

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 12, 2006

Raleigh, North Carolina

Board Chair George E. Freeman, PE, PLS, gaveled the North Carolina Board of Examiners into session at 9:00 a.m. on Thursday, January 12, 2006 to conduct the regular order of business for the Board. Attendance at this meeting was as follows:

Present:

George E. Freeman, PE, PLS, Chair
Gary W. Thompson, PLS, Vice Chair
Dr. Joseph Monroe, Public, Secretary
J. Glenn Haynes, PLS
Doris M. Rodgers, Public
Teresa H. Ratcliff, PhD, PE
Henry V. Liles, Jr., PE
Nils W. Joyner, PLS

Absent:

Caroline Guzniczak, PE

1. Disciplinary Hearing – Jack G. Stocks, PLS

A disciplinary hearing had been scheduled for this Board meeting at the request of Mr. Stocks regarding a potential disciplinary action. Mr. Tuttle announced that Mr. Stocks has now decided to withdraw his request for a hearing and he asks that the Board allow him to accept the disciplinary action as recommended by the Settlement Conference in lieu of conducting a hearing. Mr. Haynes and Ms. Rodgers recused themselves from action since they served on the Settlement Conference committee. This case was for a survey titled "SECTION 2 THE CAPE 'SHIPWATCH VILLAGE,'" dated March and April 1983, wherein Mr. Jack G. Stocks, PLS failed to make adequate investigation [.1602(a)]; failed to accurately locate all apparent rights-of-way on boundary [.1604(e)(8)]; and failed to show encroachment of power pole [.1602(b)]. The recommended action of the Settlement Conference was to issue him a reprimand. Mr. Liles made a motion to accept the Settlement Conference recommendation and Dr. Monroe seconded. The Board unanimously approved the motion.

(Addendum I)

2. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair George Freeman read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any Board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

Mr. Freeman acknowledged and welcomed the two new Board members, Dr. Teresa Ratcliff, PE and Mr. Nils Joyner, PLS. Mr. Freeman also presented Immediate Past Chair Glenn Haynes with a gift from the Board in recognition of his leadership during 2005.

3. Review of Minutes

The Executive Director reported that draft copies of the minutes for the December 8, 2005 Board meeting had been sent to each Board member. Any changes made are reflected in the final drafts now presented. After additional review of the minutes, a motion was made by Mr. Liles and seconded by

Dr. Monroe to approve the minutes. There being no further discussion, a vote was taken and the motion was approved unanimously.

4. Request from Judy Weseman, Executive Director of PENC, regarding potential statutory changes to 89C

Ms. Weseman approached the Board concerning revision and update of the Model Law. She suggested a committee be formed consisting of members of both NCBELS and PENC to work together toward statutory change. Mr. Ritter explained that the method used when working with the Surveyors' Society was to let the professional organization take the lead as the Board cannot lobby. The Board would serve as resource and support. At Mr. Liles' suggestion, staff will compile the initial list of issues to be reviewed by the committee chairs before the next meeting. Mr. Freeman also challenged the Board committees to bring forth any issues they confront or have concerns about.

5. Request from James Armstrong, PLS of Withers & Ravenel regarding the Board's position on the use of GPS in land development and in particular whether the use of GPS on grading equipment and other machinery to determine cuts and fills for development falls under the areas that should be supervised by a PLS

Mr. James Armstrong is inquiring if a policy is in place concerning use of GPS on construction equipment; and if not, would the Board consider a determination in this area? Mr. Freeman recommended this issue to the Surveying Committee primarily but also to the Engineering Committee because of related engineering aspects.

6. Request from Jimmy Woodie, PE, PLS of Skyline Surveyors, PA and Municipal Engineering Services, PA requesting an exemption to the requirement for the professional in charge.

Mr. Ritter supplied background information on the particular situation concerning this request. He also reminded the Board that this matter is governed by the resident professional rule and approving this exception will be setting precedent. Mr. Tuttle said that the company has not offered any alternative actions at this time. Mr. Liles made a motion to deny this request. Ms. Rodgers seconded this motion. A vote was taken and the motion was approved.

7. Appointment of Associate and Emeritus Members

Annually the Board makes nominations to NCEES for Associate (staff) and Emeritus (former Board) Members. NCBELS's procedure is to make former Board members Emeritus Members of the Board so they are eligible to be Emeritus Members of NCEES. No current Emeritus Members have requested to be removed from the list. Mr. Thompson nominated Johnie Garrason as an Emeritus Member. Mr. Ritter indicated David Peeler would also like to serve. Mr. Haynes made a motion to approve the current members with the addition of Mr. Garrason and Mr. Peeler. Mr. Liles seconded the motion and the Board unanimously approved it. There were no additions or deletions for the Associate Members. They will remain the same.

8. Request from James C. Hobbs of PENC MATHCOUNTS requesting the Board contribute \$1,500 to the MATHCOUNTS program

Mr. Ritter presented the annual request from Mr. Hobbs to support the MATHCOUNTS program with a contribution of \$1,500. As the money was budgeted for 2006, a motion was made by Ms. Rodgers and seconded by Mr. Thompson to continue support of the program. The Board unanimously approved the motion

9. Request from ELSESES regarding an increase in the exam administration fee

Beginning with the Fall 2006 exam administration, ELSESES will increase the per candidate fee from \$55.00 to \$65.00. This increase will continue to keep North Carolina's rate one of the lowest in the country. There has not been an increase in two years. Mr. Ritter explained that, if the Board accepts this increase in fee, the Board's fee schedule for exams to stay in line with Board rules would also have to rise \$10.00 to be effective in October 2006. Mr. Liles made a motion to increase the exam fee by \$10.00 and Mr. Haynes seconded the motion. It was unanimously approved by the Board.

10. Appointment of 2006 Board Committees

The Board Chair determined the Board committee assignments for 2006.

Engineering:

Henry Liles – Chair
Caroline Guzniczak
George Freeman
Teresa Ratcliff
Doris Rodgers

Surveying:

Gary Thompson – Chair
Glenn Haynes
Nils Joyner
Joe Monroe

CPC:

Joe Monroe – Chair
Teresa Ratcliff
Gary Thompson

11. Committee Reports

Mr. Ritter reminded the Board that Mr. Liles had requested all members review the Fire Protection Engineers Manual. Engineering Chair Henry Liles reported he had no feedback from other members and he has no concerns.

Mr. Liles asked Mr. Evans to explain again the concern about services offered through personnel staffing companies. Mr. Evans said that usage of engineering titles was the main concern. The Board decided that the companies should be notified that they should use other or multiple categories and titles. They should only use the word "engineer" if the person is licensed.

Surveying Chair Gary Thompson reported on several items: 1) questions about the oblique imagery policy have been received and need to be answered; 2) Mr. Thompson will provide Board members with questions for review concerning the machine control issue; and 3) the committee is looking at a sample certification.

Mr. Ritter wrote thank you notes to the men who worked on the exam writing session.

CPC Committee Chair Dr. Joe Monroe moved to approve two applicants for sponsorship. Mr. Haynes seconded the motion and the Board unanimously approved it. Dr. Monroe then made a motion to give a licensee a thirty day extension for PDHs due to illness. Ms. Rodgers seconded the motion and it was unanimously approved.

Mr. Ritter announced that staff member Linda Peace will be out on personal leave for a minimum of two months. Cathy Kirk will assume the duties during this time.

(Addendum II)

12. Violations Activity

Assistant Executive Director David Evans reported that fourteen (14) new cases have been opened since the last Board meeting – against three PEs, six PLSs, one professional corporation, one non-licensed firm, one non-licensed individual and two non-licensed engineering LLCs for practicing or offering to practice engineering. There are one hundred twenty-four (124) open cases, forty-two (42) of which are with the investigators or pending investigation. Of these, twenty-eight (28) are 2005 cases and fourteen (14) are 2006 cases. Twenty (20) cases have been closed so far this year. One

case has been brought to Review Committee for 2006 and twenty-four more cases are pending. New Board members will be scheduled in the third quarter.

Mr. Evans has made two presentations since the last Board meeting:

- In December, Mr. Tuttle and Mr. Evans participated in the PENC Winter Seminar.
- In January, Mr. Evans presented to 30 surveyors at the Mecklenburg Surveyors Association.

Mr. Evans also shared that a respondent had called to give complimentary comments on how Mark Mazanek had conducted an investigative interview with him.

13. Applications

The Board considered the applications of fifty-four (54) individuals for licensure through comity provisions as Professional Engineers. The Board was advised that the applications had been carefully reviewed by the staff and determined to be in full compliance with all requirements. Mr. Thompson moved that the Board approve the applications. Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of thirteen (13) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed by the staff and determined to be in full compliance with G. S. 55B and G. S. 89C. Mr. Haynes made a motion to approve the applications. With a second from Mr. Thompson, this motion was voted upon and approved unanimously by the Board.

The Board considered the applications of nine (9) firms for licensure as limited liability companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. A motion was made by Ms. Rodgers and seconded by Mr. Thompson to approve the applications. This motion was voted upon and approved unanimously by the Board.

The Board considered the applications of four (4) firms for licensure as business firms. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Rodgers moved that the Board approve the applications. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of nineteen (19) individuals concerning retired status as a Professional Engineer and four (4) individuals concerning retired status as a Professional Land Surveyor. Mr. Liles made a motion to approve the requests for retired status. Mr. Haynes seconded the motion. A vote was taken and the Board unanimously approved the request.

(Addenda III, IV, V, VI, & VII)

14. Old Business

Mr. Ritter sought support from the Board to revise the policy for "Re-Examination of Applicants for Licensure" pointing out the need for changes. The Board endorsed the proposed changes and the policy will be on the February agenda for approval.

Mr. Ritter provided a copy of the letter sent to the NC Board of Architecture informing them of NCBELS opposition to the rule changes. A copy of PENC's letter was available also. No response has been received as of yet. Mr. Tuttle explained some possible steps the revisions could undergo throughout the rules revision process.

Mr. Ritter announced that the Raleigh certificate ceremony will be held on January 19, 2006. Dr. Ratcliff volunteered to attend. The Charlotte ceremony will be held on January 26, 2006 and Mr. Haynes has volunteered to attend if needed. Mr. Ritter will also contact Ms. Guzniczak and Emeritus Member David Peeler about their availability.

In December, the Board decided to rescind the Washington Accord and therefore all foreign degrees need to be evaluated. Seven other states have stopped using the Washington Accord also. NCEES has asked that one exception be made allowing the State Boards to honor Canadian Universities that are under the Canadian accreditation process. Mr. Liles made the motion to accept the Canadian universities that are under the Canadian accreditation process. Dr. Monroe seconded the motion and the Board unanimously approved it.

Over 11,460 licensees have renewed for 2006. 59% have renewed online.

(Addendum VIII)

15. New Business

Mr. Ritter provided copies of the preliminary financial review for 2005 and the notices of the Board appointments for Nils Joyner and Teresa H. Ratcliff from the Office of the Governor.

Mr. Ritter requested that one new case be opened. Mr. Thompson made a motion to open the case and Mr. Haynes seconded the motion. The motion was unanimously approved by the Board.

A farewell dinner for past Board members Johnie Garrason and David Peeler will be scheduled for Thursday, February 16, 2006 at Sullivan's. All Board members and spouses plus key staff are invited to the dinner.

Mr. Haynes announced that Dr. Monroe has received an award for the Geomatics program. The presentation will be on February 10, 2006 in Winston-Salem.

Mr. Tuttle presented an issue concerning what jurisdiction the Board has to enforce North Carolina statutes over federal projects. He suggested that a request be made for an advisory opinion from the Attorney General as to whether or not an individual needs a NC PE or PLS license to do work for a federal agency on federal property. Mr. Thompson made a motion to refer this to the Attorney General's Office. Mr. Liles seconded the motion. A vote was taken and the Board unanimously approved the motion.

16. Informational Items

The following informational items were provided:

- NCEES committee assignment request form
- IRS announcement of 2006 Standard Mileage Rates
- Letter from Melissa Beard inviting Board members to the 42nd Annual Convention
- Thank you letter from an applicant who took the PE exam under the "years of service" option
- Thank you letter to Mr. Ritter for serving as a judge at the 2006 ACEC/NC Engineering Excellence Awards
- Thank you letter to Mr. Ritter for an interview from Tony Vue
- FE exam Pass Rates from NCEES
- NCEES *Zone Update* dated December 2005
- NCEES *Exchange* dated December 2005

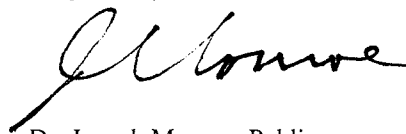
17. Administrative Conferences

Members of the Engineering Committee conducted one administrative conference with an applicant requesting seating at the FE exam and one administrative conference concerning reseating at the PE exam. The conferences resulted in one applicant approved for Fall 2006 FE exam upon completing a review course and one applicant needs to develop and complete an approved plan of action.

(Addendum IX)

There being no further business, the Board formally adjourned on Thursday, January 12, 2006. The Board is next scheduled to meet on Thursday and Friday, February 16 & 17, 2006.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Monroe", written in black ink.

Dr. Joseph Monroe, Public
Secretary

Approved by the Board in Session

Date February 16, 2006

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 16, 2006

Raleigh, North Carolina

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Present:

George E. Freeman, PE, PLS, Chair
Gary W. Thompson, PLS, Vice Chair
J. Glenn Haynes, PLS
Doris M. Rodgers, Public
Teresa H. Ratcliff, PhD, PE
Henry V. Liles, Jr., PE
Nils W. Joyner, PLS
Caroline Guzniczak, PE

Absent:

Dr. Joseph Monroe, Public, Secretary

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair George Freeman read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any Board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

The Executive Director reported that draft copies of the minutes for the January 12, 2006 Board meeting had been sent to each Board member. Any changes made are reflected in the final draft now presented. With the addition of Glenn Haynes as a member of the Surveying Committee, the minutes were approved unanimously.

3. Request for Reinstatement – Hal R. Sanders

Mr. Hal R. Sanders appeared before the Board and presented his petition for reinstatement from a revocation of his Certificate of Licensure for Engineering. Both Mr. Ritter and Mr. Tuttle gave background information including the communications in the case and the reasons Mr. Sanders' license had been revoked. He had not responded to the CPC audit and ignored all subsequent communications. After Mr. Sanders made his request, the Board took the matter under consideration for later in the meeting. After a morning break and upon resuming the meeting, Ms. Guzniczak made a motion to deny his reinstatement and Mr. Thompson seconded the motion. After extensive discussion, the chair called for a vote. The Board unanimously voted to deny the reinstatement.

4. Request from C. Scott Logue, PLS regarding is it possible to perform a boundary survey using the VRS-RTK system and remain in compliance with Board rules

Mr. Ritter introduced this item. Mr. Thompson advised that this type of issue stresses the Board's need to make rule changes to accommodate the technology now available for the surveying profession. The chair referred the item to the Surveying Committee.

5. Committee Reports

For the CPC Committee, Mr. Thompson moved that two applications for sponsorship be approved. Mr. Haynes seconded the motion and the Board unanimously approved it. The committee felt a third applicant

for sponsorship needed to provide more information at this time. The committee will respond to a PE concerning a question about a non-sponsored course. In response to follow-up questions from UNC Charlotte concerning acceptable PDH credit, the committee determined that Intermediate and Advanced computer courses are acceptable but "Soft skill" courses are not acceptable.

Engineering Chair Mr. Liles said the Engineering Committee is waiting for the report from the Surveying Committee concerning GPS. The Engineering Committee will then review and react appropriately. Mr. Ritter reported he will be meeting next week with DENR, the Soil Scientist Board and the Geology Board concerning the aquifer issue. Mr. Freeman, Mr. Ritter and Mr. Tuttle will meet with the Architecture Board in March concerning the Architecture Board's proposed rule changes.

