of traffic, structural and electrical engineering whether by analysis and recommendation in reports or by the production of design/construction drawings. Subcontracting all engineering to properly licensed firms is acceptable with full disclosure to clients and in all marketing materials, to include the website (combined with Case No. V04-091).

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CASE NO. V03-126

Russell F. Walker, PE No. 23433 (Archived)
Phenix, VA

VIOLATION: Practiced on an expired or inactive certificate [G. S. 89C-16, 23].
BOARD ACTION: Refused to renew Certificate of Licensure.

CASE NO. V03-129

Ashley Joseph Faulkner, unlicensed
Apex, NC

VIOLATION: Practiced or offered to practice engineering without a license as required by G.S. 89C-23.
BOARD ACTION: Referred to NC Board of Landscape Architects after resolution of two associated cases for producing plans that were inadequate, incomplete, inaccurate and incompetently designed for a determination of the responsibility for the inadequacies and disciplinary action. NC Board of Landscape Architects dismissed the case.

CASE NO. V03-137

Erik S. DeJong, unlicensed
Riegelwood, NC

VIOLATION: Practiced or offered to practice engineering without a license and presented or attempted to use the certificate of licensure or seal of another [G.S. 89C-23].
BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC or presenting or attempting to use the certificate of licensure or seal of another until licensed with the Board.

CASE NO. V03-140

Lake Norman Dredging & Marine Construction, Inc., unlicensed
 Mooresville, NC

VIOLATION: Practiced or offered to practice land surveying in violation of G.S. 89C and 55B.
BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing land surveying to include, but not be limited to, hydrographic surveying or to advertise any such services in NC until licensed with the Board.

CASE NO. V04-003

Scott C. Collins, unlicensed
Apex, NC

VIOLATION: Practiced or offered to practice engineering without a license as required by G.S. 89C and used the word "engineer" in violation of licensing required by G.S. 89C-23.
BOARD ACTION: Referred to Office of the Attorney General which issued letter to cease and desist practicing or offering to practice engineering in NC until licensed; referred to Licensing Board for General Contractors which dismissed charges; and referred to Home Inspector Licensure Board which issued letter advising respondent to stop advertising or performing home inspections.

CASE NO. V04-004

Building Science Investigators, Inc., unlicensed
Raleigh, NC

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B.
BOARD ACTION: Referred to Office of the Attorney General which issued letter to cease and desist practicing or offering to practice engineering in NC until licensed; referred to Licensing Board for General Contractors which dismissed charges; and referred to Home Inspector Licensure Board which issued letter advising respondent to stop advertising or performing home inspections.

CASE NO. V04-045

Richard A. Gordon, PE No. 30590
Corvallis, OR

VIOLATION: Practiced or offered to practice engineering prior to being licensed as required by G.S. 89C-23.
BOARD ACTION: Reprimand, Civil Penalty of \$3,000 and required to furnish proof of passing the Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism, Texas Tech University.

CASE NO. V04-075

Bock & Clark Corporation
Akron, OH

VIOLATION: Practiced or offered to practice land surveying in violation of G.S. 89C and 55B.
BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering land surveying in NC until licensed with the Board (Combined w/Case No. V02-013).

CASE NO. V04-091

Redflex Traffic Systems, Inc., unlicensed
Scottsdale, AZ

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B.
BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC until licensed with the Board. The services provided by the company that require engineering education, training or experience in order to properly perform and protect the public are within the definition of engineering in G.S. 89C, to include the disciplines of traffic, structural and electrical engineering whether by analysis and recommendation in reports or by the production of design/construction drawings. Subcontracting all engineering to properly licensed firms is acceptable with full disclosure to clients and in all marketing materials, to include the website (combined with Case No. V03-058).

CASE NO. V04-105

Southwest Engineers, unlicensed
Mint Hill, NC

VIOLATION: Practiced or offered to practice engineering [G.S. 89C-24, 55B] and used the name "engineers" in violation of licensing required by G.S. 89C-23.
BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering, to include, but not be limited to, design and studies of water treatment facilities and problems, design of chemical containment, bulk storage and delivery, corrosion studies and steam profile studies, and using the name "engineers" in NC until licensed with the Board.

