

# NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 20, 2010

Raleigh, North Carolina

Board Chair Teresa Helmlinger Ratcliff gaveled the North Carolina Board of Examiners into session at 10:00 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

Teresa H. Ratcliff, PE, PhD, Chair  
J. Glenn Haynes, PLS, Vice Chair  
David L. Pond, PE, Secretary  
Nils W. Joyner, Jr., PLS  
Henry V. Liles, Jr., PE  
Elizabeth W. Riley, Public Member  
Doris M. Rodgers, Public Member,  
Gary W. Thompson, PLS

Absent:

John S. Tunstall, PE

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Ratcliff 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. Mr. Thompson stated that he would recuse himself during the A&T discussion.

Mr. Ritter presented in the board books a memo and Executive Order No. 34, Ethics and Attendance Standards for Gubernatorial Appointees to Boards, from Governor Perdue. It is the opinion of Mr. Tuttle that the previous statement will be adequate to read at the beginning of board meetings. Mr. Ritter will get an official stance before the next Board meeting. Discussion ensued regarding the requirement in the new Executive Order that all appointees attend at least 75% of the board's regularly scheduled meetings during the calendar year and failure to meet the standard requirement constitutes grounds for removal from a board. Mr. Pond tasked Mr. Ritter to alert a board member of the requirement if he sees a problem.

Dr. Ratcliff recognized Mr. Joyner with a clock for his leadership as Chair last year.

Mr. Liles presented a plaque to Dr. Ratcliff who is the first woman chair in the 86 year history of the NC Board. He praised her for her leadership, vision and determination. Dr. Ratcliff expressed her excitement.

2. Consent Agenda

The Executive Director, Andrew Ritter, reported the consent agenda was sent to each Board member with links to all consent agenda items linked to the web site. The consent agenda included the minutes, financials, applications for Professional Corporations, Professional Limited Liability Companies, Business Firms, a Chapter 87 Corporation, Requests to Change Company Name, Requests for d/b/a, Comity Applications, Requests for Retired Status and Settlement Conference Recommendations. Ms. Riley moved to approve the consent agenda. Mr. Thompson seconded the motion. The Board voted and the consent agenda was unanimously approved. This was the first time financial reports were on the consent agenda. Mr. Pond requested board members contact Mr. Ritter or Mr. Pond with any questions regarding the financial reports. The financials can be removed from the consent agenda for discussion.

3. Committee Reports

Engineering Committee: No Report.

Surveying Committee: No Report.

CPC Committee: Mr. Thompson informed the Board of the following activities:

- Mr. Thompson stated three applicants for CPC sponsorship were reviewed and are recommended by the committee for approval as follows:
  1. Civil Engineer Educators, Inc.
  2. Hach Company
  3. NDS

Mr. Thompson made a motion from the committee to approve these three applications as CPC sponsors. Ms. Rodgers seconded the motion. A vote was taken and the motion was unanimously approved.

Mr. Thompson made a motion from the committee to approve a request to extend the time to October 1 for a licensee to catch up on CPC. The licensee has been out of the country and will need to take 27 PDHs this year. Ms. Rodgers seconded the motion. A vote was taken and the motion was unanimously approved.

Dr. Ratcliff requested Board members anticipate possible situations that might arise as a result of the disaster in Haiti so they can be discussed in committee meetings next month in order to give staff a heads up.

*The meeting recessed at 10:25 a.m. for a 15 minute break; back in session at 10:40 a.m.*

4. North Carolina A & T Geomatics Engineering Report – Executive Director

Dr. Ratcliff began the discussion that has been ongoing over the past six months regarding the second annual installment requested by NC A&T for the Geomatics Recruiter position. Mr. Thompson recused himself from the conversation and voting. A&T had been advised that the Board was in receipt of their invoice and the Board would review at the January Board meeting. There was a stipulation in the original motion that the Board was committing over a three year period and every year the request would be considered based on whether the Board could afford. Dr. Ratcliff said the Executive Committee had decided to handle this in two parts: 1) Does the Board support the continuation of the fund in general and 2) Can the Board afford in the budget. Ms. Riley made the motion to open the discussion. Ms. Rodgers seconded the motion. A vote was taken and the motion was unanimously passed.

Ms. Peggy Fersner, Geomatics Coordinator at NC A&T presented to the Board her reasons why she feels the recruiter position is critical to the success of the Geomatics programs. She stated the recruiter has scheduled and planned six summer camps, works with the community college system, handles calls from students requesting information, makes cold calls and goes throughout the state speaking on behalf of the program. Ms. Fersner answered questions from members of the Board. She stated that \$60,000 of the Board contribution is used for salary and the remainder is used for marketing. None of the Board contribution goes anywhere else. Discussion ensued regarding whether there is support of the program by the Chancellor, the Interim Dean and the University.

Mr. Pond inquired where we are in the budget cycle. Ms. Fersner stated the recruiter has been extended to the end of February and that will be the last salary draw that can be made. Mr. Pond stated the decisions to be made are: 1) is this program viable and 2) are there funds to support the program.

Upon request of information regarding the initial agreement, Mr. Ritter stated that from the beginning this was a partnership that included 1) the Board's contribution of \$80,000 for three years; 2) A&T to add a third faculty position and provide an office for the recruiter and 3) NCSS to contribute \$10,000 per year with an active role with camps. Ms. Sara Kusan, Executive Director of NC Society of Surveyors (NCSS) was asked the amount that has been contributed to date. Ms. Kusan stated they had provided one half of their funding (\$5,000) to date; the other half has not been given. The Education Foundation gave \$10,000 at the same time the Board made its first payment. Ms. Fersner stated neither NCSS nor the Education Foundation have been billed because of economic times. Ms. Fersner stated that she, Ms. Lugo and Mr. Nay attended the last two NCSS Board meetings, hosted the "meet and greet" in November and have provided NCSS with quarterly reports.

Mr. Lyles made a motion to support financially the recruiter position. Mr. Joyner seconded the motion. By a show of hands, the motion passed. Dr. Ratcliff did not vote. Mr. Thompson recused himself. Mr. Pond made a motion to open the discussion on being able to fund the recruiter position and how it would impact the budget. Ms. Riley seconded the motion. No vote was taken.

*The meeting recessed at 11:30 a.m. for a 10 minute break; back in session at 10:40 a.m.*

For a variety of reasons the unrestricted budget reserves are way below where they were when this program was started and the reserves that the auditor wants the Board to maintain. After budget discussions, Mr. Joyner made a motion to amend the budget to include an additional \$40,000 expense to pay A&T for the recruiter position and give it six months. Mr. Lyles seconded the motion. In discussion, Ms. Riley stated she would be more comfortable with three months rather than six months. Mr. Pond stated that he has a problem approving the motion without strings attached. He wants the surveyors to step up and do their part in that they have not been asked to do so. He wants specific reporting requirements with certain deadlines and if at any point the reports stop, the funding ceases and perhaps the money be portioned out. A vote was taken on whether to call the question on the motion to amend the budget by \$40,000 in favor of the recruiter position at A&T. The motion passed. Chair Ratcliff requested all in favor of amending the budget for \$40,000 in favor of the expense of the recruiter position signify by raising their right hand. Mr. Thompson was recused. Messrs. Joyner and Lyles voted in favor. Mr. Haynes, Ms. Rodgers, Ms. Riley and Mr. Pond opposed. The motion failed.

Mr. Pond made a motion to amend the budget by \$20,000, contingent upon receiving proof of payment that the Surveying Society has paid \$7,500 and the Education Foundation has paid \$2,500 and receiving monthly reports from A&T on what the recruiter is doing. Mr. Lyles seconded the motion. Mr. Ritter will email all board members asking their expectations. He will then get with Ms. Riley to write a commitment letter to A&T that will address the Board's reporting requirements. Upon the endorsement of Board members the commitment letter will be sent out. A vote was taken and the motion was unanimously approved.

5. Appointment of 2010 Board Committees

Dr. Ratcliff announced the committee appointments as follows:

Mr. John Tunstall, PE, Engineering Committee Chair  
Mr. Gary W. Thompson, Surveying Committee Chair  
Mr. David L. Pond, PE, CPC Interim Chair

Dr Ratcliff requested Ms. Riley to be an interim member of the CPC Committee and she consented. The new Public Member will be on the CPC Committee.

Mr. Liles and Ms. Rodgers received calls that new appointees for their board positions should occur within the next couple of weeks.

*Meeting recessed at 12:25 p.m. for lunch. Meeting gaveled back in at 1:05 p.m.*

6. Appointment of 2010 NCEES Emeritus Members and Associate Members – Executive Director

Mr. Ritter presented the NCEES list of Associate and Emeritus Members of NCEES for review of changes with the reminder that Emeritus and Associate Members remain members until the Board removes the name. Ms. Riley made the motion to add Mr. Lyles and Ms. Rodgers as Emeritus Members of the Board and NCEES. Ms. Haynes seconded the motion. A vote was taken and the motion was unanimously approved.

Dr. Monroe was not on the NCEES list; however, Board members were certain he was voted as an Emeritus member last year.

As Mr. Johnie Garrason is now deceased, Ms. Rodgers made a motion to remove Mr. Garrason's name from the list. Ms. Riley seconded the motion. A vote was taken and the motion was unanimously approved.

Staff recommended that the Associate Member List remain the same with the exception that Mr. Eric Purvis be removed as an Associate Member as he is no longer employed by the Board. Mr. Joyner made the motion to remove Mr. Purvis' name. Ms. Riley seconded the motion. A vote was taken and the motion was unanimously approved.

At this time, the list of NC Board Emeritus Members and NCEES Emeritus Members is the same. Not all former Board members are Emeritus Members. Mr. Ritter was requested to bring to the Board at the next meeting a list of former members that are not on the NCEES list for review by the Board. After discussion Mr. Thompson made a motion to table this discussion.

7. Review Committee (Surveying - Thompson) - Executive Director

The Board considered the recommendation of the Review Committee—Land Surveying on one case conducted January 5, 2010 at 10:00 a.m. with Mr. Thompson. Mr. Haynes made the motion to accept the recommendation of the Review Committee and Mr. Pond seconded the motion. A vote was taken and the motion was unanimously approved. Mr. Joyner recused himself from the discussion and voting. The Review Committee recommendation resulted in a reprimand, civil penalty of \$2,000 and ethics course.