Surveying Chair Gary Thompson reported the committee will meet on February 17, 2006 to discuss: 1) the GPS or machine control issue; 2) the oblique imaging policy since a company has requested to appear before the full Board and will do so in March; 3) a new storm water sewer system issue; and 4) exam questions.

(Addendum I)

6. Review Committee Recommendations

The Board considered the recommendations of a Review Committee conducted by Mr. Liles on January 25, 2006. Mr. Haynes made a motion to accept the recommendations of the Review Committee; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in three revocations; one reprimand, \$3,000 civil penalty and ethics course; one reprimand and \$5,000 civil penalty; one suspension; two reprimands; four cease and desist letters; and seven closed cases.

The Board considered the recommendations of a Review Committee conducted on February 7, 2006 and chaired by Mr. Thompson. Ms. Guzniczak made a motion to accept the recommendations of the Review Committee. Mr. Liles seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one revocation, one cease and desist letter, and one continue investigation.

The Board considered the recommendations of a Review Committee conducted on February 8, 2006 and chaired by Mr. Joyner. Mr. Thompson recused himself from the first case. Ms. Guzniczak moved to approve the recommendation for the first case. Ms. Rodgers seconded the motion. The Board voted and unanimously approved it. Mr. Thompson and Mr. Haynes were recused from the second case. Ms. Rodgers made a motion to accept the recommendation of the Review Committee for the second case. Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one reprimand and \$2,000 civil penalty and one continue investigation.

(Addenda II, III & IV)

7. Violations Activity

Assistant Executive Director David Evans reported that thirteen (13) new cases have been opened since the last Board meeting – against four PEs, four PLSSs, one professional corporation, one non-licensed firm, two non-licensed individuals, and one non-licensed engineering corporation for practicing or offering to practice engineering. There are one hundred thirty-two (132) open cases, forty-four (44) of which are with the investigators or pending investigation. Of these, eighteen (18) are 2005 cases and twenty-six (26) are 2006 cases. Twenty-five (25) cases have been closed so far this year. Twenty-seven (27) cases have been opened so far this year. Twenty-five (25) cases have been brought to Review Committee for 2006 and thirteen (13) more cases are pending.

Cathy Kirk is still filling in at the position of firm licensure and CPC. It was initially thought that she could also continue some investigative work, but that is not proving to be true.

8. Applications

The Board considered the applications of sixty-six (66) individuals for licensure through comity provisions as Professional Engineers. The Board was advised that the applications had been carefully reviewed by the staff and determined to be in full compliance with all requirements. Mr. Haynes moved that the Board approve the applications. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of twenty-two (22) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Guzniczak moved that the Board approve the applications. Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously. Ms. Liles made a motion to deny Reliance Engineering Group, Inc. and Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously. Mr. Liles made the motion to accept Paramounte Engineering, Inc. as an alternate name. Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of five (5) firms for licensure as limited liability companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. A motion was made by Ms. Rodgers and seconded by Mr. Thompson to approve the applications. This motion was voted upon and approved unanimously by the Board.

The Board considered the applications of four (4) firms for licensure as business firms. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Rodgers moved that the Board approve the applications. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously. Ms. Guzniczak made a motion to deny Horizon Engineering Associates, LLP and Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously. Mr. Haynes made the motion to accept HEA Engineers as an alternate name. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of five (5) firms for licensure as limited liability companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Dr. Ratcliff moved that the Board approve the applications. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously. Ms. Rodgers made a motion to deny Carolina Survey Solutions, PLLC and Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously. Dr. Ratcliff made the motion to accept Pendergraph and Taylor Surveying PLLC as an alternate name. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of twenty-two (22) individuals concerning retired status as a Professional Engineer and two (2) individuals concerning retired status as a Professional Land Surveyor. Mr. Thompson made a motion to approve the requests for retired status. Ms. Guzniczak seconded the motion. A vote was taken and the Board unanimously approved the request.

(Addenda V, VI, VII, VIII & IX)

9. Old Business

The Executive Director provided a final report on renewals for 2006. 20,199 licencees have renewed and a record 55% renewed online.

Mr. Ritter presented the revised final draft of the "Re-examination of Applicants for Licensure" policy for approval. This policy addresses procedures for three, four and five time failures. Ms. Guzniczak made a motion to accept the policy as presented. Mr. Thompson seconded the motion and the Board unanimously

approved it. Ms. Guzniczak suggested all policies concerning licensure be posted on the website and Dr. Ratcliff suggested they be forwarded to NSPE.

Mr. Ritter reported on the lease changes and office expansion. The landlord has agreed to rent the additional space so Mr. Ritter took a proposed lease to the Council of State for approval. The Ad Hoc committee is now finalizing the upfitting of the new space and the current boardroom and a finalized lease should be signed in the near future.

Mr. Ritter announced that the Raleigh certificate ceremony held on January 19, 2006 and attended by Dr. Ratcliff had 41 licensees at the ceremony. The Charlotte ceremony held on January 26, 2006 and attended by Emeritus Member David Peeler had 15 PEs and no PLs in attendance. Mr. Ritter felt efforts need to be taken to increase the attendance at Charlotte.

(Addendum X)

10. New Business

Mr. Ritter provided copies of letters to Governor Easley from the NC Board of Ethics concerning the Evaluation of the Statement of Economic Interest for Nils W. Joyner and Teresa H. Ratcliff. The letters indicated no actual or potential conflict of interest for either appointee.

The Examining Board of Engineers and Surveyors of the U.S. Territory of Puerto Rico has notified NCEES that Puerto Rico now has a resolution stating it will no longer give comity license unless the Board of the state of the applicant provides written affirmation that it will give comity license to a Puerto Rican applicant. Mr. Tuttle explained Puerto Rico is demanding reciprocity rather than comity. Mr. Ritter agreed and stated that North Carolina will not give reciprocity. Comity will be given if the applicant meets the NC requirements. Mr. Ritter feels it will be discussed at Southern Zone and more information will be available at that time. Dr. Ratcliff will report this issue to NSPE.

Invitations to Southern Zone have not yet been mailed out. They are late so once received turn around time is very important. Mr. Ritter will make reservations for everyone and necessary changes should be made by the individuals. Southern Zone will be held in Savannah, Georgia on April 27 - 30, 2006.

Mr. Ritter requested that six new cases be opened. Ms. Guzniczak made a motion to open the cases and Mr. Thompson seconded the motion. The motion was unanimously approved by the Board.

Mr. Ritter introduced an issue concerning the way the North Carolina Bar's laws and rules are written which could potentially be prohibitive to engineers and surveyors in how they present information to quasi-judicial bodies. Ms. Weseman will give a full presentation on this topic to the Board in March. The chair referred this issue to both the Engineering and Surveying Committees. The committees should solicit Mr. Tuttle's comments during their review of this matter.

Two weeks after the NCEES exam results were received, notification from NCEES indicated a nationwide error in the scoring of the Electrical PE exam. This mistake affected three of our applicants. They had been told they failed whereas they had actually passed. Mr. Ritter spoke to each applicant and explained the error.

Ms. Weseman and Mr. Ritter have given a license promotion presentation at East Carolina University and NC A&T. They are making plans to present at Duke University.

Mr. Haynes, Mr. Thompson, Dr. Ratcliff and Mr. Ritter attended a program honoring Dr. Monroe sponsored by the NC Society of Surveyors. They recognized Dr. Monroe's efforts toward promoting a four-year surveying degree. Mr. Thompson served as a presenter and also was a recipient of an award. As Chair of the Surveying Committee, Mr. Thompson's expenses were paid. Mr. Liles made a motion to cover the expenses of the other three Board members in attendance. Ms. Rodgers seconded the motion and the Board unanimously approved it.

(Addendum XI)

11. Informational Items

The following informational items were provided:

- Thank you note to Mr. Ritter from NC A&T
- NC A&T Geomatics brochure
- Pass rates of major disciplines at NC State for October 2005
- NCEES national Fundamentals of Engineering pass rates
- *NSPE 2005 State Legislative Trends Analysis* dated January 2006
- NC Board of Ethics newsletter
- NCEES memorandum dated January 19, 2006 from E. Walter Lefevre referencing "Proposed Amendments to the NCEES *Constitution and Bylaws*"
- NCEES *Annual Report 2004-2005*

12. Administrative Conferences

Members of the Engineering Committee conducted one administrative conference with an applicant requesting review to discuss assistance in plan of study. Members of the Surveying Committee conducted one administrative conference concerning reseating at the Fundamentals of Surveying exam. The conferences resulted in one applicant approved for Spring 2006 PLS1 exam.

(Addendum XII)

There being no further business, the Board formally adjourned on Thursday, February 16, 2006. The Board is next scheduled to meet on Thursday and Friday, March 23 & 24, 2006.

Respectfully submitted,



Dr. Joseph Monroe, Public
Secretary

Approved by the Board in Session

Date March 23, 2006

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 23 and 24, 2006

Raleigh, North Carolina

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Henry V. Liles, Jr., PE
Nils W. Joyner, PLS
Caroline Guzniczak, PE

Absent:

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3. Request from Jim Armstrong, PLS of Withers and Ravenel regarding whether grading equipment utilizing GPS and the production of 3D models falls under the definition of land surveying according to G.S.89C

Mr. Jim Armstrong appeared before the Board to seek clarification of whether the use of GPS and the production of 3D models should be done under the direct supervision of an engineer. After hearing Mr. Armstrong's request, Mr. Freeman moved that there be a meeting between the Engineering and Surveying Committees for discussion later in the meeting. After a recess, Mr. Freeman referred the issue to the Engineering and Surveying Committees to study the situation and bring recommendations to the Board. The findings will be presented at the May Board meeting. The Surveying Committee will lead the study and the Engineering Committee will react based on the Surveying Committee's results.

4. Request from Mr. Tony Whitaker, PE of Civil Consultants, Inc. inquiring the Board's opinion on the recent position issued by the Authorized Practice Committee of the NC Bar regarding testimony in front of quasi-judicial meetings

Mr. Ritter introduced this item. Mr. Tony Whitaker received a copy of a letter from the NC Bar stating that representing a client in front of a quasi judicial agency is considered practicing law and should be done by an attorney. Mr. Ritter asked the Board to provide direction on the issue since

March 23 and 24, 2006

there have been no prior similar situations addressed. After some discussion, Mr. Liles asked that Mr. Tuttle contact Colon Willoughby, Chair of the Authorized Practice Committee, to discuss the issue. Ms. Guzniczak requested that Mr. Tuttle consider presenting his findings at the Authorized Practice Committee meeting on April 19th 2006.

5. Request from Gregory L. Cashion of Smith, Cashion, & Orr regarding a request concerning Hal Sanders' reinstatement of his professional license.

Mr. Cashion, attorney for Mr. Hal Sanders, sent correspondence requesting that the Board allow Mr. Sanders to appear at the May Board meeting to petition for reinstatement of his Certificate of Licensure for Engineering. Mr. Ritter gave background information including the communications in the case and the reasons Mr. Sanders' license had been revoked. Mr. Sanders had previously not had legal representation, but now Mr. Cashion feels that he has additional points to be made in Mr. Sanders' defense. After hearing all the information provided, Ms. Guzniczak made a motion to deny his request to appear for reinstatement and Mr. Thompson seconded the motion. The Board unanimously voted to deny Mr. Sanders' request to appear before the Board in May.

6. Committee Reports

For the CPC Committee, Mr. Thompson informed the board that the CPC Committee had met and he moved that five applications be approved for sponsorship. Mr. Haynes seconded the motion and the Board unanimously approved it.

(Addendum I)

Mr. Liles stated that there are no Engineering Committee items to report.

Mr. Thompson, on the behalf of the Surveying Committee, said that its report concerned Mr. Armstrong's request which had already been discussed.

7. Violations Activity

Assistant Executive Director David Evans reported that twelve (12) new cases have been opened since the last Board meeting – against two PEs, seven PLSs, two non-licensed corporations and one non-licensed individual. There are one hundred twenty-nine (129) open cases, forty-seven (47) of which are with the investigators or pending investigation. Forty (40) cases have been closed so far this year. Thirty-nine (39) cases have been opened. Twenty-five (25) cases have been brought to Review Committees for 2006 and twenty-four (24) more cases are pending.

8. Applications

The Board considered the applications of ninety-two (92) individuals for licensure through comity provisions as Professional Engineers. The Board was advised that the applications had been carefully reviewed by the staff and determined to be in full compliance with all requirements. Mr. Haynes moved that the Board approve the applications. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum II)

The Board considered the applications of twenty (20) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Rodgers moved that the Board approve the applications. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum III)

The Board considered the applications of nine (9) firms for licensure as business firms. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Haynes moved that the Board approve the applications. Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum IV)

The Board considered the applications of eight (8) firms for licensure as limited liability companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Rodgers moved that the Board approve the applications. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

(Addenda V and VI)

The Board considered the applications of four (4) individuals concerning retired status as Professional Engineers and one (1) individual concerning retired status as a Professional Land Surveyor. Mr. Thompson made a motion to approve the requests for retired status. Ms. Guzniczak seconded the motion. A vote was taken and the Board unanimously approved the requests.

(Addendum VII)

9. Old Business

Mr. Ritter summarized his visit to UNC Charlotte and gave some background on the conflict among the UNC staff as to whether their Engineering Technology program should be continued. He presented data on the educational level of professional engineers in North Carolina at the time of licensure and pointed out that 80% of the licensees have a BS from an ABET-accredited program and there are very few degrees from Technology programs.

Mr. Ritter presented the acknowledgement from NCEES approving Mr. Peeler and Mr. Garrason as Emeritus members.

Mr. Ritter announced a date of May 10th for the NCSS (NC Society of Surveyors) Board of Directors and Surveying Committee meeting. Details and agenda are pending.

The Executive Director reintroduced an issue regarding what Landscape Architects can practice regarding the Best Management Practices (BMP) manual. Judy Weseman came before the Board and provided background information. She proposed PENC doing an investigation into this matter and having the Board review and present findings to the Attorney General's office. After extensive discussion, Mr. Freeman asked that the issue be tabled.

Mr. Ritter and Mr. Freeman recapped their recent meeting with representatives of the Architecture Board (with Mr. Tuttle attending) in regards to the Architecture Board defining "incidental engineering" in its rules. Mr. Freeman informed the Architecture Board that there was no interest in supporting a definition of "incidental engineering". Mr. Freeman reported that the meeting went well and no further communication had been received from the Architecture Board.

10. New Business

Mr. Ritter presented the Board with three investigation cases that needed to be opened. Mr. Joyner recused himself from the first case. Mr. Guzniczak moved to open the first case. Mr. Liles

seconded the motion. Ms. Rodgers moved to open the second and third cases. Ms. Guzniczak seconded the motion. The board voted unanimously to open all three cases.

(Addendum VIII)

Mr. Tuttle introduced a request from the North Carolina Board of Pharmacy to provide support on an issue concerning their Board's Court of Appeals case with respect to a rule that they proposed limiting how many people over which a supervisor can be in responsible charge. Dr. Ratcliff moved that Mr. Tuttle research this item and draft a brief for the Board to review. Ms. Guzniczak seconded the motion. The Board voted and approved the motion unanimously.

The Executive Director announced the dates and times of the Southern Zone in April. Ms. Guzniczak expressed concern in regard to travel mileage and flight charges for the event. Dr. Ratcliff moved that the Board members be allowed to choose a travel method that could reflect either airline costs and/or comparative mileage. Mr. Liles seconded the motion. The Board voted and approved the motion unanimously.