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CASE NO. V05-012

William H. Hill, unlicensed
d/b/a AIR by Design, Inc.
Wilmington, NC

VIOLATION: Practiced or offered to practice engineering without a license as required by G.S. 89C and his corporation practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B.

BOARD ACTION: Issued a letter to cause respondent and his corporation to cease and desist offering to practice or practice engineering until licensed with NC Board including, but not limited to, providing reports or calculations that express opinions, analysis or recommendations that require engineering knowledge, training or experience in order to properly protect the public.

CASE NO. V05-014

Richard Miller, unlicensed
Aydlett, NC

VIOLATION: Practiced or offered to practice engineering without a license as required by G.S. 89C and presented or attempted to use the certificate of licensure or seal of another [G.S. 89C-23].

BOARD ACTION: Referred to District Attorney – Sentenced to 45 days, suspended for one year of unsupervised probation upon payment of a \$300 fine and costs; referred to NC Licensing Board for General Contractors; referred to NC Real Estate Commission.

CASE NO. V05-040

Olen E. Morgan, PE No. 4347 (Archived)
Charlotte, NC

VIOLATION: Practiced or offered to practice engineering on an expired license [G.S. 89C-16, 23].

BOARD ACTION: Issued letter to cause respondent and his companies to cease and desist offering or practicing engineering in NC until he reinstates his license and licenses his companies with the Board.

CASE NO. V05-050

Appalachian Environmental Services, unlicensed
Sylva, NC

VIOLATION: Practiced or offered to practice engineering without a license [G.S. 89C-24] and used the words “engineer” or “engineering” in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering and using the words “engineer” or “engineering” with respect to services offered in NC until licensed with the Board.

CASE NO. V05-056

Edwin L. Morris, PE No. 9896
Noblesville, IN

VIOLATION: Aided or abetted another to evade or attempt to evade the provisions of G. S. 89C [G. S. 89C-16]; affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)]; failed to include address on documents [.1103(a)(6)]; and his firm practiced without being licensed by the Board [G. S. 89C-24].

BOARD ACTION: Voluntary permanent surrender of his NC engineering license.

CASE NO. V05-061

James R. Adams, PLS No. L-3024
Vass, NC

VIOLATION:

Map 1 - March 2004

Failed to properly certify electronic documents [.1103(d)].

Map 2 - June 2004:

Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to describe monuments as set or found [.1602(f)]; failed to provide adequate tie [.1602(g),.1604(e)(9)]; failed to indicate title source [.1604(e)(11)]; failed to indicate ratio of precision [.1603]; failed to properly certify a document [.1103]; failed to accurately locate a watercourse and roadways that cross the boundary [.1604(e)(8)]; failed to monument corners [.1602(d)]; failed to provide an adequate legend [.1604(e)(11)]; failed to properly certify electronically transmitted documents [.1103(d)]; and failed to note work was not final [.1103(c)].

Map 3 - May 3, 2004:

Failed to accurately locate a watercourse and roadways that cross the boundary [.1604(e)(8)]; failed to monument corners [.1602(d)]; and failed to provide an adequate legend [.1604(e)(11)].

Map 4 - May 6, 2004:

Affixed his seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; failed to conduct his practice in order to protect the health, safety and welfare of the public [.0701(b)]; and failed to conduct an adequate investigation [.1602(a)].

Letter of June 24, 2005 and his interview of July 28, 2005

Failed to be truthful in his professional report and statements [.0701(d)].

BOARD ACTION: Revocation. (Combined in Hearing with Case No. V06-024)

CASE NO. V05-094

Eugene B. Grant, Jr., PE No. 4402
Weldon, NC

VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)].

BOARD ACTION: Suspended his Certificate of Licensure for a period of six months from 10/12/2006 to 04/12/2007.

CASE NO. V05-098

Charles F. Hall, PE No. 3394
Charlotte, NC

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)] and failed to cooperate fully with the Board in the course of an investigation [G. S. 89C-20].

BOARD ACTION: Voluntary permanent surrender of his NC engineering license.

CASE NO. V05-121

Aramark Facility Services, unlicensed
Madison, CT

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering including commissioning services in NC until individuals and the company are licensed with the Board.