8. Violations Activity

- Mr. Evans reported fifteen (15) cases have been opened this fiscal year, of which Mr. Evans is the complainant on ten. There are 109 cases open at this time, 60 of which are in investigator's hands. That is down 25% from this time last year. Eight cases have been opened since the last Board meeting. Seven cases have been closed. Mr. Mazanek has handled ten (10) informal matters with firms.
- Mr. Evans presented a color chart showing data since 2000 on cases presented to the Review Committee, the number of new cases and the number of carry-over cases. Mr. Ritter stated the chart illustrates that the trend since 2007 shows the number of cases that are in the investigator's hands is going down. This shows progress is being made.

Mr. Evans expressed the number that is important to him is the number of active or pending investigations (reported every Board meeting) in determining whether the number of cases is being reduced and the turn around time is increased. From this point last year, the number of cases in the investigator's hands that are being investigated or ready to be investigated is down 25% from the same time last year. There are two 2008 cases in investigator's hands; forty-four 2009 cases and fourteen this year. There are 109 cases open with 60 in investigator's hands to be worked on.

Mr. Evans reviewed 2009 opened cases and based the following data on the sixty-seven (67) 2009 cases that the investigators have completed (pending review or have gone through the process):

170 days – Average number of day from the receipt of the compliant to completed investigation;  
143 days – Average number of days from receipt from respondent's response to completion of investigation;

61 days – Average number of days from completion of investigation to Review Committee and

21 days – Average number of days for Board meeting to approve Review Committee.

Mr. Ritter stated plans are being worked on to reduce the approximately 90 days after the investigation is complete waiting for the Review Committee and Board Approval. Software will be purchased so Board members can review Review Committee packages online. Review Committees are being scheduled every eight weeks to reduce this time.

After discussion, the Board requested Mr. Evans furnish for the March meeting a three column chart showing a) the average number of days (taking out outliers) b) specific definitions of the chunks of time and c) show what attributes are included (for 2009 closed cases – do again in December, 2010).

*The meeting recessed at 12:50 pm for lunch. The meeting gaveled back in at 1:30 pm.*

9. Applications – Executive Director

The Board considered the applications of two Special Agenda items in the notebook as follows:

- Hayes, James & Associates, Inc. requests to obtain licensure as a Professional Corporation. The title of the company contains the name of two retired licensees of the firm (Mr. Hayes, GA PLS-1413 and Mr. James, GA PLS-1795). (meets the requirement of Board Rule .0902(b))
- Integrated Environmental and Engineering Solutions, PLLC requests to obtain licensure as a Professional Limited Liability Company. Mr. Roland Norris, III, PE, PLS will be the Resident PE and PLS for the company. He is currently the Resident PE, PLS for another company called ELM Site Solutions, PLLC. Mr. Norris is at least 1/3 owner of both companies and both companies will be integrated in location, operation. (Meets the requirements of Board Rule .0901(c).)

Both firms have the recommendation of staff. Ms. Rodgers made the motion to approve both firms of the Special Agenda. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

10. Pending Action Items - Executive Director

- Dr. Ratcliff delivered to Mr. Ritter a CD on ethics training. Mr. Ritter will have it linked so board members can review from their computers.
- Ms. Riley wrote an article for the newsletter from the perspective of a public member. Each member should write two articles this year for the newsletter. Dr. Ratcliff requested Mr. Ritter set due dates.
- Board members were to review the web site and report back. Board members agreed this could be reviewed in the committee meetings. Dr. Ratcliff requested that she and Mr. Ritter meet to discuss exactly what is needed.
- The process for reviewing Review Committee and Settlement Conferences is under way.

11. Old Business - Executive Director

- Mr. Ritter presented the pass rate statistics for the fall PLS exams. There were some issues with the pass rate. On the state exam the PLS Part B pass rate was 37%. The Part C pass rate was 9%.
- Mr. Ritter provided the engineering pass rate statistics. The civil engineering rate was 65%.
- Mr. Haynes will be the funded delegate to the NCEES Southern Zone Interim Meeting. Registration is now available for the Southern Zone.

12. New Business - Executive Director

- Mr. Ritter presented a letter from APEGGA (The Association of Professional Engineers Geologists and Geophysicists of Alberta) pushing for comity endorsement. On the national level this was turned down. Canada is seeking to obtain reciprocity from individual states based on their licensure requirements much as Australia did several years ago. They will most likely follow the same pattern as Australia. Their first step was the letter, their second step was to send emissaries to the national meeting, then they called to see if they can come to a board meeting. Forty-nine out of 50 states told Australia no. Texas said yes. When the Board receives a request from APEGGA, Board action will need to be taken about whether to entertain them here.
- Mr. Ritter presented the new IRS government reimbursement rate showing the rate has gone down to 50 cents. The reflection has been made in the expense reports.
- Mr. Liles and Ms. Rodgers have been contacted by the Governor's Office to notify them that within two weeks their appointments will be made and they will be replaced. Mr. Ritter will contact the outgoing members regarding their farewell dinners to be held within the City of Raleigh.
- An individual over the curriculum programs at Wake Tech called Mr. Ritter to discuss how their surveying students compare to other surveyors. He was shocked to find out Wake Tech may not be doing the best job. He inquired a) what the licensure process is; b) what the success rate of Wake Tech students is and c) what the core curriculum being tested is. They do not teach any of the core curriculums. He was questioning why there had been a request to change the curriculum. A four year degree will be required in 2013 for individuals who have not passed the FS exam.
- February 2 is the Charlotte Certificate Ceremony. Larry Greene will be speaking. Ms. Riley and Mr. Thompson agreed to attend. If Mr. Pond's schedule permits, he will also attend.

February 4 is the Raleigh Certificate Ceremony at the State Club. Larry Nixon will be the guest speaker. Dr. Ratcliff, Mr. Pond, Mr. Thompson and possibly Ms. Rodgers will attend. Emeritus members will be invited to the ceremonies.

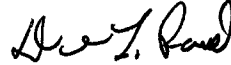
- Seventy-five per cent of the renewals are coming in online. Renewals are up four per cent at this time. On January 15, 2010, a total of 20,138 licensees had renewed. The renewal fee increased \$10.00 in 2009. Mr. Ritter has received two remarks and both of those remarks were you didn't raise it enough. Discussion ensued regarding possibly increasing the rate. Mr. Pond made a motion to revise the rules to increase the renewal fees to \$75.00. Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.
- There are committee meetings only in February. Surveyors will do maps and other things. Mr. Tunstall will email the Engineering Committee to solicit ideas regarding plans for the committee meeting.
- A meeting is scheduled with the Landscape Architects on February 17, 2010 at 1:30 pm. Messrs. Tunstall, Pond and Ritter and Dr. Ratcliff will attend.

13. Informational Items

- Mr. Ritter presented the NCEES Newsletter, December 2009.

*The Board went into a closed session at 2:55 p.m. to discuss a personnel matter. The Board formally adjourned on Wednesday, January 20, 2010 at 3:20 p.m. The Board is next scheduled to meet on Thursday, February 18, 2010 for consent agenda items only.*

Respectfully submitted,



David L. Pond, PE  
Secretary

Approved by the Board in Session

Date January 20, 2010

# NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 11, 2010

Raleigh, North Carolina

Board Chair Teresa Helmlinger Ratcliff gaveled the North Carolina Board of Examiners into session at 9:00 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

Teresa H. Ratcliff, PE, PhD, Chair  
J. Glenn Haynes, PLS, Vice Chair  
David L. Pond, PE, Secretary  
Nils W. Joyner, Jr., PLS  
Elizabeth W. Riley, Public Member  
Willy E. Stewart, PE  
Gary W. Thompson, PLS  
Linda A. Thurman, Public Member  
John S. Tunstall, PE

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Ratcliff 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. Chair Ratcliff stated that the Governor's new Ethics Statement is in the board books to add to the statement that she read.

Chair Ratcliff welcomed Mr. Stewart and Ms. Thurman as new Board members. Ms. Thurman was designated to be on the CPC Committee. Chair Ratcliff also expressed her desire for a new way of doing business to raise the level of transparency.

2. Consent Agenda

The Executive Director, Andrew Ritter, reported this was the first consent agenda online using Backpack for Board members to review. Mr. Ritter stated one minor change has been made to the minutes. The consent agenda included the minutes, financials, applications for Professional Corporations, Professional Limited Liability Companies, Business Firms, Chapter 87 Corporations, and Requests to Change Company Name, Requests for Retired Status and Settlement Conference Recommendations. Mr. Haynes moved to approve the consent agenda. Mr. Tunstall seconded the motion. The Board voted and the consent agenda was unanimously approved.

3. Request from R. Larry Greene, PLS, President, NCSS Education Foundation, regarding Board contribution to the Trig Star Program - Executive Director

Mr. Ritter presented the annual request that is a budgeted amount for the Trig Star Program. The Board has supported this program for close to twenty (20) years. Ms. Riley made the motion to support the Trig Star Program. Mr. Haynes seconded the motion. The Board voted and the motion was unanimously approved.

4. Information regarding new Board member appointments. - Executive Director

Mr. Ritter furnished the official record that Mr. Stewart and Ms. Thurman were appointed to the Board along with their Evaluation Statements of Economic Interest and Conflict of Interest. He requested if at any time any board member has a conflict of interest question to speak with Mr. Tuttle or him.



5. Information regarding Ethics Training - Executive Director

Mr. Ritter furnished for Board members a record showing the date by which each member needs to take ethics training. Board members were also reminded of the importance of filing the Statement of Economic Interests on a timely basis when requested.

6. NCEES Items – Executive Director

- Mr. Liles, Dr. Monroe and Ms. Rodgers have formally been accepted as Emeritus Members of NCEES.
- Mr. Ritter furnished in the board books the NCEES test sites for the April 16 – 17 exam. He requested if any board member is interested in observing any of the test sites to notify him. Mr. Thompson asked to be placed on the CBT (computer based testing) list.
- Mr. Ritter announced there will be a Colonial States meeting at the Southern Zone Conference Thursday morning, April 8. North Carolina will be represented.
- Mr. Ritter presented the Southern Zone Agenda for April 8, 9 and 10.
- George Gibson, Southern Zone Secretary/Treasurer will not seek reelection. NCEES is seeking nominations for this position.
- A reminder is in the board books regarding the NCEES Annual Meeting in Denver scheduled for August 18-21, 2010.
- Mr. Ritter stated that he has the 2009 NCEES Annual Report which any Board member can review.
- Mr. Ritter presented Bylaw changes for the review of Board members. All have been discussed before in the national meeting. This is the final step in a six step process.

7. Review Committee Recommendations - Executive Director

The Board considered the recommendation of the Review Committee—Engineering on four cases, numbered 1, 2, 3 and 8 conducted February 23, 2010 at 10:00 a.m. with Dr. Ratcliff. Mr. Pond recused himself from discussion and voting. Mr. Tunstall made a motion to accept the recommendations of the Review Committee on cases numbered 1, 2, 3 and 8 and Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in one (1) cease and desist letter; one (1) closed case; one (1) reprimand and civil penalty of one thousand dollars (\$1,000.00); and one (1) reprimand and civil penalty of five thousand dollars (\$5,000.00).