11. Informational Items

The following informational items were provided:

- Thank you note to the Board from NCSS for attending its convention and exhibits.
- *Following in Their Footsteps* excerpt regarding Board history.
- NCEES invitation to the meeting in Alaska September 13-16
- National Society of Professional Surveyors (NSPS) memorandum and attendance sheet dated February 20, 2006 referencing the board forum taking place in Orlando, FL on April 23rd.
- N.C. Board of Ethics newsletter
- Licensure Exchange newsletter
- ABET Communications newsletter
- 2005 ABET Annual Meeting in Review

12. Administrative Conferences

Members of the Engineering Committee conducted two administrative conferences with applicants requesting review to discuss seating at the Principles and Practice of Engineering exam. One applicant with a three exam failures was advised by the Board to take a formal review class. The other applicant was approved for seating at the Fall exam.

(Addendum IX)

There being no further business, the Board formally adjourned on March 23, 2006 until 9:00am Friday, March 24, 2006 at which time a disciplinary hearing would take place. The Board is next scheduled to meet on Thursday and Friday, May 11th and 12th, 2006.

13. Disciplinary Hearing -Friday, March 24, 2006

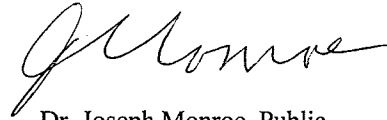
The Board conducted a Disciplinary Hearing to consider whether Mr. Ernest N. Stickels, Jr., PE was guilty of affixing his seal to work not done under his direct supervisory control or responsible charge regarding the set of design plans titled "THE PLACE" dated February 28, 2005 [.0701(c)(3)]. Board Counsel David Tuttle prosecuted the case on behalf of the Board and Mr. Daniel R. Flebotte represented Mr. Stickels.

The Board heard witnesses on behalf of the Board and considered evidence introduced in support of testimony provided. Mr. Flebotte cross-examined the Board's witnesses and presented evidence.

After closing remarks from both Mr. Tuttle and Mr. Flebotte, the Board retired to deliberate on the evidence presented. After deliberation, the Board found Mr. Stickels guilty of misconduct and revoked his license to practice engineering in the State of North Carolina.

(Addendum X)

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Monroe".

Dr. Joseph Monroe, Public
Secretary

Approved by the Board in Session

Date July 13, 2006

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

May 11, 2006

Raleigh, North Carolina

Board Chair George E. Freeman, PE, PLS, gaveled the North Carolina Board of Examiners into session at 9:00 a.m. on Thursday, May 11, 2006, to conduct the regular order of business for the Board. Attendance at this meeting was as follows:

Present:

George E. Freeman, PE, PLS, Chair
Gary W. Thompson, PLS, Vice Chair
Dr. Joseph Monroe, Public, Secretary
J. Glenn Haynes, PLS
Doris M. Rodgers, Public
Teresa H. Ratcliff, PhD, PE
Nils W. Joyner, PLS
Caroline M. Guzniczak, PE

Absent:

Henry V. Liles, Jr., PE

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair George Freeman read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any Board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

The Executive Director reported that copies of the minutes for the March 23 and 24, 2006 Board meeting had been sent to each Board member. Any changes made are reflected in the final draft now presented. Mr. Haynes moved to approve the minutes; Ms. Guzniczak seconded the motion. The Board voted and the minutes were unanimously approved.

3. Request from Carl Gromatzky, Commissioning Manager, Turner Pharmaceutical, regarding the planning and documentation of the commissioning process

Mr. Carl Gromatzky's May 8, 2006 email and the attached letter were submitted to the Board and reviewed. Mr. Gromatzky asked the specific question: "Could the Planning and Execution of Commissioning in the Pharmaceutical environment have been interpreted as the 'Practice' of engineering prior to the ruling and clarifications as stated in the July 18, 2005 letter to Judith K. Weseman?" The Board members discussed the fact that they had first determined the commissioning reports to be the practice of engineering in a January 19, 2005 letter, which was the first time the Board had occasion to make an interpretation with respect to commissioning. The Board then applied the interpretation to the pharmaceutical setting in the July 18, 2005 letter to which Mr. Gromatzky made reference.

The Board's position has not changed. The answer to Mr. Gromatzky's question is that the planning and execution of commissioning in the pharmaceutical environment could have, and would have, been interpreted as the practice of engineering even prior to the July 18, 2005 letter. Dr. Ratcliff moved to approve that answer. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

4. Settlement Conference Recommendations

The Board considered the recommendations of a Settlement Conference Committee—Surveying on two cases conducted by Mr. Haynes and Ms. Rodgers on March 29, 2006. Ms. Guzniczak made a motion to accept the recommendations of the Settlement Conference Committee; Dr. Ratcliff seconded the motion on the first case. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee resulted in a reprimand and a \$5,000.00 civil penalty on the first case; and a reprimand, a \$2,000.00 civil penalty, and an ethics course with the hours not counting toward annual mandatory Continuing Professional Competency (CPC) requirements on the second case.

(Addenda I and II)

The Board considered the recommendations of a Settlement Conference Committee—Engineering on two cases conducted on March 29, 2006 and chaired by Mr. Freeman and Ms. Rodgers. Ms. Guzniczak moved to approve the recommendation for the first case; Dr. Monroe seconded the motion. The Board voted and unanimously approved it. In regards to the second case, Mr. Haynes made a motion to accept the recommendation; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee resulted in closing the first case based upon admission of guilt for failing to comply with CPC audit requirements [.1712(a)] and agreeing not to commit the specific act admitted and not to violate any provisions of the Board Rules or the statutes at any time in the future. The second case resulted in closing due to the admission of guilt for failing to properly certify a document [.1103] and agreeing not to commit the specific act admitted and not to violate any provisions of the Board Rules or the statutes at any time in the future.

(Addenda III and IV)

The Board considered the recommendation of a Settlement Conference Committee—Engineering conducted on April 7, 2006. Mr. Haynes made a motion to accept the recommendation; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee resulted in voluntary permanent surrender of Certificate of Engineering Licensure, without hearing unless requested by the respondent, for affixing the seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)] and failing to include address on documents [.1103(a)(6)].

(Addendum V)

5. Review Committee Recommendations

The Board considered the recommendations of a Review Committee—Land Surveying on ten (10) cases conducted on May 2, 2006. The review committee was chaired by Mr. Haynes. Ms. Guzniczak made a motion to accept the recommendations of the Review Committee; Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) revocation.

(Addendum VI)

The next Review Committee consisted of eight (8) cases and was chaired by Mr. Haynes. Ms. Guzniczak made a motion to accept the recommendations of the Review Committee; Mr. Thompson seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one revocation, one reprimand and course, one reprimand and civil penalty of \$1,000.00, and five (5) closed cases.

(Addendum VII)

The third Review Committee was chaired by Mr. Thompson. Ms. Rodgers made a motion to accept the recommendations of the Review Committee; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in a reprimand.

(Addendum VIII)

The fourth Review Committee was chaired by Mr. Joyner and conducted via telephone. Mr. Thompson and Mr. Haynes recused themselves from discussion and voting. Ms. Rodgers made a motion to accept the recommendations of the Review Committee; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) reprimand and a \$500.00 civil penalty.

(Addendum IX)

The Board considered the recommendations of a Review Committee—Engineering on twenty-three (23) cases conducted on May 5, 2006 and chaired by Ms. Guzniczak. Dr. Ratcliff made a motion to accept the recommendations of the Review Committee; Mr. Thompson seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in four (4) cease and desist letters; three (3) revocations; four (4) reprimands; two (2) reprimands and civil penalties of \$1,000.00, one (1) reprimand and \$2,500.00 civil penalty; and nine (9) closed cases.

(Addendum X)

6. Committee Reports

For the CPC Committee, Dr. Monroe informed the Board that the Committee had met and he moved that two applications be approved for sponsorship. Mr. Haynes seconded the motion and the Board unanimously approved it. David Evans will look into a page being done on continuing education for our web site, which will be demonstrated with CPC.

(Addendum XI)

Engineering Chair Henry Liles was absent but had asked that Mr. Ritter remind the Engineering Committee regarding the 3-D modeling and GPS surveying on motor graders and whether it is a licensed activity either by surveyors or engineers. Because of Mr. Liles' absence, the Board Chair did not want to reach a decision until Mr. Liles (the Engineering Committee Chair) is here next month. Mr. Freeman brought to the attention of the Board an article that was published in the Engineering News Record 2 to 3 weeks ago regarding the activity in the construction field in the use of GPS. There were also articles in the Professional Engineer and Professional Surveyor magazines.

Mr. Thompson, Chair of the Surveying Committee, said that its report concerns the meeting with NCSS on Wednesday, May 10, 2006. It was a 2-hour meeting with past and present officers. Issues discussed:

- Increase the disciplinary penalty to \$5,000.00, which they were in favor of. They will, however, survey their people.
- Problem with bank of questions. There will be a workshop this November with 4 to 6 people to help keep questions up to date.
- Sample maps, which Mr. Joyner is working on, to post on our web site with a link from the Society's web page for review. Possible review at June Board meeting.
- Right-of-entry legislation. North Carolina does not allow a surveyor the right-of-entry onto property. There may be a possible statute change within North Carolina. The Board will stay neutral; it's the Society's place to argue.
- Responsible charge
- Proper ties. Mr. Thompson is rewriting a white paper due by June.

- Required plat for all surveys. Mixed reactions; will survey their people.
- Electronic transfer of documents. Survey and engineering issue.
- 3D Modeling and construction staking Construction Surveys
- CPC. The Society would like the Board to change a rule so that members attend 100 percent of their chapter meetings to earn PDHs for this activity. The Committee does not want to make such a change but recommends that the Society have a program within their chapter meetings so that hours can be earned.

7. Violations Activity

Assistant Executive Director David Evans reported that nineteen (19) new cases have been opened since the last Board meeting—eight (8) PEs, four (4) PLSs, one (1) professional corporation, three (3) non-licensed corporations, and three (3) non-licensed individuals. There are one hundred thirty-seven (137) open cases, fifty-three (53) of which are with the investigators or pending investigation. Fifty-one (51) cases have been closed so far this year, fifty-eight (58) cases have been opened, fifty-nine (59) cases have been brought to Review Committees for 2006, and eighty-two (82) more cases are pending.

8. Applications

The Board considered the applications of eighty-seven (87) individuals for licensure through comity provisions as Professional Engineers. The Board was advised that the applications had been carefully reviewed by the staff and determined to be in full compliance with all requirements. Mr. Thompson moved that the Board approve the applications; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XII)

The Board considered the applications of nineteen (19) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Rodgers noted that BlackRock Company had a name very similar to Blackrock Surveying and Land Design, P.C. also listed. Dr. Monroe moved that the Board approve all companies except BlackRock Company; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously. (During the break, Linda Peace was asked to check with BlackRock Company on the changing of its name, and she reported that BlackRock Company accepted a request for approval of the name BlackRock Engineers, Inc.) After the meeting continued, Ms. Rodgers moved that the Board approve BlackRock Engineers, Inc.; Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XIII)

The Board considered the applications of two (2) firms for licensure as business firms. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Thompson moved that the Board approve the applications; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XIV)

The Board considered the applications of seven (7) firms for licensure as limited liability companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Guzniczak moved that the Board approve the applications; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XV)

The Board considered the applications of two (2) firms for licensure as Chapter 87 businesses. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Thompson moved that the Board approve the applications; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XVI)

The Board considered the application of one (1) individual concerning retired status as a Professional Engineer. Mr. Thompson made a motion to approve the request for retired status; Ms. Guzniczak seconded the motion. A vote was taken and the Board unanimously approved the request.

(Addendum XVII)

9. Request from Charles Mondello, Senior Vice President, Pictometry International, regarding the Board of Examiners' position on oblique aerial imaging

Mr. Mondello made a presentation on Pictometry—an enhancing tool for surveying or a reference tool in visualization—in relation to Oblique Aerial Imaging (Board Policy 0510.2). He would like to use the tool in North Carolina. However, the Board determined in a prior request that the company must become licensed with our Board, set up a company that is licensed with our Board, or subcontract the activities of surveying to a licensed land surveying company. Any questions from the Board can be sent to Mr. Ritter, and possible further discussion will be done at a future Board meeting.

10. Old Business

Mr. Ritter recapped the Alaska Board being opposed to the LQOG's Motion 2 for the UPLG to be charged with changing the Model Laws and Model Rules to require thirty (30) additional hours of education for engineering licensure. This Motion 2 was voted upon at the last Annual Meeting in Memphis, Tennessee and, according to the Meeting Minutes, passed by a narrow margin. Alaska would like to know which jurisdictions will vote in favor of, or in opposition to, this Motion 2. The Board unanimously said they would support.

Mr. Ritter recapped the conversation he had with Ms. Judy Weseman of PENC regarding their pleasure at the outcome of the Bar Authorized Practice Committee agreeing to rescind its October 31, 2005 opinion letter addressed to Mr. Zotian regarding the question of non-attorney representation of clients before quasi-judicial bodies. The Committee also gave Chairman Mr. Colon Willoughby the authority to create a subcommittee to further address all the issues raised in the last few months surrounding the representation question.

11. New Business

Mr. Ritter presented the Board with three (3) investigation cases that needed to be opened. Ms. Guzniczak moved to open all three (3) cases; Dr. Ratcliff seconded the motion. The Board voted unanimously to open all three (3) cases.

The Executive Director announced the dates and times of the 85th Annual Meeting of the National Council of Examiners for Engineering and Surveying (NCEES), September 13-16, 2006, in Anchorage, Alaska. Mr. Ritter asked that Board members start thinking about making reservations. NCEES will pay for one of the Board members travel arrangements but must be notified by June 30, 2006 who that will be. This will be decided at the June 2006 Board meeting.

Mr. Ritter discussed the policy that the Board previously applied requiring staff to use rental cars when travel was expected to exceed 200 miles. The request is to rescind the policy and leave it to

the staff's discretion. Mr. Thompson moved that the Board approve this recommendation; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

Mr. Ritter mentioned that there may have to be a 2-day Board Meeting in June 2006 due to a hearing that is scheduled. However, due to a number of conflicts, it will need to be decided how to proceed. Mr. Tuttle mentioned that health issues with one of the opposing attorneys would prevent the hearing in question from occurring at the June 2006 Board Meeting.

Mr. Ritter would also like to use the July 2006 Board Meeting to review statute and rule changes. However, there will be further discussion on this at the June or July 2006 meeting.

Mr. Ritter mentioned that the Board would pay for Mr. Freeman's expenses at the PENC Annual Meeting in Myrtle Beach, SC, June 15-17, 2006 (Mr. Ritter is speaking for one hour on Saturday morning. Mr. Ritter will attend a presentation being given by Mr. Larry Nixon regarding his disciplinary action as an engineer working in another state and being located in Raleigh.) Mr. Henry Liles will attend the ACEC Annual Meeting in Wrightsville Beach, NC, June 22-24, 2006.

12. Informational Items

The following informational items were provided:

- Thank you note to Cathy Kirk from DiCon Consulting regarding its converting from a Partnership to a Professional Corporation
- ELSSES Summary of Scheduled Candidates for April 2006 Exam Administration
- NCEES News Release announcing the Center for Professional Engineering Education Studies
- N.C. Board of Ethics newsletters

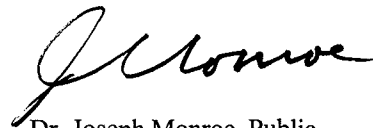
13. Administrative Conferences

Members of the Engineering Committee conducted one (1) administrative conference with an applicant requesting review to discuss seating at the Fundamentals of Engineering exam. The conference resulted in affirming previous decision of reapplying Fall 2008.

(Addendum XVIII)

There being no further business, the Board formally adjourned on May 11, 2006 at 2:45 p.m. The Board is next scheduled to meet on Thursday and Friday, June 8 and 9, 2006.