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CASE NO. V05-123

Commissioning & Green Building Services, LLC d/b/a CxGBS, unlicensed
Buford, GA

VIOLATION: Offered to practice engineering in violation of G.S. 89C-24, 57C and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering including commissioning services, until licensed with the NC Board.

CASE NO. V05-129

Manson R. Meekins, PLS No. L-2592
Nags Head, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner by not noting deed differences [.1602(f)].

BOARD ACTION: Reprimand and Civil Penalty of \$1,000.

CASE NO. V06-003

TackTicks, LLC, unlicensed
Durham, NC

VIOLATION: Limited Liability Company offered to practice or practiced engineering in violation of G.S. 89C-24, 57C and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering in NC until the individuals and the company are licensed with NC Board.

CASE NO. V06-005

Piedmont Engineers of the Carolinas, PC No. C-1283
Madison, NC

VIOLATION: Practiced on an expired or inactive certificate [G. S. 89C-23, 24, & 55B].

BOARD ACTION: Revocation.

CASE NO. V06-006

Mohsen M. Mostajabi, PE No. 30338
Alpharetta, GA

VIOLATION: Failed to properly certify documents [.1103] and his corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Reprimand.

CASE NO. V06-008

C. Phil Wagoner, PLS No. L-2416
Mt. Airy, NC

VIOLATION: Violated Board Rules by the manner in which he operated his business and used his name in the operation of a sole proprietorship during his suspension [.0802(b)(1), .0902(a)(c)]; operated an unlicensed sole proprietorship and engaged in the practice of land surveying [G.S. 89C-23, 24, .0802(b)(1)]; offered to practice and practiced land surveying while his certificate of licensure was suspended [G.S. 89C-23]; used the word "land surveyor" and the designation "LS" while his license was suspended [G.S. 89C-2, 23]; represented himself as a land surveyor while his license was suspended, constituting an unlawful offer to practice land surveying [G.S. 89C-23]; and practiced land surveying while his license was suspended constituting misconduct [G. S. 89C-23].

BOARD ACTION: Revocation.

CASE NO. V06-009

Donald W. Zipse, unlicensed
Wilmington, DE

VIOLATION: Practiced or offered to practice engineering without a license and used the word "engineer" in violation of G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering, to include testimony on engineering matters, until licensed with the NC Board.

CASE NO. V06-011

Guillermo D. Anzola, PLS No. L-4079
Charlotte, NC

VIOLATION: Failed to provide adequate tie [.1602(g), .1604(e)(9)]; certified a plat which does not comply with the requirements of G.S. 47-30; and performed services outside his area of competence [.0701(c)(3)].

BOARD ACTION: Reprimand and restricted from offering or practicing land boundary surveying until such time as he evidences competency by passing the Surveying Principles and Practice Examination.

CASE NO. V06-015

Dallas G. Miller, PLS No. L-1445
Burnsville, NC

VIOLATION: Failed to provide adequate tie [.1602(g), .1604(e)(9)] and failed to conform to the Standards of Practice for Land Surveying in North Carolina by failing to provide an adequate legend that is not clear as to "unmarked point" and symbol for set iron pin [.1604(e)(11)].

BOARD ACTION: Reprimand.

CASE NO. V06-016

Kevin R. Adams, PE No. 17224
Kernersville, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public [.0701(b)]; affixed seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)]; represented himself as capable of providing architectural services or as an architect [G.S. 83A, .0701(b)]; and aided or abetted another person to evade or attempt to evade any provision of G.S. 89C [G.S. 89C-16].

BOARD ACTION: Reprimand, Civil Penalty of \$5,000 and pass ethics course PDH-40 offered by the Murdough Center of Texas Tech University.

CASE NO. V06-017

James R. Basinger, unlicensed
d/b/a Basinger Design Company
China Grove, NC

VIOLATION: He and his corporation practiced or offered to practice engineering without a license as required by G.S. 89C-23, 24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering, including references to engineers or engineer credentials and pursuing assignments that later require engineering or seal, until he and his corporation become licensed with NC Board.