The Board considered the recommendation of the Review Committee—Engineering & Surveying on one case, number 11 conducted February 23, 2010 at 10:00 a.m. with Dr. Ratcliff and Mr. Thompson. Mr. Joyner recused himself from discussion and voting. Ms. Riley made a motion to accept the recommendations of the Review Committee on case number 11 and Mr. Pond seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in one (1) closed case.

The Board considered the recommendation of the Review Committee—Engineering on eight cases, numbered 4, 5, 6, 7, 9, 10, 12 and 13 conducted February 23, 2010 at 10:00 a.m. with Dr. Ratcliff. Mr. Tunstall made a motion to accept the recommendations of the Review Committee on cases numbered 4, 5, 6, 7, 9, 10, 12 and 13 and Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in two (2) cease and desist letters; one (1) reprimand and civil penalty of one thousand dollars (\$1,000.00); one (1) referred to District Attorney; one (1) reprimand and civil penalty of five hundred dollars (\$500); one (1) refuse to renew; and one (1) close case.

The Board considered the recommendation of the Review Committee—Surveying on one case conducted February 23, 2010 at 9:30 a.m. with Mr. Thompson. Mr. Thompson made a motion to accept the recommendation of the Review Committee. Mr. Haynes seconded the motion. A vote was taken and the

motion was approved unanimously. The Review Committee recommendation resulted in one (1) closed case.

The Board considered the recommendation of the Review Committee—Engineering & Surveying on one case numbered 3 conducted on February 18, 2010 at 1:00 p.m by Dr. Ratcliff and Mr. Haynes. Mr. Thompson recused himself from discussion and voting. Mr. Tunstall made a motion to accept the recommendation of the Review Committee on case number 3 and Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in one (1) revocation of engineering and surveying license.

The Board considered the recommendation of the Review Committee—Engineering & Surveying on two cases numbered 1 and 2 conducted on February 18, 2010 at 1:00 p.m. by Dr. Ratcliff and Mr. Haynes. Mr. Pond made a motion to accept the recommendation of the Review Committee on cases numbered 1 and 2 and Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in two (2) reprimands and (2) two civil penalties of five thousand dollars (\$5,000.00).

*The meeting recessed at 10:20 a.m. for a 5 minute break; back in session at 10:25 a.m.*

8. Board Secretary's Report – Board Secretary – Mr. Pond

- January financials were furnished in the consent agenda. Financials should be more current for the next meeting.
- The budget conservatively projected a three (3) per cent increase in licensees which would be 23,000 renewals. Only 21,000 renewals have come in through the first week of March which is 92% of licensees and renewals. Land surveyors had a four (4) per cent increase but there are only 2,400 surveyors. The licensed firms have increased significantly.
- At this time, the best estimate would be \$35,000 under revenue. Sixty thousand dollars was budgeted in surplus to put back in reserves. Twenty thousand dollars of the sixty thousand have been allocated. With no new endeavors the Board should finish the year on budget but will not have money to put back in reserves.
- Also, due to staff changes since December, Mr. Ritter feels he can give salary increases to the extent appropriate without an increase in the budget line item.
- Mr. Ritter stated this is the first time in the history of the Board that engineering renewals have not grown. The renewal rate on surveyors is the highest it has been in ten years.

9. Applications – Executive Director

The Board considered the applications of two Special Agenda items in the notebook as follows:

- **L. R. Kimball, P.C.** requests to obtain licensure as a Professional Corporation.  
**Issue # 1:** Mr. R. Jeffrey Kimball will be the Resident PE/PLS and is also the Resident PE/PLS for Kimball Associates, P.C. (C-0455). Both companies will be integrated in location, operation and ownership as Mr. Kimball owns at least 1/3 of each company. Staff recommends approval as it meets the requirements of Board Rule .0901(C). Mr. Haynes made the motion to approve R. Jeffrey Kimball as Resident PE/PLS for Kimball Associates, P.C. and Ms. Riley seconded the motion. Messrs. Haynes, Thompson, Joyner and Stewart, Ms. Riley and Ms. Thurman voted in favor. Messrs. Pond and Tunstall opposed. The motion passed.  
**Issue #2:** This company has a third company currently licensed with the Board under the name L. Robert Kimball & Associates, Inc. (F-1092). L. R. Kimball, P.C. and L. Robert Kimball & Associates, Inc. are two firm names that are similar and are unique to the Board's previous ruling on the approval of firm names with at least one substantive word difference as they are the name of the same person. The Board must decide if the licensing of the new entity using the name of L.R. Kimball, P.C. is misleading based on there being a current firm of the same group of companies licensed using the name L. Robert Kimball & Associates, Inc. (Letter was provided in

the board books by the firm's counsel for explanation of why they feel an exception should be granted). Mr. Haynes made a motion to deny the request to use the name L. R. Kimball, P.C. for the new entity and Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously to deny the request.

- **Carlisle Tire & Wheel** requests the Board's permission to change their registered name with the NC Secretary of State to Carlisle Engineered Transportation Solutions, Inc. The company manufactures industrial belts, tires and wheels. All engineering is performed internally the manufacturing of their products and no engineering is offered to the public per the company's General Counsel. Mr. Pond made the motion to deny this request and Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously to deny this request.

10. Old Business - Executive Director

- Seating for the spring exams is complete. PLS numbers are down. Overall the numbers are in line with the statistical average.
- Mr. Ritter presented a thank you letter from Ms. Thurman in her official capacity at UNC-Charlotte for Mr. Ritter's presentation to her Senior Design Class.
- Mr. Ritter presented the thank you letters written to Mr. Larry D. Nixon, PE, PLS and Mr. R. Larry Greene, PLS, speakers for the Raleigh and Charlotte certificate ceremonies and requested feedback from Board members about how the ceremonies went and potential changes for the future. The number attending in Charlotte was much higher than the previous event. Board members discussed looking at other locations for the Raleigh ceremony that are more cost effective and meet the standard the Board has established.
- The Engineering Committee considered an applicant with thirty years of foreign experience as an engineer attempting to take the exam. The position of the Board via Rule language was the individual must work under a PE or a US owned company. The Engineering Committee considered establishing policy that if the engineering experience was of a certain grade and character and followed Model Law language, the gentleman would be seated for the exam in the fall. Based upon concerns of the committee, they decided not to pursue as policy at this time.
- The BIM presentation is scheduled for the May meeting at 10:00 a.m. as the presenters were not available for the March meeting.
- As a result of the proposed fee increases, Mr. Ritter and Mr. Tuttle will be at the General Assembly on March 15 and 16 for the required consultation with the Joint Legislative Committee on Governmental Operations as to the fee increases. Since no comments have been received and no one attended the hearing on the rules, the Board can adopt the Rules at the May meeting after expiration of the comment period on April 16, 2010.
- Mr. Tunstall made a motion to go into an Executive Session to discuss a personnel matter. Mr. Haynes seconded the motion.

*The Board went into an executive session at 11:45 p.m. to discuss a personnel matter.*

*The meeting recessed at 12:30 p.m. for lunch. The meeting gaveled back in at 1:00 pm.*

11. New Business - Executive Director

- Mr. Ritter presented the request to fund Mr. Thompson's trip to the ACSM (American Congress on Surveying and Mapping) Board Forum as Mr. Thompson will host a Registration Boards Forum during its annual conference and is chair of this subgroup of ACSM. Mr. Haynes made a motion to approve this travel expenditure. Mr. Joyner seconded the motion.
- Mr. Ritter mentioned that the state requested Division of Water Quality Technical Assistance / Certification Wastewater Treatment Operators visit this Board to see how the Board operates to help them operate at full efficiency. They will look at our data base system, registration and renewal processes.

12. Legal Obligations of a Board Member – Elizabeth Riley

Ms. Riley presented a brief review of the fiduciary duty of Board members with focus on protecting the public and acting in the best interest of the public. She discussed the duty of care and duty of loyalty for Board members. In addition, she named specific qualities Board members must exercise for ethical government service.

Mr. Ritter stated he would like to recommend to NCCES that Ms. Riley put together a CPC program to be given at one of the NCEES annual meetings for new Board members. Ms. Riley agreed to do.

13. North Carolina A&T Matrix - Board Chair

Dr. Ratcliff's presentation was designed to help the Board agree on a set of metrics for NC A&T to report to the Board for the surveyor recruiter position and to be used on a quarterly basis if the program is continued. Dr. Ratcliff presented the history to date, explaining the needs this program was intended to fulfill, the partnership created between NC A&T, North Carolina Society of Surveyors and the Board and the changes that have occurred resulting from personnel changes, differing understandings and lack of communication.

Dr. Ratcliff presented the following proposed metrics to be used for reporting on the surveyor recruiter position:

INPUT:

- Recruiter Introduction
- Programs Developed

ACTIVITIES:

- Number of attended events
- Number of recruitment programs conducted
- Number of high school interactions
- Number of community college interactions

OUTPUTS:

- Number of high school students contacted
- Number of community college students contacted
- Number of internet hits
- Number of TV and radio interactions

OUTCOMES:

- Number of new students in A&T program
- Number of new programs established
- Number of PR impressions

IMPACTS:

- Increased number of students throughput

After discussion, Ms. Riley made a motion to approve the proposed metrics with the addition of social media interaction and proposed benchmarks. Mr. Haynes seconded the motion. A vote was taken. Mr. Thompson was recused. Messrs. Haynes, Joyner, Stewart, and Tunstall, Ms. Riley and Ms. Thurman voted in favor of the motion. Mr. Pond opposed. The motion passed.

Dr. Ratcliff inquired of Board members if there is anything else that needs to be done to prepare for the Board visit in May by Ms. Peggy Fersner, Geomatics Coordinator at NC A&T.

Mr. Ritter stated that Model Law now requires a four year degree in surveying. When the NC A&T partnership came about, NC A&T was the only university in North Carolina willing to offer a four year surveying program. In 2013 the education requirement changes in North Carolina to require a four year degree. Mr. Thompson presented to Board members a gap analysis showing courses that are currently available at some North Carolina universities that are currently part of existing curriculums that would also apply to land surveying enabling an individual with additional course work to obtain dual degrees. The Committee used the Texas statute as the baseline. Mr. Thompson will add distance learning opportunities

to the gap analysis for the next meeting. With no questions, Dr. Ratcliff stated the gap analysis would be an open discussion at the May meeting.