Respectfully submitted,



Dr. Joseph Monroe, Public
Secretary

Approved by the Board in Session

Date _____

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 13, 2006

Raleigh, North Carolina

Board Chair George E. Freeman, PE, PLS, gavelled the North Carolina Board of Examiners into session at 9:15 a.m. on Thursday, July 13, 2006, to conduct the regular order of business for the Board. Attendance at this meeting was as follows:

Present:

George E. Freeman, PE, PLS, Chair
Gary W. Thompson, PLS, Vice Chair
Dr. Joseph Monroe, Public, Secretary
J. Glenn Haynes, PLS
Henry V. Liles, Jr., PE
Doris M. Rodgers, Public
Teresa H. Ratcliff, PhD, PE
Nils W. Joyner, PLS
Caroline M. Guzniczak, PE

Absent:

None

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair George Freeman read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any Board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

The Executive Director reported that copies of the minutes for the May 11, 2006 Board meeting had been sent to each Board member. Any changes made are reflected in the final draft now presented. Dr. Ratcliff moved to approve the minutes; Mr. Haynes seconded the motion. The Board voted and the minutes were unanimously approved.

3. Request from James W. Huggins regarding the renaming of his company from J. W. Huggins, PE Engineering, Inc. to J. W. Huggins Engineering & Surveying, Inc.

Mr. James W. Huggins, PE submitted a Professional Corporation Change Form, a Statement of Organization and Ownership, and an Articles of Amendment – Business Corporation on June 7, 2006 for his request to change the name of his company. He noted that he owns 90 percent of the business and that 10 percent of the business is owned by a Mr. Davey G. Williamson, PLS. The Board was concerned with the fact that both engineering and surveying were part of the company name and that should the surveyor quit, the name would not reflect the true nature of the business. However, after discussion, it was concluded that should this situation ever occur, Mr. Huggins could hire another surveyor or change the name of the company again. Mr. Thompson moved to approve the name change; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously. (Mr. Tuttle will draft a letter to report this outcome to Mr. Huggins stating that should he ever lose his surveyor, he would need to take “surveying” out of the company name.)

(Addendum I)

4. Information regarding ELSESES

An email dated May 16, 2006 from Ms. Susan Whitfield, ELSESES Director of Operations, was sent as a reminder that states administering exams through ELSESES will incur a \$5.00 increase in the exam book/scoring fees effective with the October 2006 exams. The new cost will be \$10.00. Mr. Freeman moved to approve the increase; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum II)

5. Results of the FY2005 Audit

For the fifth consecutive year, the NC Board of Examiners for Engineers and Surveyors audit was clean and had no management letter. Mr. Ritter stated that our Board is the only Board to ever accomplish this. There will be money to possibly designate. However, the Board is going to wait until expenses from the NCEES Annual Meeting from Alaska and the building expansion come in, in order to decide what should be designated. Any questions can be directed to Dr. Monroe. Dr. Monroe and Mr. Ritter will begin the budget process for fiscal year 2007 in October 2006.

6. Request from G. Ray Wilson of Mack Gay Associates, P.A. regarding clarification on the Board's stance on recording plats that are surveys completed in the past and now client wishes to record

An email was submitted from Mr. G. Ray Wilson on May 30, 2006 requesting clarification of the Board's stance on plats that are surveys completed in the past and the client now wishes to record plat that was completed in April 2005 when no mylars were prepared (only a vellum) and prints were provided to the client. Now the client would like the plat recorded and in order to do so, mylars of the plat must now be plotted and signed. The question is, "What date needs to be shown on the plat?"

Mr. David Tuttle responded to the requestor that the date would be the date of signing per Board Rule 21-56.1103(a)(4). However, this will be a discussion topic of the Surveying Committee. Dr. Ratcliff moved to approve that this discussion continue with the Surveying Committee; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum III)

7. Request from Linda Thurman, Faculty Associate, Office of Student Professional Development, The Lee College of Engineering, University of North Carolina (UNC) at Charlotte, regarding the Board of Examiners financially supporting a UNC @ Charlotte FE exam review course

A presentation was given by Mr. Ronald E. Smelser, PhD, PE, Associate Dean, The Lee College of Engineering, UNC at Charlotte, to request that the Board financially support an FE exam review course in order to increase Lee College of Engineering's student pass rates and the number of faculty who are PEs. The Board will take it under advisement and get back with them on its decision in the future.

8. Results from the Spring 2006 Principles and Practice and Fundamentals Exams

There were 30 new surveyor licensures; the most in a long while. The pass rate was up in the PLS1 category. Under the PLS2 A and C, the pass rate was normal; PLS2 B the pass rate dropped.

9. Settlement Conference Recommendations

The Board considered the recommendations of the Settlement Conference Committee—Engineering conducted by Mr. Liles and Dr. Monroe on May 22, 2006. Mr. Haynes made a motion to accept the recommendations of the Settlement Conference Committee; Ms. Guzniczak seconded the motion.

A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand, a \$1,500.00 civil penalty, and proof of passing an ethics course.

(Addendum IV)

The Board considered the recommendations of a Settlement Conference Committee—Surveying conducted by Mr. Joyner and Dr. Monroe on May 23, 2006. Ms. Rodgers moved to approve the recommendation; Mr. Haynes seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a closed case.

(Addendum V)

The Board considered the recommendation of a Settlement Conference Committee—Engineering conducted by Mr. Freeman and Dr. Monroe on May 23, 2006. Ms. Rodgers made a motion to accept the recommendation; Mr. Haynes seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand and a civil penalty of \$2,500.00.

(Addendum VI)

10. Review Committee Recommendations

The Board considered the recommendations of a Review Committee—Land Surveying on two (2) cases conducted on July 10, 2006. The review committee was chaired by Mr. Thompson. Mr. Haynes made a motion to accept the recommendations of the Review Committee; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. (Note: Mr. Joyner recused himself from voting on the second case.) The Review Committee's recommendation resulted in one (1) reprimand and course and one (1) cease and desist order.

(Addendum VII)

11. Committee Reports

For the Continuing Professional Competency (CPC) Committee, Dr. Monroe informed the Board that the Committee had met and he moved that five (5) new applications be approved for sponsorship. Ms. Rodgers seconded the motion. A vote was taken and the matter was unanimously approved.

Miscellaneous topics for the CPC Committee were:

- National Council of Examiners for Engineering and Surveying's (NCEES) Registered Continuing Education Providers Program. The Council is introducing a comprehensive registry of continuing education providers that have demonstrated adherence to high-quality, effective practices in professional education for engineers and surveyors. The program begins August 1, 2006 and launches www.rcep.net, a comprehensive web site that will make it easier for engineers and surveyors to fulfill and track CPC requirements. It will complement, not substitute for, Member Board approval programs, and provide information for Member Boards to streamline the CPC auditing process. (Note: The Council's partner in this endeavor is the American Council of Engineering Companies.)
- Changing the rules on the auditing process.

(Addendum VIII)

Engineering Committee Chair Henry Liles mentioned that the Committee is waiting for the final decision on 3D modeling from the Surveying Committee, which was done (see bullet #3 below). Mr. Thompson, Chair of the Surveying Committee, had the following discussions:

- Proper ties. Mr. Thompson is continuing to rewrite a paper.
- Oblique aerial imaging. Pictometry International made a presentation at the May 11, 2006 Board meeting on Pictometry—an enhancing tool for surveying or a reference tool in visualization—in relation to Oblique Aerial Imaging (Board Policy 0510.2). Pictometry International would like for oblique aerial imaging to have an engineering presence. However, the Board's decision remains unchanged—it will stay surveying, and that an engineering company must become licensed with our Board, set up a company that is licensed with our Board, or subcontract the activities of surveying to a licensed land surveying company. Mr. Thompson on behalf of the Surveying Committee made a move to approve this decision; Dr. Ratcliff seconded the motion. A vote was taken and the matter was unanimously approved. Mr. Ritter will inform Pictometry International of the Board's final decision.
- 3D Modeling used for machine control on construction projects and whether that has to be done under the supervision of a licensee. Mr. Thompson received an email dated July 11, 2006 from Mr. Charlie Brown, PE, PLS, NC Department of Transportation, with input to the Board in its discussions of 3D modeling [digital terrain model (DTM)/electronic data] to be developed by a third party for construction purposes from engineered plans. The statement is as follows:

It is the consensus of the NCDOT's Design and Construction Management that, with regards to the development of electronic data such as templates, cross sections, DTM, etc., to be used for the purposes of earthwork grading and stake-out, when not provided directly by the DOT or developed by employees of the highway contractor, the development of that data should be supervised by, reviewed, and approved by a professional engineer or professional land surveyor.

Mr. Thompson made a motion that 3D Modeling used for machine control on construction projects must be done under the supervision of a licensee; Dr. Ratcliff seconded the motion. A vote was taken and the matter was unanimously approved.

12. Violations Activity

Assistant Executive Director David Evans reported that twenty (20) new cases have been opened since the last Board meeting—nine (9) PEs, six (6) PLSs, one (1) non-license professional corporation, and four (4) non-licensed individuals. There are one hundred thirty-three (133) open cases, fifty-one (51) of which are with the investigators or pending investigation. Seventy-five (75) cases have been closed so far this year with twenty-four (24) being closed since last Board Meeting, two (2) cases have been opened since last Board Meeting, sixty-one (61) cases have been brought to Review Committees for 2006, and fifty-nine (59) more cases are pending.

13. Applications

The Board considered the applications of one hundred twenty-nine (129) individuals for licensure through comity provisions as Professional Engineers. The Board was advised that the applications had been carefully reviewed by the staff and determined to be in full compliance with all requirements. Mr. Haynes moved that the Board approve the applications; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum LX)

The Board considered the applications of twenty-six (26) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Thompson moved that the Board approve all companies; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum X)

The Board considered the applications of twelve (12) firms for licensure as limited liability companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Thompson moved that the Board approve the applications; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XI)

The Board considered the applications of two (2) firms for licensure as Chapter 87 businesses. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Guzniczak moved that the Board approve the applications; Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XII)

The Board considered the applications of fourteen (14) individuals for licensure as Professional Land Surveyors. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Haynes made a motion to approve the request; Ms. Rodgers seconded the motion. A vote was taken and the Board unanimously approved the request.

(Addendum XIII)

14. Old Business

Mr. Ritter recapped the Member Board Administrator Networking Group and their being allowed to utilize a portion of NCEES's annual Board allocation (\$5,000.00) to fund a Member Board Administrator to attend each NCEES Board Meeting as an observer. This practice will start with the November 10-11, 2006 Board Meeting scheduled in Cape May, New Jersey.

Mr. Ritter recapped the ACEC proposal for 120 plus 30 additional hours to become licensed and the fact that the 120 hours covers the additional 30, so as per ABET, the additional 30 hours are not needed.

Mr. Ritter mentioned that Kathryn Sawyer, Executive Director, ACEC, is pursuing a bill entitled "An Act Requiring a Certificate of Merit on Civil Actions Filed Against a Person or Firm Providing Architecture or Engineering Services in the State" and the renewal fee on businesses/corporations would increase from \$75.00 to \$95.00.

Mr. Ritter recapped the certificate ceremonies: Raleigh, NC on July 11, 2006, which he, Mr. Liles, and Mr. Thompson attended, and in Charlotte, NC on July 20, 2006, which Ms. Cathy Kirk, Mr. Thompson, and Mr. Peeler will attend.

Mr. Ritter noted that the Alaska Board has asked Mr. Tuttle and Mr. Evans to make a presentation on the disciplinary process.

15. New Business

Mr. Ritter presented the Board with four (4) investigation cases that needed to be opened. Ms. Guzniczak moved to open all four (4) cases; Dr. Monroe seconded the motion. The Board voted unanimously to open all four (4) cases.

Mr. Ritter mentioned that Mr. Tom Brown will no longer be doing professional engineering review classes for five times or more failures. It is too time consuming and there is no commitment from the individuals to attend. Board policy states that after the fifth failure, the applicant must take an additional nine hours of college courses. The Board was allowing this review class as a courtesy to applicants. However, now without this review course option, it will be necessary for an administrative conference with the Board members to determine acceptable college courses after the fourth or fifth failure. The Board may wish to consider changing the statutes and rules to disallow taking the exam again after more than five failures. Dr. Ratcliff would like to see data on the practices of other States and the outcomes of these practices, which Mr. Ritter will pull together and forward.

Keith Portnoy, Director, NC Operations, Waveguide Consulting, Inc., requested a ruling from the Board regarding the requirements for information transport system (ITS) drawings to be stamped and sealed when issued as part of a set of building construction documents. The Board extended the previous policy that was applied to audiovisual system design to the design of information transport system drawings. The design of ITS, to include conduit and junction box requirements, low voltage wiring, cabling, wireless systems and equipment layout for voice, video and data technologies and networks that does not involve any life-safety systems is not considered the practice of engineering as defined in G.S. 89C. However, if held out as an engineering service or as being done by a PE, then the work must be signed and sealed and the company must be appropriately licensed with this Board.

NCEES will include a construction engineering depth module to the civil professional engineering exam starting in Spring 2008.

The Board began the rules review process with the following possible rule change recommendations:

Mr. Ritter's

- Get rid of temporary permit
- PhD waiver for professional engineering exam under an ABET accredited school—20-year waiver
- Per diem set by Board rule (OK as is only if it does not get changed by the CPA Board, who Andrew meets with in mid-August)
- Penalty authority over non-licensees
- Penalty—mandate continuing education
- 3-time failure rule
- Raise renewal fee
- Sponsorship renewal fee
- Board approved evaluation service

Surveying Committee

- Increase maximum civil penalty for professional land surveyors to \$5,000
- *21.56.0701(c)(3)—Supervisor charge policy (surveyor or engineer)
- 21-56.0603(d)—include non-NCEES exam or Board approved
- 21-56.1603—First paragraph include partial accuracy or “or”
- 21-56-1607—Entire section needs to be rewritten (Working with GPS-users Group; look at 1606 and 1608 as combining.)

*Draft to be considered by the Surveying Committee.

CPC Committee

Sponsorship Program

- file for annual sponsorship
- updating plans for the year regarding seminars to be presented
- annual renewal fee
- publish list of active sponsors
- seek to eliminate frivolous subject matter and excessive repetition in courses

Core Courses in areas of practice discipline or graduating

- include basic science and mathematics
- limit to graduating discipline
- limit to practice discipline
- include expansion into other engineering disciplines

Licensees subjected to audit

- should be subjected to disciplinary action
- lacking could mean falsifying PDHs, non-existing courses, non-qualifying courses
- subjected to established procedures of the Board concerning investigation, review conference, settlement conference, and public hearing by the Board
- penalties should include, dependent upon severity:
 - 1) reprimand
 - 2) fines
 - 3) re-examination
 - 4) loss of license

Mr. Tuttle's

- .0103(g)—majority vote of the Board
- 0503(l)—review of failed exams (rewrite)
- 0603(k)—not review exam (rewrite)
- .1402(5)—other than “failure to pay statutory renewal fee,” reporting CPC or respond to CPC audit
- .1413(b)—service of written decision after hearing within five days serve on each party
- .1602(f)—change reference to paragraph (d) to (e)
- .1606, .1607, .1608—redo; possibly combine
- .1103(a)(6)—require business license number on all documents
- .1103(b)(5)—require business license number on all documents
(add in .0800 require business license number in all marketing materials)
- .1106—Standard Design Plans – engineer in another state (or in NC)
- .0501(a)(3)(B)—Engineering technology (clear up TAC; ABET is still only equivalent to 4 year engineering related degree)
- .0505(a)—Renewal form (sign and seal)
- .1102—Seal size 1 ½ -1 5/8
- .1702 (4) – Use “or” instead of “and” (*rejected by the Board*)
- .1706(3)—Delete (NCEES doesn't do)
- .1712(a)(1)—“and” instead of “or” for logs
- .1712(c)—and all disciplinary actions allow by G.S. 89C-21 to include...
- .0501(a)(3)(E)—Delete “FEEEP” and use “an evaluation service as approved by the Board
- .0701(a)—Second paragraph knowledge of Board Rules including rules of professional conduct
- .0701(e)(2)—add “agreed to in writing”
- .1103(a)(7)—be described “instead” of “noted”
- .1103(b)(6)—be described “instead” of “noted”
- .1103(d)—Add “issued” to cover other professionals not just client and government
- .1602—Require surveyed vs. deed measurement on plats

16. Informational Items

The following informational items were provided:

- Ms. Judy Weseman is resigning at the end of the year as Executive Director of PENC
- Dr. Monroe's school, A&T's College of Engineering, was noted as being "unmatched"
- Japan PE/FE Examiners Council is ready for October 2006 exam administration
- ABET's Executive Summary: Change—A Study of the Impact of EC2000
- NCEES's *Licensure Exchange* Newsletter
- NC Board of Ethics Newsletter, Volume 9, Issue 4, May 2006
- Thank you email from Alan Klimek to Mr. Ritter regarding his participation at the DWQ regional supervisors meeting

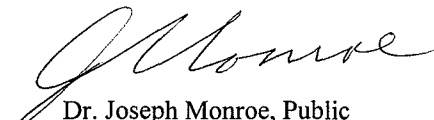
17. Administrative Conferences

Members of the Engineering Committee conducted two (2) administrative conferences. The first conference was with an applicant requesting administrative review to discuss the results received on the Principles and Practice of Engineering Exam. The conference resulted in reseating for the PE exam upon the completion of a review class and providing proof of completion of said review class. The second conference was with an applicant who requested approval of participating in a home-study review course that North Carolina State University offers. This conference resulted in determining that the applicant has not taken adequate steps to improve his/her chances for passing, so the request for a home-study class was denied. If applicant needs further assistance in determining an appropriate review class, he/she is to request an administrative conference.