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CASE NO. V06-020

Randolph P. Nicholson, PLS No. L-2740
Hobgood, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)] by giving greater weight to claimed line.

BOARD ACTION: Reprimand.

CASE NO. V06-021

Walter M. Reynolds III, PLS No. L-1320
Kinston, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)] by not showing the disputed area and performing an inaccurate or substandard survey; failed to protect the public [.0701(b)] by not showing existing monuments, not showing line marked on the ground, and inaccurately positioning monuments.

BOARD ACTION: Reprimand and Civil Penalty of \$1,000.

CASE NO. V06-024

James R. Adams, PE No. 8258
Vass, NC

VIOLATION: Practiced engineering on an expired or inactive certificate and while his license was suspended [G.S. 89C-16 and 89C-23]; affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)]; violated G.S. 89C-21(a)(2); and is guilty of misconduct for violating G.S. 89C-16, 23 and .0701(c)(3).

BOARD ACTION: Revocation. (Combined in Hearing with Case No. V05-061)

CASE NO. V06-026

e-nTech Independent Testing Services, Inc., unlicensed
Winston-Salem, NC

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC, including but not limited to, design validation that certifies that the installation conforms to the initial engineering design; the start-up and turnover of facilities, systems, and equipment to the owner in a manner that ensures a safe and functional environment that meets established design requirements (commissioning); and corrective actions taken during validation that require design changes and/or re-commissioning that require the education, training or experience of an engineer to successfully perform, until licensed with the Board.

CASE NO. V06-027

Darren Z. Hennings, PE No. 18489
East Bend, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand.

CASE NO. V06-028

Gerald M. Davis – d/b/a Design Services, unlicensed
Surf City, NC

VIOLATION: Individual and his firm practiced or offered to practice engineering without a license as required by G.S. 89C-23, 24.

BOARD ACTION: Closed case based upon final action taken by Attorney General's office to issue a letter to cause individual and his company to cease and desist offering to practice or practicing engineering until licensed with the Board.

CASE NO. V06-029

Nathan B. Carter, Jr., PE No. 14359 (Archived)
Meridian, MS

VIOLATION: License suspended in another jurisdiction in violation of G.S. 89C and the Board Rules [.0701(h)].

BOARD ACTION: Refused to renew engineering certificate of licensure until completion of the suspension in Alabama (completed July 21, 2006) and if Alabama takes action as a result of a violation of the one-year probation, reinstatement will be refused until in good standing in Alabama, or if reinstated in NC at that time, he will be subject to disciplinary action based on Alabama's action for a violation of the probation.

CASE NO. V06-031

Timothy E. Huskey, PLS No. L-4261
Chesnee, SC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to make adequate investigation [.1602(a)]; failed to properly reference north arrow [.1604(e)(1)]; failed to indicate title source and reference source for easement [.1602(f), .1604(e)(11)]; failed to provide legend [.1604(e)(11)]; failed to show all adjacent land owners, lot designations, or legal references [.1604(e)(7)]; failed to provide adequate tie [.1602(g), .1604(e)(9)] by not showing coordinates of property corner and not showing geodetic datum reference; and used a facsimile signature [.1103(a)(3)].

BOARD ACTION: Reprimand and Civil Penalty of \$500.

CASE NO. V06-035

Aptech Engineering Services, Inc., unlicensed
Sunnyvale, CA

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B and used the word "engineering" in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering or using the title "engineer" or "engineering" in business name, until the company becomes licensed with the NC Board.

CASE NO. V06-040

Donald R. McEntire, Jr., PLS No. L-4183
Rutherfordton, NC

VIOLATION: Failed to make adequate investigation [.1602(a)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; and failed to show lappage [.1602(b)].

BOARD ACTION: Reprimand, Civil Penalty of \$2000 and furnish proof of successful completion of section (to be determined by the Board) of the NC Society of Surveyors Institute in the fall of 2007.

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CASE NO. V06-045

Miguel Picornell, PhD., unlicensed
Greensboro, NC 27411

VIOLATION: Used the title "P.E.," "engineer" or "engineering" in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist using the title "P.E.," "engineer" or "engineering" in NC until licensed with the Board.