14. Committee Reports

Engineering Committee: Mr. Tunstall informed the Board of the following activities:

- The following items were discussed at the February meeting:
  1. The committee wants cross training with surveyors about standard practices of surveyors in reviewing maps.
  2. The Surveying Committee is reviewing the wetlands mapping policy. The Engineering Committee has reviewed the language.
  3. The Committee stated that the SPCC (Spill Prevention Control and Countermeasures) plans are engineering. A letter was written.
  4. Engineering conservation practices and the steps taken by previous Boards were discussed. If irrigation is reused water, it is engineering.
  5. An onsite issue is pending with DENR (NC Department of Environment and Natural Resources). Mr. Pond met with DENR. A policy will be drafted and sent to DENR for their review. Hopefully it will be ready for the May meeting.
- Mr. Tunstall made the motion to adopt the Resolution for NC Department of Environment and Natural Resources, Division of Waste Management. The resolution supports the revisions to septage rules in 15A NCAC 13B that include when a PE will be required. Mr. Tunstall made the motion to approve the Resolution and Mr. Pond seconded the motion. The Chair suggested that the motion be tabled until later in the meeting. Mr. Tunstall moved to table the motion.

After the Surveying Committee Report, the Board voted on the motion previously tabled to adopt the Resolution for the NC Department of Environment and Natural Resources, Division of Waste Management. A vote was taken and the motion was approved unanimously.

- Mr. Tunstall stated the committee discussed Model Law and NC Law. Mr. Ritter added that both the Engineering and Surveying Committees agreed to get the language to Mr. Tuttle and Mr. Tuttle will get back to the committees in May.

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

- Mr. Thompson presented a Construction Staking Policy and made a motion that the policy be adopted. Mr. Pond seconded the motion. A vote was taken and the motion was approved unanimously.
- Mr. Thompson presented an Easement Staking Policy and made a motion to approve the policy. Mr. Pond seconded the motion. A vote was taken and the motion was approved unanimously.
- The Committee is working with the Engineering Committee on a policy on engineering surveys.
- The Committee is working on a policy on quantity surveys. An example is being taken from the South Carolina definitions in their statutes. Tie guidelines on the website are being revised to reflect the change in Board Rules.
- The Committee is scheduled to meet with NCSS (North Carolina Society of Surveyors) the day before the next Board meeting.

CPC Committee: Mr. Pond informed the Board of the following activities:

- Mr. Pond stated seven applicants for CPC sponsorship were reviewed and are recommended by the committee for approval as follows:
  1. CDM
  2. Genesis Transportation Engineering, Inc.
  3. Infiltrator Systems, Inc.
  4. 02 Energies

5. Stewart Engineering, Inc.
6. Wells Globals, Inc.
7. Woodworks (Wood Products Council)

Mr. Pond made the motion to approve these seven (7) applications as CPC sponsors and to deny a request for Medical Waiver. Mr. Haynes seconded the motion. Mr. Stewart recused himself. A vote was taken and the motion passed unanimously approving the seven (7) CPC sponsors and denying the medical waiver.

- Mr. Pond stated the committee has almost completed their review of Model Law and NC Statutes.

After the committee and violations reports, Mr. Pond expressed appreciation on behalf of the Engineering Committee to Shirley Ditt for her work in comparing the Model Law to the North Carolina Statutes. Dr. Ratcliff stated that Mr. Tuttle would take everything that is on the committee lists for statute changes, paginate it and have it in time for the May meeting to review. Mr. Tuttle's proposed language will be used as a point of discussion. Mr. Tuttle mentioned there are big differences on some issues between the Engineering and Surveying Committees. He will represent both.

15. Violations Activity – Assistant Executive Director

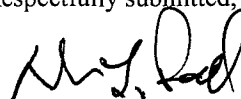
- Mr. Evans reported twenty-one (21) cases have been opened this fiscal year, of which thirteen (13) have been initiated by staff. There are 109 cases open at this time, 46 of which are in investigators' hands. That is down 25% from this time last year. Twelve (12) cases have been closed this fiscal year. Twenty-four (24) cases have been taken to the Review Committees. Twenty-two cases (22) are pending review. There has been positive feedback regarding the use of Backpack.
- Mr. Evans presented a chart requested by the Board showing the average number of days between receipt of a complaint and the Board approval of a Review Committee recommendation. This data was based on cases closed last fiscal year.
- Mr. Evans presented a pie chart breaking down the data from the above-mentioned chart by percent.
- To summarize these charts from receipt of the complaint to the Review Committee:
  1. 49% of the time is in the investigator's hands;
  2. 14% of the time is administrative (time from receipt of Complaint to receive respondent's response);
  3. 22% of the time (after the Investigator's Report) is review by Messrs. Evans and Ritter and pending the Review Committee and;
  4. 14% of the time is pending Board approval after the Review Committee.

16. Informational Items - Executive Director

- Mr. Ritter presented a letter from Henry M. von Oesen, PE who is 92 years old and helped organize the Board. He sends his best wishes.
- Betsy Bailey, Executive Director of PENC (Professional Engineers of North Carolina) left copies of the PENC publication for Board members with articles by Ms. Thurman and Mr. Liles (on B+30).

*The Board formally adjourned on Thursday, March 11, 2010 at 3:00 p.m. The Board is next scheduled to meet on Thursday, May 13, 2010.*

Respectfully submitted,



David L. Pond, PE  
Secretary

Approved by the Board in Session

Date March 11, 2010

# NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

May 13, 2010

Raleigh, North Carolina

Board Chair Teresa Helmlinger Ratcliff gaveled the North Carolina Board of Examiners into session at 9:00 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

Teresa Helmlinger Ratcliff, PE, PhD, Chair  
J. Glenn Haynes, PLS, Vice Chair  
David L. Pond, PE, Secretary  
Nils W. Joyner, Jr., PLS  
Elizabeth W. Riley, Public Member  
Willy E. Stewart, PE  
Gary W. Thompson, PLS  
Linda A. Thurman, Public Member  
John S. Tunstall, PE

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Ratcliff 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. Mr. Thompson stated he had a conflict if there was discussion regarding North Carolina A&T University. Chair Ratcliff referred all Board members to the Memorandum from Governor Perdue in the Board books.

2. Consent Agenda

Chair Ratcliff asked if there was any discussion regarding the consent agenda. Hearing none, the Chair entertained a motion. Mr. Thompson moved to approve the consent agenda. Mr. Haynes seconded the motion. The Board voted and the consent agenda was unanimously approved. The consent agenda included the minutes, financials, applications for Professional Corporations, Professional Limited Liability Companies, Business Firms, Chapter 87 Corporations, and Requests to Change Company Name, Comity Applications, Review Committee Applications, Settlement Conference Recommendations and Requests for Retired Status.

3. Board Adoption of Rule Change – Executive Director

Mr. Ritter stated there have been no public comments to the rule changes the Board approved in January for 21 NCAC 56.0606, 56.0804 and 56.0505. The requested rule changes increase the renewal fee for engineers, surveyors and firms. Since there have been no requests to appear before the Board, the public hearing date was March 11, 2010 and the comment period expired on April 16, 2010, the Board can now formally adopt the rule changes. Mr. Haynes made the motion to formally approve the rule changes. Ms. Riley seconded the motion. The Board voted and the motion was approved unanimously. Mr. Tuttle stated the Submission for Permanent Rules will be delivered the next day, Friday, May 14. The Rules Review Commission in its full body will consider the changes June 20, 2010. Upon approval by the Rules Review Commission, the new Rules will be effective July 1, 2010. This change will be implemented next year for firms since business firm renewals begin June 1.

4. Presentation on Building Information Management Systems (BIM) led by William Smith, PE of Stanford White, Inc. and Clymer Cease, AIA of Pierce Brinkley Cease + Lee



A PowerPoint presentation thoroughly represented the use of BIM for design/construction projects and highlighted that it is being driven by the construction industry with or without the design professionals. This is an attempt to educate the design community in the use of BIM and to begin to address the issues.

5. Attorney General Advisory Opinion letters reference GICC and COGs - Executive Director

Mr. Ritter stated that the Surveying and Engineering Committees reviewed the Attorney General's Advisory Opinions regarding GICC (NC Geography Information Coordinating Council) and COGs in their committee meetings with the objective to unify for the full board discussion. There was a wide range of opinions.

After reports from Mr. Thompson on behalf of the Surveying Committee and Mr. Tunstall on behalf of the Engineering Committee and discussion by the Board, there was consensus to meet with GICC within the next month. Messrs. Thompson, Joyner, Stewart and Ritter will attend the meeting. The GIS Inclusions and Exclusions will be on the Surveying Committee Agenda for July to consider for rulemaking.

Mr. Tuttle stated he will place drafts of proposed rule and statute changes on Backpack for the July Board meeting. The Board will review rule changes at the July meeting that can be adopted without statute changes. The final proposed rules will be confirmed at the September Board meeting. The Board requested that the new rule changes be ready to publish in the fall newsletter in November. Part two will be to do statute changes followed by rule changes relating to the new statutes. No timetable was established for part two.

Board members discussed whether COGs can profit when sharing information. Board members felt the Attorney General's Opinion did not take into consideration if one county can do work for another county and make a profit. Ms. Riley stated the Umstead Act precludes competition of state agencies against the private sector. She stated the exceptions to the Umstead Act are numerous. Ms. Riley stated she did not think the issue discussed is one of the exceptions and if it does not fall under one of the exceptions the work cannot be done for profit. She will forward Board members a copy of the Umstead Act.

Board members agreed to discuss at the July meeting if statute changes should be made to require GIS examination. This should also be mentioned at the meeting with GICC. GIS officials favor the certification process which does not require regulatory oversight.

*Meeting recessed at 9:50 a.m. to prepare for the BIM presentation. Meeting reconvened at 11:15 a.m. after the BIM presentation.*

6. NCEES Items – Executive Director

- Mr. Ritter informed Board members of changes that NCEES has initiated regarding the application process that affect staff. Effective July 1, all candidates must register online with NCEES or they will not be admitted to their exam. Efforts to confirm all candidates comply with the new procedure are being made by placing a notation in bold on the application and the letter, placing a banner on the Board web page with a link to NCEES and cross-referencing lists with NCEES with an email to anyone who has not registered. Because of this process, the exams must be ordered a week earlier. The fall order must now be in by September 11. Mr. Ritter coordinated the new schedule with the five universities.
- There will be a motion on the table at the NCEES Annual Meeting in August to proceed or not proceed with CBT (computer-based testing). FS and FE exams are ready now. CBT would eliminate many of the security risks associated with the current process.
- Mr. Ritter presented a post card reminder for the NCEES Annual Meeting in Denver August 18-21, 2010. Mr. Haynes will be the funded delegate. Mr. Thompson's trip will be paid by NCEES since he's a committee chair.
- At the Southern Zone Meeting, a motion was approved that the Southern Zone would not participate in combined meetings in the future. Mississippi will host the 2013 Zone Meeting and it

was the intention of the Mississippi Board to invite the Central Zone. Accommodations have been booked. There will be a revote of this motion at the Annual Meeting in Denver.