(Addendum XIV)

There being no further business, the Board formally adjourned on July 13, 2006 at 4:55 p.m. The Board is next scheduled to meet on Thursday and Friday, August 24 and 25, 2006.

Respectfully submitted,


Dr. Joseph Monroe, Public
Secretary

Approved by the Board in Session

Date _____

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

August 24, 2006

Raleigh, North Carolina

Board Chair George E. Freeman, PE, PLS, gaveled the North Carolina Board of Examiners into session at 9:05 a.m. on Thursday, August 24, 2006, to conduct the regular order of business for the Board. Attendance at this meeting was as follows:

Present:

George E. Freeman, PE, PLS, Chair
Gary W. Thompson, PLS, Vice Chair
Dr. Joseph Monroe, Public, Secretary
J. Glenn Haynes, PLS
Henry V. Liles, Jr., PE
Doris M. Rodgers, Public
Teresa H. Ratcliff, PhD, PE
Nils W. Joyner, PLS
Caroline M. Guzniczak, PE

Absent:

None

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair George Freeman read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any Board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

The Executive Director reported that copies of the minutes for the July 13, 2006 Board meeting had been sent to each Board member. Any changes made are reflected in the final draft now presented. Mr. Liles moved to approve the minutes; Mr. Haynes seconded the motion. The Board voted and the minutes were unanimously approved.

3. Request from K. Flint Holbrook, PE and William P. Finke, PLS of Woolpert, Inc. regarding a rule interpretation on classification of LIS/GIS surveys (NCAC Title 21 Chapter 56, Section 1608)

Messrs. K. Flint Holbrook, PE and William P. Finke, PLS submitted a letter regarding several requests by local governments in North Carolina to collect storm sewer system inventory information using mapping grade accuracy for location and attribution. In these requests, it is asked that a geo-database contain the information. They are asking for an interpretation of the rule regarding classification of LIS/GIS surveys. At Mr. Thompson's request it was referred to both the Engineering and Surveying Committees.

(Addendum I)

4. Request from the American Institute of Chemical Engineers regarding the NCEES recommended 30 additional hours required to be a Professional Engineer

Mr. John C. Chen, President, submitted a letter regarding the "30 Additional College Credits for the PE Requirements." It was mentioned that this will be the main topic of discussion at the upcoming annual National Council of Examiners for Engineers and Surveyors (NCEES) meeting in

Anchorage, Alaska on September 13-16, 2006. Our Board had voted in favor of the 30 plus hours but needed more clarification on what these hours would include. This is also part of the Model Law. The approval, however, is split 50/50 between the States because there is no clarification on what the 30 plus hours would include, and it has also become an ABET issue due to it being more educational than licensing.

(Addendum II)

5. Request from Manly Wilder, Director of the NC Department of Environment and Natural Resources, Division of Soil and Water Conservation, regarding new training requirements for animal waste management systems technical specialists

Mr. Manly Wilder submitted a letter regarding the recent law that passed (Session Law 2006-38) regarding the qualification requirements for animal waste management systems technical specialists. Legislation requires that Department of Environment and Natural Resources (DENR) evaluate the training and qualification requirements for animal waste management systems technical specialists. In order to conduct this evaluation, DENR is required to obtain input from representatives at a meeting on September 18, 2006. With Board members returning from the annual meeting of NCEES, Mr. Ritter is going to speak with Mr. Frank Tyndall on attending the meeting voicing our concerns. Mr. Tyndall is a past Board member who had already done some preliminary work on this issue.

(Addendum III)

6. Request from the Professional Engineers of the Professional Engineers of North Carolina regarding financial support of the MATHCOUNTS Program

Mr. James C. Hobbs, Jr., PE, CPA submitted a letter regarding the Board's 2007 annual contribution to the Professional Engineers of North Carolina (PENC) State MATHCOUNTS competition. This sponsorship enables PENC to offer a first-class competition experience for 7th and 8th grade mathletes. There was also discussion as to bringing the winner to a Board meeting. Mr. Ritter will speak with Mr. Hobbs regarding recognition before the Board. Ms. Guzniczak moved to approve a contribution of \$2,000.00. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum IV)

7. Request from the North Carolina Society of Surveyors regarding financial support of the Trig Star Program

Ms. Melissa D. Beard, Executive Director, submitted a letter regarding the Board's 2007 annual contribution to the North Carolina Society of Surveyors (NCSS) Trig Star Program. This sponsorship promotes careers in surveying. Mr. Liles moved to approve a donation of \$2,000.00; Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum V)

8. Information from the North Carolina Board of Ethics

August 4, 2006, Governor Easley signed the "State Government Ethics Act" into law. It makes many changes to the current ethics regulatory system in North Carolina. Specific areas/changes include:

- New Ethics Commission on October 1, 2006;
- New disclosure forms due March 15, 2007;
- Expanded jurisdiction – more people covered;

- “Mixed boards” eliminated – all are now covered;
- Penalties, including monetary fines, for failure to file Statements of Economic Interest;
- Possible criminal sanctions for false filings;
- Mandatory ethics education;
- A general gift ban with specified exceptions;
- Agency and board “ethics liaisons” required;
- Confidential advisory opinions.

Our Board Ethics Liaison is appointed by the Chair and is normally the Executive Director. The liaison will need to attend continuing education classes and report back to the Board. The Chair now has an official role under the Board of Ethics, as well as the staff under the Chair. Mr. Ritter will look into how many mandatory ethics courses the Board will be required to take.

(Addendum VI)

9. Settlement Conference Recommendations

The Board considered the recommendations of the Settlement Conference Committee—Surveying on two (2) cases conducted by Mr. Haynes and Dr. Monroe on July 31, 2006. On the first case, Ms. Guzniczak made a motion to accept the recommendation of the Settlement Conference Committee; Ms. Rodgers seconded the motion. A vote was taken and the matter was approved unanimously. On the second case, Ms. Rodgers made a motion to accept the recommendation of the Settlement Conference Committee; Dr. Ratcliff seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendations resulted in two (2) revocations.

(Addendum VII)

The Board considered the recommendation of the Settlement Conference Committee—Engineering conducted by Mr. Freeman and Dr. Monroe on July 31, 2006. Ms. Rodgers moved to approve the recommendation; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a revocation.

(Addendum VIII)

The Board considered the recommendation of a Settlement Conference Committee—Surveying conducted by Mr. Thompson and Ms. Rodgers on August 3, 2006. Ms. Guzniczak made a motion to accept the recommendation; Mr. Haynes seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand and a closed case.

(Addendum IX)

The Board considered the recommendations of the Settlement Conference Committee—Engineering on three (3) cases conducted by Ms. Guzniczak and Ms. Rodgers on August 4, 2006. On the first case, Mr. Haynes made a motion to accept the recommendation of the Settlement Conference Committee; Dr. Ratcliff seconded the motion. A vote was taken and the matter was approved unanimously. On the second case, Mr. Thompson made a motion to accept the recommendation of the Settlement Conference Committee; Dr. Ratcliff seconded the motion. A vote was taken and the matter was approved unanimously. On the third case, Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Haynes seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendations resulted in one reprimand and civil penalty of one thousand dollars (\$1,000.00),

one reprimand and civil penalty of two thousand five hundred dollars (\$2,500.00), and one closed case.

(Addendum X)

10. Review Committee Recommendations

The Board considered the recommendations of the Review Committee—Land Surveying on two (2) cases conducted on August 9, 2006 with Mr. Thompson. Ms. Guzniczak made a motion to accept the recommendations of the Review Committee and Dr. Ratcliff seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendations resulted in one closed case and one reprimand and civil penalty of five hundred dollars (\$500.00).

(Addendum XI)

The Board considered the recommendations of the Review Committee—Land Surveying on four (4) cases conducted on August 9, 2006 with Mr. Joyner. Mr. Thompson made a motion to accept the recommendations of the Review Committee and Ms. Rodgers seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendations resulted in one closed case, one reprimand and civil penalty of five hundred dollars (\$500.00), one reprimand and civil penalty of one thousand five hundred dollars (\$1,500.00) and one continue investigation.

(Addendum XII)

The Board considered the recommendations of the Review Committee—Engineering on sixteen (16) cases conducted on August 11, 2006. The Review Committee was chaired by Dr. Ratcliff. Ms. Guzniczak made a motion to accept the recommendations of the Review Committee; Mr. Thompson seconded the motion. Mr. Freeman recused himself from voting altogether. A vote was taken and the matter was approved unanimously. The Review Committee recommendations resulted in one consent agreement, one 6-month suspension, seven closed cases, one revocation, one reprimand, one referral, two refuse to renew, one continue investigation, and one reprimand and civil penalty of one thousand dollars (\$1,000.00).

(Addendum XIII)

Break was taken to recognize Ms. Linda B. Peace for 22 years of dedicated service. She will be retiring effective August 31, 2006.

11. Committee Reports

For the Continuing Professional Competency (CPC) Committee, Dr. Monroe informed the Board that the Committee had met and he moved that five (5) new applications be approved for sponsorship. Mr. Haynes seconded the motion. A vote was taken and the matter was unanimously approved.

(Addendum XIV)

Miscellaneous topics for the CPC Committee were:

- Request waiver of PDHs after Hurricane Katrina. The committee feels that it meets the requirements but is requesting a letter from the requestor's employer for period of performance.
- The committee considered whether an individual who has been disciplined by the Board should be allowed to teach a course given by a sponsor. The sponsor must use a qualified instructor. This was for information only and will be considered for the revised rules.

Engineering Committee Chair Henry Liles mentioned that the Committee had no pending business to report.

Mr. Thompson, Chair of the Surveying Committee, had the following discussions:

- Reviewing final exam questions.
- Organizing next exam writing workshop for the end of November 2006 exam, as well as a GPS-users workshop in October 2006.
- Sample plats are continuing to be updated for inclusion on the website.
- Continued discussion on addressing the way surveyors sign and seal maps.
- Reviewing DOT related complaints.

Prior to Mr. Evans updating the Board on the violations activity, Mr. Ritter announced staff reorganization with the retiring of Ms. Peace:

- *Ms. Peace's position will be divided between Lanice Heidbrink and Mark Mazanek. Ms. Heidbrink will be working with CPC and renewals. Mr. Mazanek will be working with all firm licensures and investigating all firms' non-licensure issues. Both Ms. Heidbrink and Mr. Mazanek will be reporting to Mr. Evans.*
- *Mr. Evans is looking to hire a new investigator to replace Mr. Mazanek. The investigators will begin working from their homes. The investigators will each have a region of North Carolina:*
 - *Mr. Will Casey/Eastern Region*
 - *Ms. Cathy Kirk/Central Region*
 - *New Hire/Western Region*

However, they each will back one another up depending on workloads. Dr. Ratcliff will send to Messrs. Ritter and Evans the guidelines that she and her staff have set up for field investigators in order to assist us in setting up our guidelines. The Board supported the arrangement..

12. Violations Activity

Assistant Executive Director David Evans reported that twenty (20) new cases have been opened since the last Board meeting—seven (7) PEs, six (6) PLSs, two (2) non-license professional corporations, and five (5) non-licensed individuals. There are one hundred forty-one (141) open cases, sixty-three (63) of which are with the investigators or pending investigation. Eighty-seven (87) cases have been closed so far this year with twelve (12) being closed since last Board Meeting, twenty-two (22) cases have been opened since last Board Meeting, eighty-three (83) cases have been brought to Review Committees for 2006, and sixty-nine (69) more cases are pending.

Mr. Jim Simmons with DENR has asked that Mr. Evans visit all the regional offices starting August 28, 2006 to discuss the complaint procedure and what to expect from the Board.

13. Applications

The Board was unable to consider the applications of individuals for licensure through comity provisions as Professional Engineers since the list of those approved by staff was not available. These will be reviewed at the October 2006 Board Meeting.

The Board considered the applications of eighteen (18) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full

compliance by the Board staff. Mr. Haynes moved that the Board approve all companies; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XV)

The Board considered the applications of eleven (11) firms for licensure as Limited Liability Companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Haynes moved that the Board approve the applications; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XVI)

The Board considered the applications of four (4) firms for licensure as Business Firms. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Thompson recused himself from voting. Dr. Ratcliff moved that the Board approve the applications; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XVII)

The Board considered the applications of one (1) firm for licensure as a Chapter 87 business. The Board was advised that the application had been reviewed and deemed in full compliance by the Board staff. Mr. Haynes moved that the Board approve the application; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XVIII)

The Board considered the requests of two (2) individuals requesting retired status. The Board was advised that the requests had been reviewed and deemed in full compliance by the Board staff. Mr. Thompson made a motion to approve the request; Ms. Guzniczak seconded the motion. A vote was taken and the Board unanimously approved the request.

(Addendum XIX)

14. Old Business

Mr. Ritter recapped the presentation given by UNC Charlotte's William States Lee College of Engineering's request for funds to improve the fundamentals of engineering pass rates. This contribution from the Board would assist in offsetting the costs of the FE program. Dr. Ratcliff motioned to take this off the table and to have the Board consider the request that was tabled at the last meeting. Ms. Rodgers seconded the motion. A vote was taken and the Board unanimously approved. After further discussion, Ms. Guzniczak motioned to decline the request; Dr. Ratcliff seconded the motion. A vote was taken and the Board unanimously approved the request. Mr. Ritter will call and then follow up with a letter to explain the reasons and thank them for their continued success and the very informative presentation.

(Addendum XX)

15. New Business

- Mr. Ritter presented the Board with nine (9) investigation cases that needed to be opened. Mr. Haynes moved to open cases 1-5 and 7-9; Ms. Rodgers seconded the motion. The Board voted unanimously to open these eight (8) cases. The Board moved to open case #6, at which time Mr. Thompson recused himself from voting. Ms. Guzniczak moved to open case #6; Mr. Joyner

seconded the motion. A vote was taken and the Board voted unanimously to open this one (1) case.