CASE NO. V06-048

Raymond H. Cathey, PE No. 4842
Harrisburg, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)]; his corporation practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B; and failed to notify Board of address change within 30 days [.0505(a)].

BOARD ACTION: Reprimand and Civil Penalty of \$1000.

CASE NO. V06-050

John F. Wilson IV, unlicensed
Manteo, NC

VIOLATION: Practiced or offered to practice engineering and land surveying without being licensed as required by G.S.89C-23.

BOARD ACTION: Referred to Architecture Board which closed the matter without action.

CASE NO. V06-051

David C. Poovey II, PLS No. L-3762
Denver, NC

VIOLATION: Failed to monument corners [.1602(d)].

BOARD ACTION: Reprimand and Civil Penalty of \$500.

CASE NO. V06-052

Marvin J. Nunley, PLS No. L-4413
Spruce Pine, NC

VIOLATION: Failed to report the results of surveys in a clear and factual manner [.1602(f)]; failed to monument corners labeled as "calculated points" [.1602(d)] and failed to provide adequate legend [.1604(e)(11)] by not showing line designations.

BOARD ACTION: Reprimand and furnish proof of completion of course on boundary law and a course on G. S. 89C/Board Rules/G. S. 47-30, specific courses to be determined by the Board.

CASE NO. V06-057

Michael T. Lyerly, unlicensed
Gold Hill, NC

VIOLATION: Practiced or offered to practice land surveying without being licensed as required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing land surveying in NC until such time as he and his company are licensed with the NC Board.

CASE NO. V06-058

Joseph S. Hill, Jr., PE No. 8982
Wilmington, NC

VIOLATION: Practiced on an expired or inactive Certificate of Licensure [G. S. 89C-16, 23].

BOARD ACTION: Reprimand and Civil Penalty of \$1000.

CASE NO. V06-059

Matthew E. Lowder, PE No. 24434
Clayton, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)] by certifying documents not reflecting accurate project conditions and failing to comply with state regulation applying to a project [.0701(b)].

BOARD ACTION: Reprimand.

CASE NO. V06-061

Dennis B. Rominger, PE No. 11164
Granite Falls, NC

VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)]; aided or abetted another person to evade or attempt to evade any provision of G.S. 89C [G.S. 89C-16]; and failed to include address on documents [.1103(a)(6)].

BOARD ACTION: Suspended Certificate of Licensure until proof of passing the Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism at Texas Tech University is furnished, and restricted from practicing or offering to practice structural engineering until such time as competency is evidenced by passing the NCEES Civil Engineering Principles and Practice Exam or Structural Exam I.

CASE NO. V06-063

Ronald J. Loar, unlicensed
Berkeley, CA

VIOLATION: Practiced or offered to practice engineering without a license as required by G.S. 89C.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering until licensed with the NC Board. This includes, but is not limited to, using his out-of-state seal on projects in NC.

CASE NO. V06-064

Hiram J. Marziano, PE No. 7707
Asheboro, NC

VIOLATION: Failed to mark drawings as preliminary [.1103(c)] contributing to the non-compliance with state regulations applying to a project.

BOARD ACTION: Reprimand & Civil Penalty of \$2000.

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CASE NO. V06-066

James W. Huggins, PE No. 25573
Southport, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public [.0701(b)]; failed to properly certify documents [.1103]; performed services outside area of competence [.0701(c)(3)]; failed to report branch office or have resident professional [G.S. 55B-10, .0802, .0901]; and operated company under other than approved name [.0902(a)].

BOARD ACTION: Reprimand, Civil Penalty of \$1,000 and restrict practice to mechanical engineering until such time as he evidences competency by passing the NCEES exam for each discipline of engineering.

CASE NO. V06-072

Owen L. Osborne, PLS No. L-3295
Rural Hall, NC

VIOLATION: Failed to monument corners [.1602(d)]; failed to properly monument, or show monuments, for an inaccessible point [.1602(e)]; and failed to provide an adequate legend [.1604(e)(11)].

BOARD ACTION: Reprimand and Civil Penalty of \$500.