- Mr. Ritter presented the NCEES Newsletter with an article written by former Board member, Henry V. Liles, Jr.

7. Review Committee Recommendations - Executive Director

The Board considered the recommendation of the Surveying Review Committee on four cases conducted March 30, 2010 at 1:30 p.m. with Mr. Thompson. Mr. Haynes recused himself from discussion and voting on the March 30, 2010 Review Committee. Mr. Tunstall made a motion to accept the recommendation of the Review Committee. Ms. Riley seconded the motion. Mr. Thompson stated no. 5 and 6 are missing. The motion was tabled until clarification could be made. After review, Mr. Tuttle clarified that page 4 in the Board books was not part of the Haynes Review Committee and should be ignored. Mr. Tunstall restated his motion to accept the recommendation of the Review Committee. Ms. Riley seconded the motion again. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in two (2) investigations continued, one (1) reprimand and refuse to return license to current status and one (1) cease and desist letter.

The Board considered the recommendation of the Engineering Review Committee on one case conducted on March 31, 2010 at 9:30 a.m. with Mr. Tunstall. Mr. Pond recused himself from discussion and voting. Ms. Riley made a motion to accept the recommendations of the Review Committee. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in one (1) cease and desist letter.

The Board considered the recommendation of the Surveying Review Committee on nine cases conducted on March 31, 2010 at 8:30 a.m. with Mr. Haynes. Mr. Joyner recused himself from discussion and voting. Ms. Pond made a motion to accept the recommendations of the Review Committee. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in one (1) reprimand and civil penalty of \$2,500; one (1) reprimand, civil penalty of \$1,000 and ethics course; one (1) reprimand, civil penalty of \$2,000 and ethics course; one (1) reprimand and civil penalty of \$2,000; one (1) reprimand; three (3) closed cases based upon corrective action; and one (1) continue investigation.

8. Settlement Conference

The Board considered the recommendation of one Settlement Conference Committee conducted on Friday, April 23, 2010 at 1:00 p.m. with Mr. Thompson and Ms. Riley. Mr. Haynes recused himself from discussion and voting. Mr. Stewart made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Recommendation resulted in one (1) case closed upon condition.

*Meeting recessed at 12:15 p.m. for lunch. Meeting gaveled back in at 12:45 p.m.*

9. Board Secretary's Report – Board Secretary – Mr. Pond

- Prior to the meeting, Mr. Pond tasked Mr. Ritter to prepare a list of potential budget cuts cutting \$100,000 in expenses from the budget without affecting service, showing the priority order and the impact that would be made to services provided. Mr. Pond mentioned a surplus was budgeted of sixty thousand dollars (\$60,000) with the intent of replenishing reserves. There is one unbudgeted expense of twenty thousand dollars (\$20,000) for the NC A&T surveying component.
- After discussion, Mr. Pond enumerated potential cuts that are not related to personnel:
  1. Eliminate the statute book (not print Year Book), saving \$10,000;
  2. Eliminate the fall newsletter, saving \$4,500;
  3. Eliminate the fall certificate ceremonies, saving \$5,000;

4. Eliminate the fall strategic planning session saving \$7,000 or doing something different with a portion thereof;
  5. Reduce the number of people attending the national meeting in Denver to 3, saving \$10,000;
  6. Do not fund the ACEC/PENC summer meeting, saving \$1,500;
  7. Do not require quarterly reports for CPC, eliminating programming costs of \$8,000.
- Mr. Tunstall made a motion to go into closed session to discuss personnel. Mr. Stewart seconded the motion. The Board voted and unanimously approved to go into closed session to discuss personnel.

*The Board went into an executive session at 1:10 p.m. to discuss a personnel matter. The meeting gaveled back in at 1:30 p.m.*

- Mr. Ritter brought to the attention of the Board a sentence the auditor found in the Rules that is different from the statute. Statute 89C-11 states: "The secretary of the Board may delegate to the executive director certain routine duties, such as receipt and disbursement of funds in stated amounts by a written authorization, which has the unanimous approval of the Board". This sentence had never been examined before. This change was added in 1975 which was a tumultuous time at the Board. Mr. Pond thinks this gives too much control to one board member over the finances of the Board; if one member disagrees the board cannot spend any money. Mr. Tuttle researched this issue. He found no licensing board that has language of this nature in their statute. Mr. Tuttle has crafted language to say "approval by a majority of the Board". There being no discussion, members agreed Mr. Tuttle will place the language for the statute change on Backpack and discussion of the language will take place at the July meeting.
- The auditor recommended that fiscal policies be restated annually and then should be abided by.

#### 10. Applications – Executive Director

The Board considered the applications of six Special Agenda items in the notebook as follows:

- **Clark, Geer, Latham & Associates, Inc.** requests to obtain licensure as a Professional Corporation. The title of the company contains the name of a founder of the company, Mr. Geer who is deceased. Mr. Geer was a licensed engineer in Alabama (No.1710).
- **Korda/Nemeth Engineering, Inc.** requests to obtain licensure as a Professional Corporation. The title of the company contains the name of two founders of the company. Mr. Korda and Ms. Nemeth are both retired and were licensed engineers in Ohio (Korda – E-28700 & Nemeth – E28712).
- **Patterson & Dewar Engineers, Inc.** requests to obtain licensure as a Professional Corporation. The title of the company contains the name of two founders of the company, Mr. Patterson and Mr. Dewar. Both are deceased and were licensed engineers in Ohio (Patterson – 001523 & Dewar – 002324).
- **Partridge Venture Engineering, P.C.** requests to obtain licensure as a Professional Corporation. The title of the company contains the name of a founder of the company. Mr. Partridge is deceased and was a licensed engineer in Pennsylvania (031165E).
- **Burdette, Burdette, Kohler, Murphy, and Associates, Inc.** requests to obtain licensure as a Professional Corporation. The title of the company contains the name of the company founders. All were licensed in Maryland and are retired or deceased.
- **Casne Engineering, Inc.** requests to obtain licensure as a Professional Corporation. The title of the company contains the name of the founder of the company, Mr. Casne who is retired. Mr. Casne was a licensed engineer in Washington (12218).

The staff recommendation is to approve all applications. They all meet the requirements of Board Rule .0902(b). Mr. Stewart made a motion to approve the Special Agenda Applications. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

#### 11. North Carolina A&T Quarterly Reports

- Mr. Ritter presented the quarterly and annual report received from North Carolina A&T. A list from the March meeting that the Board approved for NC A&T to use for reporting was distributed to Board members.

12. Violations Activity - Assistant Executive Director

- Mr. Evans reported fifty-two (52) cases have been opened this fiscal year, of which twenty-six (26) have been initiated by staff. The pie chart Mr. Evans prepared shows nothing out of the ordinary except the number of cases opened for non-licensed individuals or firms that typically runs about 25% of the case load. This year it is at 11%. There are 127 cases open at this time, 54 of which are in the investigators' hands. Twenty-eight (28) cases have been closed this fiscal year. Twenty-two cases (22) are pending review; all are posted on Backpack. Two cases have been referred to the District Attorney for criminal prosecution. Both cases will go to court in May, one in Dare County and one in Buncombe County. Mr. Evans stated he added "presentations" given to his report in the Board books.

13. Old Business

(Old Business and New Business – see New Business)

14. New Business – Executive Director

- Mr. Ritter presented Governor Perdue's new Executive Order 34. This Order immediately affects all Board members. The Order states a Board member will be removed from the Board if they do not attend at least 75% of the regularly scheduled Board meetings. NCEES trips do not count. All Board members must attend at least 6 of the 8 board meetings this year or the Board member will be removed by the Governor. Also for consideration, it has been mentioned the possibility of regularly scheduling Board member conference calls in the off months to clear Review Committees. If a Board Member does not participate, that would count as an absence. Also, one can no longer have a felony and sit on a Board.
- Mr. Tunstall as chairman of the Engineering Committee and the person who would be the paid delegate to ACEC (American Council of Engineering Companies / *North Carolina*) and PENC (Professional Engineers of NC) summer meetings asked if anyone would be interested in being the delegate. Dr. Ratcliff agreed to be the delegate.
- Mr. Ritter reminded everyone Mr. Tuttle will place the proposed rules and statute changes on Backpack and notify Board members when it is ready for their review. It is the Board's homework to read and redline where needed by the July meeting.
- Charlie Brown, PE, PLS from the NC DOT (NC Department of Transportation) obtained an opinion from the Surveying Committee a few months ago asking if what his employees were doing with wetland maps is surveying. The Committee responded the work should be done by a PLS. DOT does not like the response and their employees do not think the work needs to be done by a licensed surveyor. Mr. Brown has requested to come before the full Board in July.
- Mr. Thompson gave a report on the ACSM (American Congress on Surveying and Mapping) meeting which he attended as Chair of The Board Forum composed of Board members. That Board funded this trip. Mr. Thompson's highlights follow:
  1. The President of NCEES said NCEES would support any state trying to enact the requirement of a four year degree to become a licensed surveyor.
  2. NCEES has supported Trig Star and funded ACSM \$30,000 to create a four minute spotlight on Public TV to promote professional licensure for surveyors. The final product can be given to ACSM and NCEES so it can be reused or given to the states to be used.
  3. A new pac is being developed to determine if the matrix for the exam is correct. BLM (Bureau of Land Management) has created a new manual. North Carolina will need to determine if any of the changes affect the question bank.
  4. NSPS (National Society of Surveyors) voted to get out of ACSM.