(Addendum XXI)

- Mr. Ritter presented a memorandum dated August 4, 2006 from Ms. Susan Whitfield, Director of Operations, ELSSES, regarding collusion reports. In her memorandum, she reiterated that when first received, contact is made with the proctors to let them know that collusion is suspected and they may be contacted by the state as a part of an investigation. Feedback is solicited from the proctor and any ELSSES observers that may have been at the site about the issue. Five separate computer programs run collusion reports. If a high percentage of the same answers on the test occur, they are flagged. The determination of collusion includes if individuals were in the same room, how close were they sitting to each other, etc. It was determined that a Board policy be written so that when this comes up in the future, it will be an automatic response on how the Board handles it. The policy is as stated:

The collusion analysis be used as secondary evidence to support the primary allegation of cheating made by the ELSSES proctor examination report.

Dr. Ratcliff moved to approve the above policy; Ms. Guzniczak seconded the motion. A vote was taken and the Board unanimously approved.

(Addendum XXII)

On a separate note, ELSSES's contract is up for renewal. They are requesting \$65.00 per candidate. (This is a \$10.00 increase from last year.) The increase would be effective for the Spring 2007 exam process. Mr. Liles moved to approve this increase; Ms. Rodgers seconded the motion. A vote was taken and the Board unanimously approved.

- Mr. Ritter mentioned to the Board that the Mississippi State Board has made a motion regarding acknowledging geologists practicing engineering. This topic will be discussed at the NCESS Annual Meeting next month (September 13-16, 2006).

(Addendum XXIII)

- Mr. Ritter presented a letter dated August 22, 2006 from Coastal Engineering & Surveying, Inc. that is seeking approval to open a surveying office in Washington, DC. Because they do not anticipate offering engineering services at this location at this time, they are requesting to use the d/b/a CES, Inc. The Board was concerned that this did not change anything, especially with the anticipation that engineering services were not going to be offered. Ms. Guzniczak made the motion to disapprove the name of CES, Inc.; Mr. Liles seconded the motion. A vote was taken and the Board approved unanimously. However, Coastal Engineering & Surveying, Inc. suggested alternative names: CES Surveying, Inc. or CE Surveying, Inc. Ms. Guzniczak made a motion to approve the name of CES Surveying, Inc.; Mr. Liles seconded the motion. A vote was taken and the Board approved unanimously. (NOTE: If they ever do offer engineering services, they can submit another corporation change form.)

(Addendum XXIV)

- Mr. Ritter presented a fax dated August 22, 2006 from Mr. Thomas R. Bell, Ball Barden & Bell, P.A., who represents Carolina Engineered Composites. The business desires to become an LLC. The business is owned by an individual who owns another business (Leisure Craft, Inc.), which makes and sells items such as picnic tables and chairs. The new company is to make pallets primarily out of wood but also to reclaim some of the byproducts from the other business by producing composite materials suitable for use in pallets. The desired name for the new corporation is Carolina Engineered Composites, LLC. The Secretary of State has indicated

that in order to use the word “Engineered”, they must have the permission from the Board. Mr. Liles made the motion to approve the new name; Ms. Guzniczak seconded the motion. A vote was taken and the Board unanimously approved.

(Addendum XXV)

- Mr. Ritter presented a letter dated August 22, 2006 from Mr. D. Allen Hughes of Piedmont Geotechnical. He requested approval from the Board to also be the resident professional for a second firm that he would operate at the same address with both companies owned 2/3 by him and 1/3 by his wife. The Board Rule 21-56.0901(c) allows the Board to approve such a situation. Dr. Ratcliff made a motion to approve the request; Dr. Monroe seconded the motion. A vote was taken and the Board approved unanimously.

(Addendum XXVI)

- Mr. Ritter presented a letter from Mr. Brian L. Souva, North Carolina Society of Surveyors, Inc. (NCSS), requesting that the Board investigate the construction surveying industry. The NCSS Board has been discussing this issue for some time and feels that our analysis of whether or not construction surveying should be done by a licensed surveyor is crucial to a broader understanding of the issue. The question is whether or not the construction surveying industry—or a part of it—should be governed by Board rules and/or regulated by our licensing Board. The Chair requested that this be referred to the Surveying Committee.

(Addendum XXVII)

- Staff requests a policy change regarding the degree eligibility for the PE as follows:

When applicants apply for the Fundamentals Exam (Eng I), and they apply based upon their undergraduate degree for seating approval, the date of the undergraduate degree is the start date for their four (4) years of progressive engineering experience to be eligible for the Professional Engineering Exam (Eng II). If they apply based on their graduate degree for seating approval for the fundamentals exam (Eng I), the date of the graduate degree is the start date for their four years of progressive engineering experience to be eligible for the Professional Engineering Exam (Exam II).

Mr. Liles moved to approve the above change in policy; Dr. Monroe seconded the motion. A vote was taken and the Board approved unanimously.

- Mr. Ritter mentioned that at 8:55 a.m. he received a call from Senator Basnight’s office regarding flood studies going on all across the state. FEMA has regulations on how these are to be done; however, the engineers feel that according to FEMA’s regulations, it is in violation of the Board rules. It was determined that a conference call would be made to Mr. Raymond Pate that will include Messrs. Liles and Thompson to find out what the issues are.

16. Informational Items

- Engineers Australia is the peak body for engineering practitioners in Australia and represents all disciplines and branches of engineering, including information technology. They would like to take the next step toward improving international mobility for professional engineers between Australia and the U.S. by seeking a meeting to discuss the possibility of reaching a mutual recognition agreement for the licensing of engineers in our respective jurisdictions. Mr. Ritter feels that this is a Washington Accord issue, which we do not recognize; Canada is the only country that we do recognize.

- Letter received from Mr. E. Murray Tate, Jr., Attorney at Law, acknowledging his appreciation of Ms. Peace's service to our organization.
- Zone Update (July 2006) and the action items from the 4th Meeting of the 2005-2006 Board of Directors.
- Dedication of the Duke Centennial Hall and the William H. Grigg Hall at UNC-Charlotte.

17. Administrative Conferences

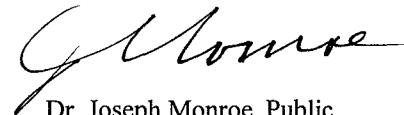
Members of the Engineering Committee conducted three (3) administrative conferences. The first conference was with an applicant requesting administrative review to discuss options in a review course regarding preparation of the engineering licensing exam. The conference resulted in the Committee not approving the review course selected as they did not feel it would adequately prepare the individual for the exam. The second conference was with an applicant who requested options regarding passing the engineering licensing exam. This conference resulted in the Committee's request that the individual's develop a course of action and provide it to the Board for review. The third conference was with an applicant to discuss the Board's reconsideration of the individual taking the PE II exam in the Fall of 2006. This conference resulted in the Committee's approval.

Members of the Surveying Committee conducted four (4) administrative conferences. The first conference was with an applicant to discuss options regarding passing the survey licensing exam. The conference resulted in the Committee determining the individual being approved for seating at the Spring 2007 exam. The second conference was with an applicant to discuss options regarding passing the survey licensing exam. The conference resulted in the Committee determining that in order for the individual to be seated for the Spring 2007 exam, they must take the college-level math class. The Committee recommended a trigonometry class and also an algebra class. The third conference was with an applicant to discuss the deficiencies of the plat in the survey licensing exam. The conference resulted in the Committee determining that there are no deficiencies; however, it was determined that there needs to be a combined factor on the map. The Committee will review the map upon re-submittal and seat for the next available exam period. The fourth conference was with an applicant to discuss options regarding passing the survey licensing exam. The conference resulting in the Committee determining that in order to be seated for the Spring 2007 exam, the individual must do the online course that was discussed. Once the course has been completed, they are to submit proof completion accompanied by a letter requesting seating for the exam.

(Addendum XXVIII)

There being no further business, the Board formally adjourned on August 24, 2006 at 12:35 p.m. The Board is next scheduled to meet on Thursday and Friday, October 12 and 13, 2006.

Respectfully submitted,



Dr. Joseph Monroe, Public
Secretary

Approved by the Board in Session

Date _____

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 12, 2006

Raleigh, North Carolina

Board Chair George E. Freeman, PE, PLS, gaveled the North Carolina Board of Examiners into session at 10:05 a.m. on Thursday, October 12, 2006, to conduct the regular order of business for the Board. Attendance at this meeting was as follows:

Present:

George E. Freeman, PE, PLS, Chair
Gary W. Thompson, PLS, Vice Chair
Dr. Joseph Monroe, Public Member, Secretary*
J. Glenn Haynes, PLS
Henry V. Liles, Jr., PE
Doris M. Rodgers, Public Member
Teresa H. Ratcliff, PhD, PE
Nils W. Joyner, PLS

Absent:

Caroline M. Guzniczak, PE

*Agenda covered; due to travel delays, item #13 was held until his arrival.

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair George Freeman read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any Board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

The Executive Director reported that copies of the minutes for the August 24, 2006 Board meeting had been sent to each Board member. Any changes made are reflected in the final draft now presented. Mr. Haynes moved to approve the minutes; Mr. Thompson seconded the motion. The Board voted and the minutes were unanimously approved.

3. Request from the Colonial States Boards of Surveyor Registration (CSBSR) to financially support the photogrammetry exam development

Mr. Doyle B. Allen, Executive Director, submitted a letter requesting North Carolina's participation in the photogrammetry (being referred to as mapping sciences) exam. The NCEES (The National Council of Examiners for Engineers and Surveyors) Board approved funding and will provide those funds by picking up the cost for the psychometric consultant. Kentucky, South Carolina, and Virginia have made their various commitments. CSBSR has asked that NCBELS contribute \$2,000.00. Our Board encouraged CSBSR to take the development of the questions and storage bank on, and we will be able to add questions to the state exam or buy them from CSBSR to add to our state exam. Once 10 of the 13 East Coast states that make up the CSBSR participate, the development process of this module can begin. At the present time, eight states are holding out. Mr. Thompson moved to approve the contribution; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum I)

4. Request from G. Stuart Matthis II, President, RWA Group, Inc. for Board approval to use the name STV, Incorporated d/b/a STV/Ralph Whitehead Associates, Inc.

Ralph Whitehead Associates (RWA) sold their assets and the company name to STV Incorporated (STV). STV requested approval to provide engineering services in North Carolina as "STV Incorporated d/b/a STV/Ralph Whitehead Associates, Inc." RWA no longer offers engineering services. However, the firm submitted to amend its Articles of Incorporation so that a "shell company" could exist under the name "RWA Group, Inc.", purely for liability purposes. The Board Chair requested documentation that STV does have the right to Ralph Whitehead's name. This item was tabled to later in the day while Messrs. Tuttle and Mazanek acquired the necessary paperwork during the break. Dr. Ratcliff moved to lay the matter on the table; Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously. After a motion by Dr. Ratcliff to take from the table Mr. Mazanek presented and read from documentation received stating that STV does own the rights to the name. Dr. Ratcliff moved to approve the name change; Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum II)

5. Request from Robert L. Ange, Partner, Jordan Price Wall Gray Jones & Carton regarding changing the corporation name of G.N. Richardson & Associates to Richard Smith Gardner & Associates, Inc.

No discussion. Dr. Ratcliff moved to approve the name change; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum III)

6. Request from Sara A. Hutson, PE of Waid and Associates regarding the name of an individual not registered in North Carolina in their company name

Ms. Sara A. Hutson, PE requested permission to use the name of Ken Waid, who is not registered in North Carolina, in their company name. Mr. Waid founded the company in 1978 and is a registered engineer in Texas. He retired in 1996 and no longer maintains an active registration but is a stock holder in the company and serves as Chairman of the Board of Directors. Mr. Liles moved to approve the use of the name in their corporation name; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum IV)

7. Request from George E. Forrest of Uptime Engineered Solutions Co. to use the name Uptime Engineered Solutions, LLC

Mr. George E. Forrest requested permission to use the name Uptime Engineered Solutions, LLC as their company name. Their company does business as a manufacturer's representative as well as sales marketing. They offer companies that have products and services for the electrical utility industry. Once successful in introducing the products or services, assistance is given in the best approach for their continued sales and marketing efforts. In some cases Uptime becomes their master representative for the market and then they will recruit other independent reps to cover specific territories. In the other cases, Uptime becomes the master distributor and all sales are processed at their office. Uptime specializes within the T&D area of electrical utilities and industrials and specifically substations. In all cases, Uptime only provides sales and marketing services. The Board has previously allowed the word "engineered" to only be used in a name when it describes a product such as a piece of equipment. In this case, the description as "engineered" applies to solution which could imply an engineering service. Ms. Rodgers moved to disapprove

the name; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum V)

8. Request from Donald K. Kellum, PE, Engineering Design Coordinator, Public Works/City of Durham, regarding digitally encrypted seal and signature of professional documents

Messrs. Donald K. Kellum; Michael M. Hughes, PE, Engineering Design Supervisor; and Charles S. Wagner, PLS, PE, Engineering Design Surveyor made a presentation to the Board to get their feedback regarding the process the City of Durham has developed on digitally encrypted seals and signatures on professional documents. They use Adobe Acrobat Professional to sign and seal documents electronically. The document would be locked so that changes could not be made other than by those that have signed it. The seal would have a signature, date, and time. The private exchange key is encrypted and password protected in order to process the signature. For verification of the signature, you can go to <https://securitycenter.verisign.com> and do a search. With this program, you can add files and package as one with an insertion process. If a change process does take place, it will remove the certified seal. It still is an ongoing process for all technological purposes. Online version/process follows Board rules; the next step would be the hardcopy version. There is another level in the process to show where the document came from. The Board invited the gentlemen to review our rules and give feedback that could be incorporated into the rules for a possible change.

(Addendum VI)

9. Request from Brian L. Souva, President, North Carolina Society of Surveyors, Inc. (NCSS), regarding the construction surveying industry

Mr. Brian L. Souva submitted a request asking that NCBELS investigate the construction surveying industry. The NCSS Board of Directors has been discussing for some time and feels that our analysis of whether or not construction surveying should be done by a licensed surveyor is crucial to a broader understanding of the issue, and NCSS would like the NCBELS to answer the question(s) of whether or not the construction surveying industry—or a portion of it—should be governed by Board rules and/or generated by NCBELS. This is the next step in machine control and focuses around 89C Section 7.2. The Chair officially deferred this request to the Surveying Committee.

(Addendum VII)

10. Committee Reports

Engineering:

At the Engineering Chair's request, Mr. Frank Tyndall gave an update on a forum he attended on September 18, 2006 regarding discussions pertaining to new training requirements for animal waste management systems technical specialists. This forum took place with the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) and the Department of Environment and Natural Resources (DENR). There were approximately twenty-five (25) people in attendance from DENR (Manly Wilder), NRCS—keeper of the money that will now pay someone outside to do what government employees are now doing--(Tommy Cutts, PE), Soil Conservation, North Carolina State University, and related university professors who serve as consultants for these various organizations. In 2002 legislation adopted the Farm Bill which allowed district agencies their own guidance of technical engineering in their jurisdictions. In 2003, NRCS developed their own resources of technical service guidelines. Indications are that guidelines have been set up in the federal statute which will have to be followed. At present, technical service providers are federal and state-government employees, who felt secure because

they were doing the work. When the federal statute becomes effective, technical service providers will not be licensed nor government employees; sixty-two (62) technical service areas out of approximately two hundred (~200) will be engineering, one hundred (100) will work for the government with five (5) being licensed, as well as $\frac{3}{4}$ will be private entities and $\frac{1}{4}$ will be government. DENR is responsible for gathering information for the state to implement the requirements and qualifications for these technical specialists/service providers before September 2007 when the federal guidelines go into effect.