CASE NO. V06-079

Joseph V. Locklar, unlicensed
Cary, NC

VIOLATION: Practiced or offered to practice engineering without a license as required by G.S. 89C-23 and presented or attempted to use the certificate of licensure or seal of another [G.S. 89C-23].

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering until he and his company are licensed with the NC Board and referred to NC Licensing Board for General Contractors.

CASE NO. V06-081

Robert L. Puckett, PE No. 10003
Memphis, TN

VIOLATION: Had his engineering license suspended or revoked by another jurisdiction (in the State of Tennessee) in violation of G.S. 89C and the Board Rules [21-56.0701(h)].

BOARD ACTION: Refused to renew, or suspend if renewed, his Professional Engineering license, until such time as proof of reinstatement of license with the State of Tennessee is provided.

CASE NO. V06-101

William J. Davis, PE No. 2569
Richmond, VA

VIOLATION: Failed to comply with annual CPC requirements [.1703] and failed to maintain adequate CPC records [.1706].

BOARD ACTION: Reprimand, suspension for 3 months continuing until proof of 14 PDH for 2006 and 15PDH for 2007 is given and require audit of CPC hours for next 3 years.

CASE NO. V06-103

William F. Stockford, PE No. 4531
Raleigh, NC

VIOLATION: Failed to comply with annual CPC requirements [.1703]; failed to maintain adequate CPC records [.1706] and submitted false information on renewal form [G.S. 89C-23].

BOARD ACTION: Revocation.

CASE NO. V06-107

IBIS Machine Design, Inc., unlicensed
Burlington, NC

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B and used the word "engineer" in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering including providing design drawings, recommendations, analysis, PLC programming or calculations to the customer, and using the title "engineer," until such time as the company becomes licensed with the Board.

CASE NO. V06-114

William P. Sease, PE No. 29423
Raleigh, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare by producing inadequate design documents [.0701(b)] and failed to properly certify documents [.1103].

BOARD ACTION: Reprimand.

CASE NO. V06-125

James D. Hannah, PE No. 9656
Norfolk, VA

VIOLATION: Failed to comply with annual CPC requirements [.1703] and submitted false information on renewal form [G.S.89C-23].

BOARD ACTION: Reprimand, Civil Penalty of \$500 and require audit of CPC hours for next 3 years of renewing as current.

CASE NO. V06-126

Behshad Baseghi, unlicensed
Santa Barbara, CA

VIOLATION: Used the PE designation in NC in violation of G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist using the PE designation in NC until licensed with the NC Board.

CASE NO. V06-127

Gary Lebby, unlicensed
Greensboro, NC

VIOLATION: Used the PE designation in NC in violation of G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist using the PE designation in NC until licensed with the NC Board.

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CASE NO. V06-128

M. Reza Salami, PE No. 15401 (No Renewal)
Greensboro, NC

VIOLATION: Practiced or offered to practice engineering without a license and used the PE designation in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering or using the PE designation in NC until license is reinstated in NC.

CASE NO. V06-140

Shane Pollard, unlicensed
Jackson Springs, NC

VIOLATION: Practiced or offered to practice engineering without a license in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC, to include but not be limited to, providing structural analysis or recommendations until licensed with NC Board.

CASE NO. V07-018

G. Thomas Welch, PE No. 20815
Taylors, SC

VIOLATION: Disciplined by another jurisdiction in violation of G.S. 89C or the Board Rules [.0701(h)].

BOARD ACTION: Reprimand and restricted from practicing fire protection engineering in NC until he provides evidence of competency by passing the NCEES Principles and Practice Fire Protection Exam.

CASE NO. V07-054

Clarence A. Jenkins, PLS No. L-1291
Brevard, NC

VIOLATION:

Map 1

Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to provide an adequate legend [.1604(e)(11)]; and failed to provide an adequate tie [.1602(g), .1604(e)(9)].

Map 2

Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to provide an adequate legend [.1604(e)(11)]; and failed to provide an adequate tie [.1602(g), .1604(e)(9)].

Map 3

Failed to report the results of a survey in a clear and factual manner [.1602(f)] and failed to provide an adequate tie [.1602(g), .1604(e)(9)].

BOARD ACTION: Reprimand.

**The North Carolina Board of Examiners
for Engineers and Surveyors**

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