15. Committee Reports

Engineering Committee: Mr. Tunstall informed the Board of the following activities:

- The Committee was asked if businesses doing business with FAA (Federal Aviation Administration) were exempt from the engineering parts of G.S. 89C. They have a “designated engineering representative”. They are highly regulated by the FAA. The Board will contact FAA to see if they consider it engineering.
- A&E Industry Concerns - the question has already been answered that the fees can be paid up front.
- Energy Code Proposed Requirements on Systems Verifications - Proposed regulations in federal and state law for energy code on system verifications have come about to reduce energy consumption by 30%. Mr. Tuttle is a member of an ad hoc committee reviewing what’s considered engineering and looking after the requirements for the professionals who will have to certify performance based upon the Building Code Council’s adopted language.
- NSPE Policy on Discipline Specific Licensure – The Committee decided to leave the PE designation and allow for practice in area of competence. Mr. Tunstall requested a response be drafted to PENC, agreeing with the NSPE position.
- Lightning/Power Surge Analysis Report – The Committee addressed and will send to Larry Nixon to review as far as a more engineered system for commercial application.
- Attorney General Advisory Letters – discussed earlier in meeting.
- Digital signature software – An ad hoc committee Mr. Tuttle is a member of is working on this. The City of Charlotte and the City of Raleigh are going before the Building Code Council to get language approved for having plans for permits submitted electronically.
- Engineering / Surveying cross training will take place in July.
- Mr. Tunstall presented a policy for adoption titled “Stair Design and Structural Shop Drawing”. After discussion, Mr. Tunstall on behalf of the committee made a motion to approve the “Stair Design and Structural Shop Drawing Policy”. Mr. Pond seconded the motion. A vote was taken and the motion was approved unanimously.
- Mr. Pond introduced a policy for adoption titled “Stream Restoration Services” and made a motion to approve the policy. Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously.

*The meeting recessed at 2:25 p.m. for a five minute break; back in session at 2:30 p.m.*

- Reference Guide for the Construction Industry – Mr. Ritter stated both the Surveying and Engineering Committees have homework to be done before the project can move forward. The Engineering Committee expressed their disagreement with parts of the book. After discussion Mr. Stewart made a motion to discontinue participation with the Reference Guide for the Construction Industry (blue book). Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously to discontinue participation with the Reference Guide for the Construction Industry (blue book).

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

- Survey Affidavits – Survey Affidavits are used by title companies a lot when a home is sold. A seller is asked to sign an affidavit that there have been no changes in a survey since the last survey. The Committee feels this does not protect the public. A letter has been drafted to send to the Insurance Commissioner informing him of this practice and offering to meet with him. The Attorney General’s Office should also be notified. Mr. Thompson will provide the Chair with a draft copy of the letter that can either go out from the Surveying Committee or the full Board.
- Mr. Thompson presented a policy for adoption titled “Quantity Surveys” and made a motion to approve the policy. Mr. Joyner seconded the motion. After discussion regarding the title of the proposed policy, Mr. Thompson and Mr. Joyner withdrew their motion. The policy will be brought to the July meeting with a different name.

- Mr. Thompson presented a policy for adoption reviewed by both the Surveying and Engineering Committees titled "Engineering Surveys". Mr. Thompson made a motion on behalf of the Committees to approve the "Engineering Surveys Policy". Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously.
- The Committee received a request from the General Contractor's Board informing them of the Construction Staking Policy. The Committee noted that this is public knowledge and it sets a precedent writing other Boards when a policy is passed. The Surveying Committee recommends the policy be forwarded to the individual and he can forward the policy to the General Contractor's Board.
- There has been discussion regarding flood determination companies and possible impact on the public protection.
- The Committee is working on a Vertical Control Rule.
- Mr. Thompson presented a policy for adoption titled, "Wetlands Mapping Policy". Mr. Ritter noted that DOT wants to discuss this policy in July. Mr. Joyner seconded the Motion. A vote was taken and the motion to approve the policy was approved unanimously.
- The Committee reviewed the Attorney General's opinion on COGs and on the electronic recordation of plats. Johnston County was the first county in the country to record a plat electronically. The Attorney General's Office issued an advisory opinion letter that this was legal for a PLS to comply with G.S. 47-30.
- The Committee would like to host a meeting with the community colleges. They seem to be lowering their math requirements. This is a weakness for those who might transfer to UNCC or NC A&T.

CPC Committee: Mr. Pond informed the Board of the following activities:

- Mr. Pond stated the committee approved six applications for CPC as follows: (These sponsors will be on the July Consent Agenda.):
  1. AMEC Earth & Environmental of North Carolina
  2. Carolina CAT
  3. Durham Engineers Club
  4. PACE, Incorporated
  5. Southern Piedmont Chapter of ASHRAE
  6. www.Online-PDH.com
- Mr. Pond stated the auditing is ongoing; 216 PEs, 31 PLSs and 6 schools will be audited.
- Staff has been requested to give a status report on website programming.
- It has been determined not to proceed with quarterly reporting of sponsors. A rule change recommendation will be prepared to eliminate quarterly reporting with the next batch of rule changes.
- There needs to be a policy change to clarify Rule 21 NCAC 56.1705. If the sponsor hosts a webinar, an exam is not necessary if the sponsor can document the people in attendance, confirm they were there and the sponsor meets other sponsor requirements. Staff has requested Mr. Tuttle to write a policy for review next month.

16. Informational Items - Executive Director

- Mr. Ritter presented the announcement of the appointment of Ms. Thurber and Mr. Stewart to the Board that was published in the Triangle Business Journal.

Chair Ratcliff stated that in the March meeting minutes, the Board discussed having a gap analysis discussion. Mr. Thompson asked, before the meeting was gaveled in, to defer that discussion to the July meeting.

Chair Ratcliff asked if anything else needed to come before the Board. Discussion arose regarding NC A&T. Mr. Pond made a motion to discontinue further funding to NC A&T. There being no second to the motion, the motion died.

After further discussion, Mr. Tunstall made a motion to discontinue any further funding to NC A&T due to budgetary reasons. Mr. Pond seconded the motion. Mr. Thompson recused himself. After discussion, clarification and an explanation of the full history, a vote was taken and the motion was approved unanimously to discontinue any further contribution to the NC A&T Surveyor Recruiter Program due to budgetary reasons. Board members agreed that the letter to Ms. Peggy Fersner, Geomatics Coordinator at NC A&T should come from Chair Ratcliff.

*The Board formally adjourned on Thursday, March 13, 2010 at 3:25 p.m. The Board is next scheduled to meet on Thursday, July 15, 2010.*

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'David L. Pond', written over a horizontal line.

David L. Pond, PE  
Secretary

Approved by the Board in Session

Date July 15, 2010

# NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 15, 2010

Raleigh, North Carolina

Board Chair Teresa Helmlinger Ratcliff gaveled the North Carolina Board of Examiners into session at 9:15 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

Teresa Helmlinger Ratcliff, PE, PhD, Chair  
J. Glenn Haynes, PLS, Vice Chair  
David L. Pond, PE, Secretary  
Nils W. Joyner, Jr., PLS  
Elizabeth W. Riley, Public Member  
Willy E. Stewart, PE  
Gary W. Thompson, PLS  
Linda A. Thurman, Public Member  
John S. Tunstall, PE

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Ratcliff 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 conflicts or appearance of conflicts were noted.

2. Consent Agenda

Chair Ratcliff stated that all items under Item 2 of the Consent Agenda, Firm Approvals and Firm Requests are removed from the Consent Agenda. The Chair asked if there was any discussion regarding the consent agenda. Hearing none, the Chair entertained a motion. Mr. Haynes moved to approve the consent agenda. Mr. Pond seconded the motion. The Board voted and the consent agenda was unanimously approved. The consent agenda included the Minutes; Comity Applications, Review Committee Recommendations, Settlement Conference Recommendations; Requests for Retired Status and CPC Sponsor Recommendations (from May 12, 2010 Board Meeting).

3. Surveying Exam Results – Executive Director

Mr. Ritter presented the surveying exam results. The PLS 1 results were higher than the national average. Twenty-three test takers were a much lower number than the usual 60 to 70. Mr. Thompson stated this is a national trend. The PLS A, B and C exams were within the normal range of 50%.

4. Engineering Exam Results – Executive Director

Mr. Ritter presented the FE numbers, including the pass rates for the specific universities. Board members mutually decided to send a letter to Duke and NC State University for performing above the national average on the FE exam and promoting licensure. Sending pass rates of other universities will continue to be sent only upon request. The PE results just came in. Mr. Ritter will send the overall pass rates for PEs to Board members shortly.

5. Committee Reports



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

- As a result of the Wetland Policy, the Committee is working to schedule attendees for a meeting with the Corp of Engineers. Mr. Pond suggested the Stream Restoration Policy should be discussed at the same meeting. Mr. Thompson stated Messrs. Joyner, Tunstall and Ritter would attend this meeting.
- The Committee reviewed older Board policies for posting to the website and recommended rescinding policy on GIS accuracy standards that has been replaced by a rule change.
- The Tie Guidelines need to be updated. Mr. Thompson will have ready by September.
- The Committee started creating a list of definitions. The Committee with the assistance of Mr. Tuttle wrote a definition of "authoritative". This definition is much shorter than the Model Law definition. The definition of "authoritative" will be a topic of discussion for the UP&LG Committee (Uniform Procedures and Legislative Guidelines) at NCEES meeting in August. The Board will take action on this at the September meeting.
- The Engineering Committee requested revisions on the Wetlands Mapping Policy. Mr. Thompson made a motion that the revised wording for the Wetlands Mapping Policy be adopted. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.
- Mr. Thompson presented at the last meeting the Quantity Surveys Policy. The engineers recommended the word "Quantity" be changed and it was decided to bring the policy back to the Board in July with a different name. Mr. Thompson made a motion that the Volume Computation Surveys Policy be adopted. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.
- The Surveying and Engineering Committees worked together to change wording on the Engineering Surveys Policy. Mr. Thompson made a motion to adopt the revised Engineering Surveys Policy. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.
- Mr. Thompson reported on the GICC (North Carolina Geography Information Coordinating Council) meeting with Herb McKim and Tim Johnson regarding the Attorney General's opinions. The purpose was to compare letters. All agreed the content of the letter was that COGS are exempt and that local and county governments can basically go anywhere they want to in the state to generate GIS data. That summary will be presented to the Council at the August meeting and that the Board will adhere to Attorney General's Opinion. It is imperative that a town have a resolution for the COG to be able to render the GIS services in effect; otherwise, the government exemption goes away.

The Executive Director and a staff person for GICC will handle publicizing the actions. A staff person with GICC will write an article for their web site with distribution to members and the Board will place the same article in the Board newsletter.

While there may be concerns with government competing with private business, this is not a GICC or a Board issue; it's the responsibility of the private sector and the societies. Sharing of services between government agencies does not fall under 89C and is not within the purview of the Board to say they cannot do. Mr. Tuttle stated it is the consensus that the Umstead Act does not apply due to the exemption for local governments.

The question was asked if GICC professionals can be grandfathered. Board members present said the Board is reviewing this matter. They were told they should be working with URISA (The Association for GIS Professionals) or GITA (Geospatial Information & Technology Association). The Board offered to talk with them. This issue was discussed with NCSS at a subsequent meeting and they plan to get surveyor's reactions from URISA and GITA.