Mr. Tyndall recommended the following solutions:

1. Get staff who are current technical service providers licensed.
2. Hire a licensed individual and have the individual provide standard designs—With four thousand four hundred (4,400) active lagoons, one thousand one hundred (1,100) closure plans need to be done in 2007; one thousand (1,000) of these could be done by professional engineers or geologists.
3. Someone from the Board needs to attend the meeting that DENR's Environmental Review Commission is having on November 15, 2006 regarding the final recommendations and findings on this issue.
4. Work with Tommy Cutts of NRCS on threshold items to be standardized by the Board.
5. Five hundred (500) diversion units will need to be organized within the next year.

The Chair asked that Mr. Tyndall's expertise continue to be made available, and that Mr. Liles, as Chair for the Engineering Committee, be involved and kept up to date on this topic. Dr. Ratcliff wondered if meeting with the engineers on an annual basis with DENR would help.

(Addendum VIII)

Land Surveying: Mr. Thompson informed the Board of the following activities:

- Mr. John Spurrell of the North Carolina League of Municipalities was in attendance regarding accuracy standards for GIS database surveys. Mr. Thompson made the motion to have the Surveying Committee draft a temporary rule change in the language of 21 NCAC 26 .1608; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously. The Surveying Committee will meet to draft the rule change.

(Addendum IX)

- Messrs. K. Flint Holbrook, PE, Vice President and William P. Finke, PLS of Woolpert, Inc. requested an interpretation of NCAC Title 21 Chapter 56, Section 1608 (classification LIS/GIS Surveys). This request is made due to several requests by local governments in North Carolina to collect storm sewer system inventory information using mapping grade accuracy (RTD) for location and attribution. Because Woolpert, Inc. is a private consultant and the requests are from communities in urban/suburban areas, they are questioning their ability to provide the requested service. Their questions are as follows:
 - If we use RTD with accuracies, approximately 1 meter for collection of storm sewer conveyances system inventory, must this activity be done under the supervision of a North Carolina professional land surveyor? *(the answer is yes.)*
 - As a private consultant in North Carolina with professional land surveyors as employees, is it appropriate for us to offer service to cities and towns based on their request to collect storm sewer conveyance system inventory information with accuracies that do not comply with .1608(a)(1) requirements? *(the answer is no, the Board Rule does not allow it to vary)*

Mr. Tuttle will respond via a letter with a request that the letter state the Board is in the process of rewriting this rule. Mr. Liles moved to approve the answers to Woolpert's questions; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum X)

- DENR. Received new request from DENR's Soil and Water Department and will work with Mr. Tuttle to resolve.

Continuing Professional Competency Committee:

- Mr. Thompson informed the Board that the Committee had met and he moved that eight (8) of the nine (9) new applications be approved for sponsorship. The Committees is awaiting additional information on The John R. McAdams Company, Inc. Dr. Ratcliff seconded the motion. A vote was taken and the matter was unanimously approved.

(Addendum XI)

11. Settlement Conference Recommendations

The Board considered the recommendations of the Settlement Conference Committee—Engineering on two (2) cases conducted by Mr. Liles and Dr. Monroe on September 28, 2006. On the first case, Mr. Haynes made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Thompson seconded the motion. A vote was taken and the matter was approved unanimously. On the second case, Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Haynes seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendations resulted in two (2) voluntary, permanent surrenders of license.

(Addenda XII and XIII)

The Board considered the recommendation of the Settlement Conference Committee—Engineering conducted by Mr. Freeman and Dr. Monroe on October 6, 2006. Mr. Haynes moved to approve the recommendation of the Settlement Conference Committee; Ms. Rodgers seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand, civil penalty of \$3,000, and ethics course.

(Addendum XIV)

12. Violations Activity

- Assistant Executive Director David Evans reported that twenty (20) new cases have been opened since the last Board meeting—nine (9) licensed professional engineers, two (2) licensed professional land surveyors, one (1) licensed professional corporations, five (5) non-licensed professional corporations, and three (3) non-licensed individuals. There are one hundred forty-six (146) open cases, sixty-nine (69) of which are with the investigators or pending investigation. One hundred two (102) cases have been closed so far this year with fifteen (15) being closed since last Board Meeting, twenty (20) cases have been opened since last Board Meeting, eighty-three (83) cases have been brought to Review Committees for 2006, and sixty-nine (69) more cases are pending.

(Addendum XV)

- At DENR's request, Mr. Evans began meeting with the DENR regional offices to discuss the complaint procedure and what to expect from the Board. Since the last Board meeting, Mr. Evans has met with five (5) regional offices, as well as supervisors from 50 DENR offices. The Board is a resource for them to carry out their charge and to protect the public.
- Mr. Luke Blume was hired as an investigator for the western part of the state. He will get the surveying field training from Mr. Haynes. With Mr. David Peeler's permission, Mr. Evans was able to conduct the interviews at his office in Charlotte. 150 (one hundred fifty) resumes were received once advertised in the Charlotte area papers.
- Ms. Lanice Heidbrink's training in continuing professional competency audits is coming along very nicely.
- Mr. William Casey is back after the birth of his second child—daughter, Elli. Mr. Casey will be moving to Duplin County and maintain an investigator position in the eastern region.

13. Adoption of the Fiscal Year 2007 Budget

Mr. Ritter presented the fiscal year 2007 budget. The auditor suggests keeping 50 percent of annual expenses in savings. With some of the extra monies, we are going to purchase four (4) additional guest chairs for the new Board Room, wireless system—microphones, recording, etc. Mr. Haynes moved to approve the fiscal year 2007 budget; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XVI)

14. Applications

The Board considered two hundred one (201) applications of individuals for licensure through comity provisions as Professional Engineers. (This includes the list of those that were not approved at the August 2006 Board meeting.) Also included in this list were the reinstatements from the Engineering Committee. Dr. Ratcliff moved to approve the applications; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

(Addenda XVII and XXI)

The Board considered the applications of sixteen (16) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Ms. Rodgers moved that the Board approve all companies; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XVIII)

The Board considered the applications of four (4) firms for licensure as Limited Liability Companies. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Mr. Haynes moved that the Board approve the applications; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XIX)

The Board considered the applications of six (6) firms for licensure as Business Firms. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Ms. Rodgers moved that the Board approve the applications; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XX)

15. Old Business

- The North Carolina State University's *Technician Online.com* published an article entitled "Required credit hours for N.C. engineering students may increase." Mr. Ritter was contacted regarding the one hundred fifty (150) hours (120 original = 30 additional hours) that will change nationally by 2015 but not at the state level. Mr. Ritter mentioned that the issue will be discussed at the state level during the rules process, and that the Board Chair (2007) will begin scheduling meetings with Deans of state universities. The language was modified in the Model Law referencing that "an engineer intern with a bachelor's degree must have an additional 30 credits of acceptable upper-level undergraduate or graduate-level coursework from approved providers in order to be admitted to the Principles and Practice Engineering examination." The following language was added to the NCEES Model Law definition of what will be considered minimum evidence satisfactory to the Board that an applicant is qualified for licensure as a professional engineer:

Licensure by Examination (Effective January 1, 2015). The following individual shall be admitted to an 8-hour written examination in the principles and practice of engineering:

- (1) An engineer intern with a bachelor's degree, with an additional 30 credits of acceptable upper-level undergraduate or graduate-level coursework from approved course providers, and with a specific record of an additional 4 years or more of progressive experience on engineering projects of a grade and a character, which indicates to the Board that the applicant may be competent to practice engineering.
- (2) An engineer intern with a master's degree in engineering from an institution that offers EAC/ABET-accredited programs, or the equivalent, and with a specific record of an additional 3 years or more of progressive experience on engineering projects of a grade and a character, which indicates to the Board that the applicant may be competent to practice engineering.
- (3) An engineer intern with a doctorate in engineering acceptable to the Board and with a specific record of an additional 2 years or more of progressive experience on engineering projects of a grade and a character, which indicates to the Board that the applicant may be competent to practice engineering.
- (4) An individual with a doctorate in engineering acceptable to the Board and with a specific record of an additional 4 years or more of progressive experience on engineering projects of a grade and a character, which indicates to the Board that an applicant may be competent to practice engineering.

Dr. Monroe feels we need to lean more towards the ABET approach which is not wanting to vote for the change. Because of a report from the Board of Governors within the university system, which is independent of but parallel to, Dr. Ratcliff feels that the state universities need to take the lead and create more 5-year professional science and engineering degrees and be more responsive to the state and its economic needs.

(Addendum XXII)

- Mr. Ritter presented the September 21, 2006 memo from Betsy Browne, Executive Director of NCEES referencing examination fee increases. No discussion.

(Addendum XXIII)

- Mr. Ritter mentioned a letter that was sent to the Board from an individual who was so pleased with the ethics course taken due to disciplinary action that the individual had to let the Board know.

16. New Business

- Mr. Ritter presented the Board with six (6) investigation cases that needed to be opened. Mr. Thompson moved to open cases 2-6; Mr. Haynes seconded the motion. The Board voted unanimously to open these five (5) cases. The Board moved to open case #1, at which time Dr. Monroe recused himself from voting. Mr. Thompson moved to open case #1; Mr. Liles seconded the motion. A vote was taken and the Board voted unanimously to open this one (1) case.

(Addendum XXIV)

- Mr. Ritter presented a transcript from NCEES 85th Annual Meeting Delegates dated September 2006 from H. Neil Windsor, PE, Executive Director & Registrar, The Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA) referencing in April 2006 APEGGA hosted a Canada/United States Mobility Forum, which was attended by a number of representatives from the U.S. State Boards, Canadian Professional Associations—Canada's two national bodies of Canadian Council of Professional Engineers and NCEES—and a number of other interested parties.

(Addendum XXV)

17. Informational Items

- Colonial States Board of Surveyor Registration, Notice of Meeting. Messrs. Thompson and Ritter will discuss.

(Addendum XXVI)

- ABET Credentials Evaluation Service, email to Mr. Ritter dated September 21, 2006.

(Addendum XXVII)

- N.C Board of Ethics, with Mr. Ritter being Ethics Coordinator, he will bring ethics policies to the Board's attention.

(Addendum XXVIII)

- North Carolina Society of Surveyors, Inc., announcement regarding their 43rd Annual Convention & Exhibits in Myrtle Beach, South Carolina, February 1-3, 2007.

(Addendum XXIX)

- Ms. Judy Weseman, Executive Director of Professional Engineers of North Carolina, is attending her last Board meeting. She will be retiring in December 2006. The Board feels she should be recognized because of her strong support and service with the Board. A Certificate of Recognition and Appreciation and gift certificate will be presented to her at the January 2007 Board meeting. Board Chair and Mr. Ritter will work out the details.

18. Administrative Conferences

Members of the Engineering Committee conducted two (2) administrative conferences. The first conference was with an applicant requesting administrative review to discuss options preparing for seating for the engineering licensing exam II in spring 2007. The conference resulted in the Committee determining that in order to be seated for the spring 2007 professional engineering

exam, the applicant must take a formal review course. Once the course has been completed, the applicant will submit proof of completion, accompanied by a letter requesting seating for the exam. The second conference was with an applicant who requested to discuss the FE exam. This conference resulted in the Committee's determining that the applicant be approved for seating for the engineering fundamentals exam with the understanding that the applicant take the civil depth module. If not successful at this attempt, applicant must come back for an additional administrative conference before an allowance to sit for the exam is given again.

Members of the Surveying Committee conducted one (1) administrative conference. This conference was with an applicant to discuss a course/action plan regarding preparing for the surveying licensing exam. This conference resulted in the Committee's determining that they applicant may be seated for the exam upon the completion of a mathematics review class. At the time of application for seating, applicant must provide proof of completion of the review class, the required paperwork, and then be given seating for the exam.

There being no further business, the Board formally adjourned on October 12, 2006 at 3:35 p.m. The Board is next scheduled to meet on Thursday and Friday, December 14 and 15, 2006.

Respectfully submitted,


Dr. Joseph Monroe, Public Member
Secretary

Approved by the Board in Session

Date 1/10/2007

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 14 and 15, 2006

Raleigh, North Carolina

Board Chair George E. Freeman, PE, PLS, gaveled the North Carolina Board of Examiners into session at 2:10 p.m. on Thursday, December 14, 2006, to conduct the regular order of business for the Board. Attendance at this meeting was as follows:

Present:

George E. Freeman, PE, PLS, Chair
Gary W. Thompson, PLS, Vice Chair
Dr. Joseph Monroe, Public Member, Secretary
Caroline M. Guzniczak, PE
J. Glenn Haynes, PLS
Nils W. Joyner, Jr., PLS
Henry V. Liles, Jr., PE
Teresa H. Ratcliff, PhD, PE
Doris M. Rodgers, Public Member

Absent:

N/A

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair George Freeman read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any Board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

The Executive Director reported that copies of the minutes for the October 12, 2006 Board meeting had been sent to each Board member. Any changes made are reflected in the final draft now presented. Mr. Haynes moved to approve the minutes; Ms. Guzniczak seconded the motion. The Board voted and the minutes were unanimously approved.

3. Request from Richard Rogers, North Carolina Department of Environment and Natural Resources regarding the Board's response dated November 6, 2006 that identified practices that constitute the practice of engineering

Mr. Rogers was interested in knowing whether the Board was firm on these practices being engineering functions and the engineers continuing to do as such. The recommendation was made for the Board to revisit their decision on the lagoon closure reports. The Engineering Committee will study based on representatives (Messrs. Henry Liles, David Tuttle, Andrew Ritter, and Frank Tyndall) meeting with Mr. Tommy Cutts of the Federal Natural Resources Conservation Service to discuss the issue. A motion was made to revisit this issue, meet with Mr. Cutts, and bring it back to the Board. Ms. Guzniczak moved to approve the motion; Mr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum I)

4. Appointment of Associate and Emeritus Members to the National Council of Examiners for Engineering and Surveying

Nominations of Associate Members are North Carolina Board of Examiners for Engineers and Surveyors staff members:

- *Andrew L. Ritter, Executive Director
- *David J. Evans, Assistant Executive Director
- *David S. Tuttle, Board Counsel
- *William P. Casey, Investigator
- *Cathy W. Kirk, Investigator
- *Mark D. Mazanek, Director of Business Licensure and Compliance
- **Luther W. Blume, Investigator

There was no change in the Emeritus Members to the Board. Ms. Guzniczak moved to approve the nominations; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously. A letter will be sent to NCEES informing them of the Board's nominations, as well as a letter being sent to the Emeritus Members informing them of their position.

*No change.

**New addition.

(Addendum II)

5. Request from Louis A. Raimondi, PE, LS, President, National Council of Examiners for Engineering and Surveying regarding the Board taking a position on two issues prior to the Board's President Assembly, February 15-17, 2007, Atlanta, Georgia

As per an email dated November 28, 2006, Mr. Raimondi informed the Board of two topics that will be discussed at the 2007 Board Presidents Assembly regarding the issue of equivalency of a foreign university. Our statute states that you must have an evaluation of foreign degree before being accepted. ABET has abandoned their foreign accredited program. Our Board discussed and came to the following position:

- What should NCEES's position be on recognizing foreign degrees? *Abide by what our rules state...ABET equivalent degree with 16 hours of exams.*
- Should NCEES enter into unilateral agreements with foreign licensing bodies on the behalf of the Member Boards? *NCEES could represent our Board's interest as long as foreign accredited participants take the 16-hour exam and are ABET accredited.*

Discussion only.

(Addendum III)

6. Request from Joe Plummer, PE regarding a waiver for paying the 2006 late renewal fee

Mr. Plummer's request dated November 28, 2006 is in reference to numerous expenses related to a medical illness. Motion made to deny the waiving of the 2006 late renewal fee of \$100.00. Mr. Thompson moved to approve the motion; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously. Ms. Lanice Heidbrink will send a letter to Mr. Plummer informing him of the Board's decision.