- Mr. Thompson reported on the meeting of the Surveying Committee with the NCSS (North Carolina Society of Surveyors) officers and their Executive Director.

1. The NCSS attendees were supportive of the proposed statutory changes by the Board to increase the maximum surveying civil penalty from \$2,000 to \$5,000 and to give the Board authority to fine unlicensed individuals and firms.
  2. The Committee requested feedback from NCSS members regarding if the Board should grandfather GICC individuals.
  3. The grant application is still in place with NC A&T University.
  4. The Society agreed to help with a State Exam Writing Workshop in September.
- Mr. Thompson presented the latest version of the Gap Analysis. He will present the final Gap Analysis at the September meeting.
  - The Committee is awaiting the response from the offices of the Attorney General and the Insurance Commissioner regarding the Survey Affidavit. Mr. Tuttle stated that he received a phone call from our representative with the AG's office and that they were taking it for informational purposes, but had no other comments.

Engineering Committee: Mr. Tunstall informed the Board of the following activities:

- Mr. Tunstall thanked the Surveying Committee for going over map review with the Engineering Committee.
- The committee discussed "successor licensees" and agreed to tailor the Board language after Model Law. That will require a proposed Rule revision. (language is in proposed revisions)
- DENR (North Carolina Department of Environment and Natural Resources) requested the Board review their proposed Rules regarding when a professional is required to review and report. The Committee finds those proposed Rules acceptable. Mr. Tunstall presented a Resolution from the Board to DENR Division of Waste Management and made a motion to adopt the Resolution. Mr. Thompson recused himself. A vote was taken and the motion was approved unanimously.
- The Committee was asked if arc flash analysis needs to be done by a PE. The Committee found that arc flash analysis undoubtedly needs to be performed by a PE. Mr. Ritter can report this back to others.
- The Committee reviewed suggested changes to the Amendment to the Administrative Code Sections 105 and 204 as requested and found the suggested changes to the building code acceptable.
- Board policies were reviewed and are acceptable for the web site with the exception of those previously mentioned.
- Mr. Larry Nixon assisted the Board with reviewing Lightning Power Surge Analysis and the Committee determined this does not constitute the practice of engineering.
- Statute and Rule changes were reviewed. Mr. Tuttle will make several requested revisions for the Committee's Review.
- The Committee sought the feedback of DENR regarding On-Site Wastewater System Design. Mr. Tunstall made a motion to adopt the On-Site Wastewater System Design Policy. It was noted that DENR does not support the policy as written. Mr. Thompson recused himself. Mr. Bill Lane, an attorney and engineer who represents Infiltrator Systems, spoke briefly. The issues of most concern to Mr. Lane were provisions dealing with location and proximity to high quality water, variances and setback requirements and the previous inclusion of innovative system language. Since these matters have been removed, he has no serious objection to the policy. Mr. Pond stated these decisions were made independent of Mr. Lane's concerns and with no knowledge of his concerns. A vote was taken and the motion was unanimously approved.

CPC Committee: Mr. Pond informed the Board of the following activities:

- Mr. Pond stated seven applicants for CPC sponsorship were reviewed and are recommended by the committee for approval as follows:
  1. Blake & Pendleton, Inc.
  2. Crane Environmental
  3. J & B PDH Investments, LLC dba PDHresource.com
  4. Pennington Seed

5. United States Army Corps of Engineers
6. USP Structural Connectors
7. Woolpert, Inc.

Mr. Pond made the motion to approve these seven (7) applications as CPC sponsors. A vote was taken and the Board unanimously approved the motion to approve these CPC sponsors.

- The Committee received a request for an exemption to CPC due to health issues. The individual has lung cancer. This falls under Sec. 1707.3 and the Committee is recommending for approval. Mr. Pond made the motion that the Board approve the exemption for PDHs this year. A vote was taken and the Board unanimously approved the motion.
- Individual audits are finished. Staff will be working on sponsor audits between now and the end of the year.

*Meeting recessed at 10:35 a.m. Meeting reconvened at 10:50 a.m.*

6. NCEES Activities – Executive Director

- In preparation for Board members attending the 2010 NCEES Annual Meeting in August, Mr. Ritter presented in the board books “Motions to Be Presented at the 2010 NCEES Annual Meeting” published by NCEES. Mr. Ritter starred important issues in the text and highlighted in the meeting key issues affecting North Carolina, this Board and the committees Chair Ratcliff and Mr. Thompson are on.
- Mr. Ritter provided for informational purposes an email from Bill Dickerson regarding annual meeting preparation.
- Mr. Ritter has been reappointed to the Evaluation of Applications Task Force. Chair Ratcliff has been reappointed to the UP&LG Committee. Mr. Thompson is on five NCEES committees this year and is chairing the Exam Writing Committee.
- The Board received a request to provide an ABET observer at NC State for 3 days and 2 nights in October. While no one member is available for that period of time, Mr. Stewart, Ms. Thurman and Mr. Tunstall mentioned possibly being available for shorter periods of time. Mr. Ritter will inquire about future ABET visits to North Carolina universities.

*Meeting recessed at 12:35 p.m. for lunch to be back in session at 1:00 p.m. Upon reconvening at 1:00, Mr. Joyner moved to take a break to 1:10 p.m. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously. Meeting gaveled back in at 1:10 p.m.*

- Mr. Ritter presented in the Board books the NCEES position on the BP oil spill.
- Mr. Ritter presented in the Board books a report by NCEES charting the number of candidates scheduled to take exams that are “no shows”. There is no cost issue with “no shows” taking the test. This information is for statistical reasons.
- Mr. Ritter presented in the Board books the April 2010 Candidate Survey Results regarding exams. Nine people out of 1,151 responded.

7. Review Committee Recommendations - Executive Director

The Board considered the recommendation of the Land Surveying Review Committee on five cases conducted May 24, 2010 at 1:00 p.m. with Mr. Joyner. Mr. Thompson recused himself from discussion and voting. Ms. Riley made a motion to accept the recommendation of the Review Committee. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in one (1) reprimand and civil penalty of \$2,000; two (2) continue investigations; one (1) reprimand and one (1) close case.

The Board considered the recommendation of the Land Surveying Review Committee on three cases conducted on May 24, 2010 at 10:00 a.m. with Mr. Thompson. Mr. Pond recused himself from discussion and voting. Mr. Haynes made a motion to accept the recommendations of the Review Committee. Ms.

Riley seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in one (1) reprimand; one (1) reprimand, civil penalty of \$2,000 and restriction of practice and one (1) reprimand and civil penalty of \$2,000.

The Board considered the recommendation of the Engineering Review Committee on nine cases conducted on June 29, 2010 at 9:00 a.m. with Mr. Tunstall. Mr. Pond recused himself from discussion and voting. Ms. Riley made a motion to accept the recommendations of the Review Committee. Mr. Stewart seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in five (5) cease and desist letters; one (1) reprimand and civil penalty of \$2,500; one (1) reprimand; one (1) reprimand and restriction and one (1) revocation.

#### 8. Settlement Conferences

The Board considered the recommendation of one Land Surveying Settlement Conference Committee conducted on Thursday, July 8, 2010 at 10:00 a.m. with Mr. Thompson, Ms. Riley and Mr. George Paris, PLS as Consultant. Mr. Joyner recused himself from discussion and voting. Mr. Thompson made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Pond seconded the motion. A vote was taken and the motion was approved unanimously. The Board considered the recommendation of one Engineering Settlement Conference Committee conducted on Thursday, July 8, 2010 at 1:00 p.m. with Dr. Ratcliff and Ms. Riley. Mr. Pond recused himself from discussion and voting. Mr. Tunstall made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Haynes seconded the motion. After discussion a vote was taken and the motion was approved unanimously. Mr. Ritter thanked Ms. Riley for serving on approximately 25 settlement conference committees the past six months. There were two new public members on the board in a twelve month time span which hasn't happened in ten years.

#### 9. Violations Activity – Assistant Executive Director

- Phillip P. Banks, Jr., a nonlicensed practitioner made a false representation that he received a Board letter that he passed the FE exam and he forged Mr. Haynes' signature. He then by false pretense used the forged letter to obtain a pay raise as an engineering intern. Mr. Tuttle provided legal representation for the Board and was accompanied at court by Messrs. Haynes and Evans and Ms. Cathy Kirk. Note: Buncombe County District Court entered judgment July 7, 2010 on guilty pleas to two class 1 misdemeanors: 10 CR 055235 for forgery, 45 day suspended sentence, 12 months supervised probation, \$500 fine and \$146 court costs; 10 CR 055236 larceny by trick, 45 day suspended sentence to run after the expiration of first sentence, 12 months supervised probation, 24 hours of community service, \$500 fine, \$225 community service fee and \$146 court costs.
- Mr. Evans reported seventy-two (70) cases have been opened as of July 1. We were at this point the middle of September last year. Twenty-nine (29) complaints have been initiated by staff. To compare, the average number of board authorized cases over the last three years was 38. Ten of the 29 are for licensees being convicted of a crime or disciplined in other jurisdictions, two were CPC, four were referrals from other licensing boards, two were spinoff cases from other cases being investigated, five were nonlicensed practice cases or practicing while suspended and four board member referrals.

One hundred twenty-seven (127) cases are open, 49 of which are in the investigator's hands. Twenty-five (25) cases are pending Review Committees. Mark Mazanak has handled 33 non-compliant firms since the beginning of the year. Three presentations have been done since the last board meeting.

#### 10. Applications – Executive Director

- Business Firm Approvals and Firm Requests were removed from the Consent Agenda because the sheet "Request to use Individual's Name in Company Title" did not state how the firm was being

approved by stating how the licensee name was being used on the listing for Hoss & Brown Engineers, Inc. Mark Mazanek stated the sentence omitted should have read: Mr. Hoss and Mr. Brown were both Kansas licensees. Mr. Hoss is deceased and Mr. Brown retired from the firm in 2001. Ms. Riley moved to approve all requests for Business Firm Approvals & Firm Requests. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the following Special Agenda Firm Items

- Ms. Melissa Beard and Attorney Jon P. Carr request to be allowed to file for a *Certificate of Authority* with the NC Secretary of State for a foreign non-profit corporation to be named **Engineering World Health**. They advise:

“Engineering World Health does not practice engineering or perform engineering services in North Carolina nor do they employ engineers. Their focus is on education and equipment maintenance and repair in sub-Saharan Africa and Central America. Engineering World Health strives to inspire and mobilize the biomedical engineering community to improve the quality of health care in vulnerable communities of the developing world.”