(Addendum IV)

7. Approval of the 2007 Board Calendar

Presentation of the 2007 Board meeting schedule was presented after discussion with the 2007 appointed Board Chair, Gary Thompson. The January 2007 meeting is slotted to meet a week earlier due to the potential new chair's conflict the week of the normal schedule. Motion made to approve the Board calendar. Mr. Haynes moved to approve the motion; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum V)

8. Settlement Conference Recommendations

The Board considered the recommendations of the Settlement Conference Committee—Engineering on one (1) case conducted by Dr. Ratcliff and Ms. Rodgers on November 7, 2006. The matter was deferred until Dr. Ratcliff and Ms. Rodgers could discuss a final recommendation. After Dr. Ratcliff and Ms. Rodgers met, the Settlement Conference Committee presented their recommendation to the Board, (Mr. Freeman recused himself from this matter.) Mr. Liles made a motion to accept the recommendation of the Settlement Conference Committee; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand.

The Board considered the recommendation of the Settlement Conference Committee—Surveying on one (1) case conducted by Mr. Joyner and Ms. Rodgers on November 7, 2006. Ms. Guzniczak moved to approve the recommendation of the Settlement Conference Committee; Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand and civil penalty of one thousand dollars (\$1,000.00).

(Addendum VI)

9. Review Committee Recommendations

The Board considered the recommendations of the Review Committee—Land Surveying on one (1) case conducted on November 7, 2006 with Mr. Joyner. Ms. Guzniczak made a motion to accept the recommendation of the Review Committee and Mr. Liles seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendation resulted in a closed case.

The Board considered the recommendations of the Review Committee—Engineering on twenty-four (24) cases conducted on November 15, 2006 with Mr. Liles. Mr. Haynes made a motion to accept the recommendations of the Review Committee and Mr. Thompson seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommended actions were: seven (6) cease and desist letters; ten (10) closed cases; one (1) reprimand; one (1) reprimand and civil penalty of five thousand dollars (\$5,000.00); one (1) reprimand and civil penalty of one thousand dollars (\$1,000.00); one (1) reprimand and civil penalty of five thousand dollars (\$5,000.00); one (1) 1-year suspension, restriction of practice, civil penalty of one thousand five-hundred dollars and ethics course; one (1) court injunction or refer to Office of District Attorney; one (1) cease and desist and referral; and one (1) refusal to renew.

The Board considered the recommendations of the Review Committee—Surveying on nine (9) cases conducted on November 21, 2006. The Review Committee was chaired by Mr. Thompson. Ms. Guzniczak made a motion to accept the recommendations of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendations were: three (3) closed cases; one (1) reprimand, civil penalty of two thousand dollars (\$2,000.00) and restrict practice; two (2) continue investigations; one (1)

reprimand; one (1) referral; and one (1) reprimand, civil penalty of one thousand dollars (\$1,000.00) and course.

The Board considered the recommendations of the Review Committee—Engineering on one (1) case conducted on December 6, 2006 with Mr. Liles. Mr. Haynes made a motion to accept the recommendation of the Review Committee and Ms. Rodgers seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendation resulted in a referral.

(Addendum VII)

Discussion took place on the number of cases on the agenda. Suggestions made to possibly ease schedules were:

- Schedule for each month and if not enough cases to bring Board member in, cancel and attach it to the next month's schedule.
- Schedule one (1) long day every three (3) months or two (2) half days every three (3) months.
- Use personal preference.

10. Committee Reports

Engineering: Mr. Liles reported there is no business.

Land Surveying: Mr. Thompson informed the Board of the following activities:

- Meeting with the Association of General Contractors (AGC)—highway developers, i.e., Wooten, Barnhill, etc., regarding discussion of our recent ruling on 3D modeling—requiring what they do to now be done by a licensed land surveyor. Because of the different definitions of the word “manipulation,” AGC would like to see the ruling reworded. However, our ruling will not affect what they are doing, but they do not want to get turned in so, AGC will develop the wording for clarification purposes and bring it back to the Board at a future date. No action needed.
- Exam writing and GPS Rules Workshop is now tentatively scheduled for March 2007. Sample plat is just about finished; no action.
- The Committee investigated adopting temporary rules on the Land Information System/Geographic Information System Surveys (LIS/GIS) issue. Due to the Rules Review Commission process and duplicate hearing requirements of having to then adopt a permanent rule, the committee is recommending that the Board by policy not enforce the current accuracy standards. Mr. Thompson on behalf of the committee recommended that the Board not enforce the last sentence of each of 21-56.1608(a)(1), (2) & (3), relative accuracy standards for each class of GIS survey, until new rules are adopted specifying the applicable accuracy standards. Dr. Ratcliff made a motion to accept the recommendation; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously. In effect this allows the client (the town or county) to select the accuracy required when they enter into contracts until the Board adopts revised rules. The League of Municipalities is to be notified of this decision.

Continuing Professional Competency Committee:

- Dr. Monroe informed the Board that the Committee had met and he moved that five (5) new applications be approved for sponsorship. Mr. Liles moved to approve the sponsors;

Mr. Haynes seconded the motion. A vote was taken and the matter was unanimously approved.

- Dr. Monroe moved that the Board approves the motion by the Committee that a PLS, who is under review, to send a letter requesting retired status by the next Board meeting or a case will be opened. (Mr. Haynes recused himself from voting on this matter.) Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.
- Dr. Monroe informed the Board of a dual licensee who did not pass the audit because a dual licensee has to have a minimum of 1/3 of the CPC in each area. (He had 15 hours but not enough for both.) Dr. Monroe moved to allow the licensee to acquire the required CPC within 90 days; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum VIII)

11. Violations Activity

- Assistant Executive Director David Evans reported that twenty-two (22) new cases have been opened since the last Board meeting—seven (7) licensed professional engineers, four (4) licensed professional land surveyors, three (3) licensed professional corporations, one (1) professional limited liability company, three (3) non-licensed professional corporations, and four (4) non-licensed individuals. There are one hundred fifty-eight (158) open cases, eighty-one (81) of which are with the investigators or pending investigation. One hundred twelve (112) cases have been closed so far this year with ten (10) being closed since last Board Meeting, thirty-five (35) cases taken to review committee since last Board meeting, one hundred nineteen (119) cases have been brought to Review Committees for 2006, and seventy-seven (77) more cases are pending.
- Recommendation made to include a report entitled “Open Violation Cases” at each Board meeting. This is to track the status of old cases.
- Luke Blume will be working from his home by the end of January or the middle of February, 2007 in the western part of the state.

(Addendum IX)

12. Applications

The Board considered one hundred forty (140) applications of individuals for licensure through comity provisions as Professional Engineers. Mr. Liles moved to approve the applications; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum X)

The Board considered the requests of six (6) company name changes. The Board was advised that the requests have been reviewed and deemed in full compliance by Board staff. Ms. Rodgers moved that the Board approve the company name changes; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the request of one (1) company alternate name change. The Board was advised that the request had been reviewed and deemed in full compliance by Board staff. Mr. Thompson moved that the Board approve the alternate name change; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the request of one (1) company to operate a second engineering company from the same location. The Board was advised that the request had been reviewed and deemed in full compliance by Board staff. Ms. Rodgers moved that the Board approve the operation; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the request of one (1) company to continue to use the name upon the principal's retirement. The Board was advised that the request had been reviewed and deemed in full compliance by Board staff. Mr. Thompson moved that the Board approve the use of the name; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

(Addenda XI to XIV)

The Board considered the applications of thirty (30) of the thirty-two (32) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Ms. Rodgers moved that the Board approve thirty (30) of the thirty-two (32) firms for licensure; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously. The first company name the Board denied was S&G Consulting Engineers. The alternate name proposed was SGE Solutions PC. Ms. Guzniczak moved that the Board approve the alternate name; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously. The second company name the Board denied was Structural Engineering Associates, Inc. The alternate name chosen was SEA, Inc. Ms. Guzniczak moved that the Board approve the alternate name; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XV)

The Board considered the applications of nine (9) firms for licensure as Limited Liability Companies. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Mr. Thompson moved that the Board approve the applications; Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XVI)

The Board considered the applications of five (5) firms for licensure as Business Firms. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Dr. Ratcliff moved that the Board approve the applications; Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XVII)

The Board considered the applications of one (1) firm for Chapter 87. The Board was advised that the application had been reviewed and deemed in full compliance by Board staff. Mr. Thompson moved that the Board approve the application; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XVIII)

The Board considered the three (3) requests for retired status—one (1) professional land surveyor and two (2) professional engineers. Ms. Guzniczak moved that the Board approve the requests; Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XIX)

13. Old Business

- Letter dated December 6, 2006 from Ms. Natalie Jones, CREP Manager, Division of Soil and Water Conservation, NC Department of Environment and Natural Resources, requesting a meeting with our Survey Committee to discuss their concerns regarding DENR CREP-GIS practices. Board recommended that the Surveying Committee follow-up with the meeting. No action needed.
- As per an article in the **NC Board of Landscape Architects** newsletter dated April 2006, NC Department of Environment and Natural Resources accepts storm-water plans sealed by landscape architects. No action needed.
- Letter dated October 30, 2006 from Mr. George D. Peterson, PhD, PE regarding ABET's Board of Directors October 28 meeting approving the NCEES's motion to suspend ABET's credentials evaluation service and establish a timetable of related steps to include disposition of current applications and cessation of new applications. ABET staff is developing transition processes to execute the Board's directive. No action needed.
- Letter dated November 30, 2006 from Barry J. Grear, Past National President, Engineers Australia requesting a meeting to discuss international mobility of professional engineers (specifically Australian engineers). Our Board concluded that there was no reason to meet due to the previous discussion in Item #5 of these minutes. Mr. Ritter will write a letter letting the Engineers Australia know of our decision.

(Addendum XX)

Break taken at 3:50 p.m.; continued at 4:10 p.m.

14. New Business

- Mr. Ritter presented the Board information regarding the PE/PLS Certificate Ceremony in Raleigh at the NCSU Club on Tuesday, January 23, 2007, at 7:30 p.m. Messrs. Henry Liles and Gary Thompson and Dr. Teresa Ratcliff have volunteered to attend.
- Mr. Ritter presented to the Board information regarding the decision of Mr. Mitchell Tibshirany, Southern Zone Vice-President, to pass on pursuing the presidency from the Southern Zone. In April 2007, a president-elect will be elected. Mr. Liles was asked to run for Southern Zone vice-president.
- Mr. Ritter presented the Board with ten (10) investigation cases that needed to be opened. Ms. Guzniczak moved to open the cases; Dr. Ratcliff seconded the motion. A vote was taken and the Board voted unanimously to open all cases.
- Mr. Ritter presented information to the Board on the North Carolina Society of Surveyors, Inc. 43rd Annual Convention and Exhibits. It is permissible for our Board to go at their own expense and the Board pays for one attendee's expenses. Mr. Ritter also mentioned that a new law going into effect January 1, 2007 is regarding gifts that cannot be received from lobbyists. The difference in a lobbyist taking you out for dinner and a corporation that funds lobbyists is that as long as there are more than 10 people present, a 10-day notice, and an agenda, the lobbyist can pay for your meal, etc. Mr. Ritter has requested that he get something in writing.
- Mr. Ritter announced the appointment of the new executive director at The Professional Engineers of North Carolina. Ms. Mary Elizabeth Bailey assumes leadership as of January 1, 2007. Ms. Judy Weseman, previous executive director, will be presented with a plaque at our January 2007 Board meeting.

- Mr. Ritter reminded the Board of NCEES committee assignment requests for the 2007-2008 administrative year being due January 19, 2007.
- Mr. Ritter informed the Board of the success of renewals online—up to 80 percent compared to the 50 percent last year. Mr. Ritter will research the process of online renewals and the paper version and what can be done to have more online renewals processed, e.g., possible fee for processing paper version, and report back to the Board at the January 2007 meeting.
- Mr. Ritter informed the Board that the La Quinta Inn is dropping the government rate of \$50.00. The new rate of \$80.00 is now being offered. The Residence Inn by Marriott is looking to receive our Board members at \$80/night as well. Ms. Lou Ann Buck will look into the Courtyard by Marriott and Fairfield Inn by Marriott. Until something definite is decided upon, Ms. Karen Free will reserve the Board member rooms at the La Quinta for 2007.
- Mr. Ritter informed the Board that the Surveying Committee asked that a policy be set regarding comity applicants being allowed to take the state licensing exam at any of four (4) times a year (quarterly):

A surveying comity applicant may take the first available exam after approval of the application by the Board. The exam will be given in April and October in conjunction with the national exam and in January and July at the Board Office.

- Mr. Ritter discussed with the Board a “paperless Board meeting”—working off laptops and no longer having a loose-leaf notebook. There would be a “Board Meeting Only” button on the web site that would include everything that would be in the notebook. Paper copies can still be done as well. A wireless remote printer would be made available in the event something needed to be printed. As well as a budget for developing this process, Mr. Ritter will put together an estimate of savings and how this would benefit the Board. Mr. Ritter reported that currently ten (10) states do this process and love it.

(Addendum XXI)

15. Informational Items

- NC Department of Environment and Natural Resources (DENR), letter from James D. Simons acknowledging the excellent job David Evans did in presenting the role of the licensing board to the seven (7) DENR regional offices.
- UNC Charlotte, letter from Robert E. Johnson, Professor and Dean, The William States Lee College of Engineering thanking David Evans for serving as their special guest speaker for their Engineering Ethics Workshop.
- October 2006 Candidate Survey Results.
- Andrew Ritter to speak at Duke to their fundamentals and engineering candidates/students.

(Addendum XXII)

16. Election of Board Officers

Current Board Chair George Freeman made the following nominations for 2007 officers, committee chairs, and committee members:

Board Chair, Gary W. Thompson, PLS
Vice Chair, Henry V. Liles, Jr., PE

Secretary, Nils W. Joyner, PLS

Continuing Competency Committee

Doris M. Rodgers, Public Member, Chair
Nils W. Joyner, Jr., PLS
Caroline M. Guzniczak, PE
Dr. Joseph Monroe, Public Member

Engineering Committee

Teresa Helmlinger Ratcliff, PhD, PE, Chair
Dr. Joseph Monroe, Public Member
Henry V. Liles, Jr., PE
Carolina M. Guzniczak, PE

Surveying Committee

J. Glenn Haynes, PLS, Chair
Doris M. Rodgers, Public Member
Nils W. Joyner, PLS
Gary W. Thompson, PLS

Mr. Freeman received incoming Chair Thompson's agreement to the committee appointments since it is his responsibility to make the appointments. Dr. Monroe moved that the Board approve the nominations; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

(Addendum XXIII)

Motion made at 5:10 p.m. to go into closed session to discuss a personnel issue. The Board returned to open session and at 6:20 p.m. a motion was made to recess until 9:00 a.m. on Friday, December 15, 2006.

Friday, December 15, 2006

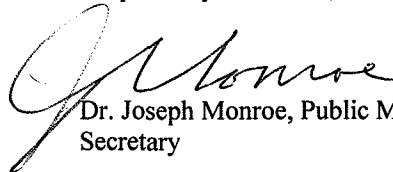
Board Chair George E. Freeman, PE, PLS, gaveled the North Carolina Board of Examiners back into session at 9:07 a.m. Not present was Caroline M. Guzniczak, PE.

Open session on December 14, 2006 discussion regarding agenda item #7, Board calendar. It was suggested that the December 13 and 14 meeting be moved to December 6 and 7 and that the color version of the calendar be submitted for use. Dr. Monroe moved that the Board approve the new date and format; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

Motion made at 9:20 a.m. to go into closed session to continue personnel issue discussion.

The Board returned to open session and there being no further business, the Board formally adjourned on December 15, 2006 at 10:50 a.m. The Board is next scheduled to meet on Tuesday and Wednesday, January 9 and 10, 2007.

Respectfully submitted,



Dr. Joseph Monroe, Public Member
Secretary

Approved by the Board in Session

Date 2/7/07

December 14 and 15, 2006