Mr. Thompson made a motion to approve the application of Engineering World Health. Mr. Haynes seconded the motion. A vote was taken and the motion was approved. Dr. Ratcliff voted nay. All other Board members voted in favor of the motion.

- Attorney Catherine M. Bentz has requested on behalf of her client to be allowed to file *Articles of Incorporation* with the NC Secretary of State to form a domestic non-profit corporation to be named **Youth Technology & Engineering Inspiration, Inc.** Ms. Bentz advises:  
“Its purpose will be to promote science, technology, engineering and math education for children in kindergarten thru 8th grade in the Charlotte Metro region. The founder is a teacher who wants to raise money to help get kids involved in science and math competitions (such as the robotics competitions). The corporation will be rendering no engineering services, just raising money for YTEI T-shirts for the kids, meetings and competition fees. The entity is modeling itself after FIRST (For Inspiration and Recognition of Science & Technology).”

Mr. Stewart made a motion to approve the application of Youth Technology & Engineering Inspiration, Inc. Mr. Pond seconded the motion. A vote was taken and the motion was approved unanimously.

- Engineering has applications for review.

#### 11. Secretary's Report

Mr. Pond stated the Board's financial situation has not changed thus he has nothing new to report except next month the auditor will be presenting the audit to Mr. Ritter and Mr. Pond will sit in on the presentation. This will be the first time the Board's Secretary has participated in this meeting. After the meeting Mr. Pond will determine if there is a benefit to doing so.

Chair Ratcliff stated the issue of finances, how to disclose finances and the situation of finances will be discussed in a neutral setting at the retreat.

#### 12. Old Business – Executive Director

- Board members agreed to meet for the retreat in Pinehurst from 10 a.m. to 3 p.m. on Wednesday, October 27 and on Thursday, October 28 to as late as noon (while trying to finish by 10:00 a.m.) to focus on strategic planning for the Board. Board members should send agenda items to Mr. Ritter. An electronic bulletin board will be set up where members can add to the list and vote electronically for topics before they get to the meeting. Dr. Ratcliff will facilitate the meeting. Her assistant will take notes.

- Dr. Ratcliff and Mr. Ritter attended the PENC (Professional Engineers of North Carolina) Annual Meeting in Wrightsville Beach. Mr. Ritter gave a presentation Saturday morning. PENC is supporting the unlicensed practice portion of the statute revision that is being worked on. Chair Ratcliff was the paid delegate of the Board. She stated there were lots of pointed questions about B+30. PENC has not taken on that discussion.
- Mr. Ritter received official notification from the Governor's office that he must report any Board members that do not attend 75% of the regular Board meetings. The retreat will count. This will require attendance at 7 of the 9 meetings.
- Dr. Ratcliff and Mr. Thompson agreed to attend the Raleigh Certificate ceremony on July 22 at the State Club. Barbara Mulkey is speaker. Dinner will be at 5:00 p.m.
- Ms. Riley, Mr. Pond and Ms. Thurman will attend the Charlotte Certificate ceremony on July 29. Don Blackmon, PE will be speaker. He is licensed in three states, formerly with Duke Energy and now teaches at UNC-Charlotte.
- The number of licensees attending the July ceremonies is down. Because of declining attendance for the July ceremony, Board members decided to skip the summer ceremony and do one ceremony in Charlotte and one in Raleigh per year.

13. New Business -- Executive Director

- Mr. Thompson has been nominated for the National Geospatial Advisory Committee. Mr. Ritter has confirmed there is no conflict with this Board or the State of North Carolina. Mr. Thompson needs a recommendation letter. Mr. Haynes made a motion that the Board write a letter of recommendation in support of his nomination to the National Geospatial Advisory Committee. Mr. Stewart seconded the motion. A vote was taken and the motion was unanimously approved.
- Mr. Ritter presented a study bill that has been passed by the legislature regarding a committee studying the feasibility of a Virtual School of Engineering.
- An individual asked a question and did not like the response so they have addressed a letter to the Board Chair regarding the resident professional Board rule. This person works for an engineering firm with multiple offices in the southeast. The resident professional Board rule says if you offer a service out of that office then a person with that license has to be the resident professional and that resident professional must spend the majority of their time at that office (typically over 20 hours a week) to qualify as a resident professional. This person is the resident professional in Charlotte. She's the only professional engineer who works in that office. She is pregnant. She's going out on maternity leave. She will be out of the office for at least 12 weeks. When she asked staff, she said she was going to be out of the office and she wanted to find out about the waiver to the resident professional portion of the statute. The staff said there is no waiver. If you don't have the professional in that office, then you can't offer the service out of that office. She said the rules don't consider that she's a woman and pregnant and the rules are unfair. They have professional engineers in Atlanta. The licensee wants this issue brought to the board. Dr. Ratcliff stated you could take maternity out and fill in any medical condition. Mr. Stewart commented the precedent set by this is huge and that this could affect military leave. Dr. Ratcliff further stated that there is a question whether you could be going against the family medical leave act. Mr. Pond commented that from oversight of a project they can address by having engineers in another location. The writer has the issue covered for this situation but requests to know how a medical situation would be handled in the future. The Board agreed this is very important and should be part of the strategic planning session.
- Chair Ratcliff stated before more is invested in this building, options must be reviewed. There are issues with the building and landlord. Staff and board members are frustrated. There needs to be a discussion with building management. Depending on how the discussion goes, the Board may have to look at other options to get out of the lease. Board members need to notify Mr. Ritter if they have frustrations they have not said anything about. The current lease expires in 2017.
- Chair Ratcliff stated the Board is trying to get by without the December 8 and 9 Board meetings. It is on the board calendar in case it is needed. Mr. Ritter will be scheduling a PENC Board of Directors' meeting (Engineering Committee - October), ACEC Board of Directors' meeting (Engineering Committee - October); State Construction (Tuttle, Ritter, Tunstall & Stewart to set

up & check with Gregg Driver regarding DOI); State Property Office (Surveying Committee set up with Tim Walton); Core of Engineers (Tunstall, Joyner, call Ken Jolly); Exam Writer Workshop (September); Landscape Architecture Board meeting on hold until get Attorney General's Opinion

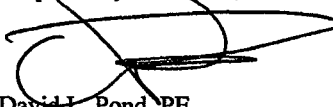
14. Informational Items -- Executive Director

- Article titled "Washington Rule Change Would Allow Licensure Without PE Exam", states Washington State is going to grant comity to Canadian PEs. Canadians only take a four hour ethics exam.
- Mr. Ritter presented a contrasting news article titled "New Safety Standards Emphasize PE Requirement" published in the same magazine.
- Mr. Ritter presented a copy of a thank you letter received as to Laura Parham's great service.
- Mr. Pond requested all policies be published in the upcoming newsletter and new licensees listed.

Ms. Riley made a motion to adjourn. Mr. Thompson seconded the motion. A vote was taken and the motion was unanimously approved.

*The Board formally adjourned on Thursday, July 15, 2010 at 3: p.m. The Board is next scheduled to meet on Thursday, September 9, 2010.*

Respectfully submitted,



David L. Pond, PE  
Secretary

Approved by the Board in Session

Date July 15, 2010

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 8, 2010

Raleigh, North Carolina

Board Chair Teresa Helmlinger Ratcliff gavelled the North Carolina Board of Examiners into session at 1:00 p.m. to convene its regular order of business for the Board. Board members present were:

Present:

Teresa Helmlinger Ratcliff, PE, PhD, Chair  
J. Glenn Haynes, PLS, Vice Chair  
David L. Pond, PE, Secretary  
Nils W. Joyner, Jr., PLS  
Elizabeth W. Riley, Public Member  
Willy E. Stewart, PE  
Gary W. Thompson, PLS  
Linda A. Thurman, Public Member  
John S. Tunstall, PE

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Chair Ratcliff 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. It was noted that there were some conflicts or appearance of conflicts and that would be noted when the specific agenda item comes up.

2. Consent Agenda

Chair Ratcliff asked if there was any discussion regarding the consent agenda. Hearing none, the Chair entertained a motion. Mr. Haynes moved to approve the consent agenda. Ms. Riley seconded the motion.

The Board voted and the consent agenda was unanimously approved. The consent agenda included the Minutes; Firm Applications for 23 Professional Corporations, 11 Professional Limited Liability Companies and five Chapter 87 Corporations; Firms Requests for 2 Name Changes and 3 Requests to Use Individual's Name in Company Title; Comity Applications, Review Committees and Requests for Retired Status.

3. Request from Emily Reinicker regarding Board's Resident Engineer requirement - Executive Director.

Ms. Emily Reinicker requested a waiver of the resident engineer requirements during her maternity leave from her employer. Her request was presented to the Board containing a written proposal including a documented engineering preview plan naming the North Carolina licensed Professional Engineer who would be responsible for supervising engineering work during the defined time. Mr. Ritter reported back to the Board as requested at the last meeting that the Family Medical Leave Act does not apply as the resident engineer requirement is a licensing requirement, not an employer / employee issue. Mr. Ritter also confirmed that none of our contemporary boards that have the responsible charge requirement would give any leeway for a request such as this.

After discussion by Board members that the Board Statutes and Rules do not allow such a waiver, Mr. Pond made a motion to deny Ms. Reinicker's request. Ms. Riley seconded the motion. A vote was taken and the request was unanimously denied.

4. Committee Reports



Engineering Committee: Mr. Tunstall informed the Board of the following activities:

- The Committee decided to write a non-objection letter for Engineered Plastics, Inc. allowing the use of the word “engineered”. Mr. Tuttle and Mr. Mazanek will send a letter of non-objection, caution the firm about what needs to be changed on their website and tell them what they need to do to be in compliance.
- The Committee reviewed the proposed statute and rule changes. Statute changes for G.S. 89C include eliminating the twenty year waiver and changing the experience required for those with doctoral degrees.
- Mr. Ritter mentioned the Engineering Committee may meet with PENC (Professional Engineers of North Carolina) in October regarding the potential statute changes.

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

- Response letters will be drafted for two questions regarding deeds and property corners.
- The Committee made some revisions to the Easement Staking Policy resulting from questions that were asked. They will have the Engineering Committee review before bringing to the full Board.
- The Committee has developed a definition of “authoritative” that will be forwarded to the Engineering Committee for review as a policy.
- Discussion on Subsurface Mapping resulted in a draft policy that will be sent to the Engineering Committee for their review.
- Messrs Joyner, Tunstall and Ritter had a successful meeting with the Corps of Engineers regarding the Wetlands Policy. The Corps suggested an additional follow-up meeting.
- The Exam Writing Workshop is planned for October.
- Messrs. Thompson and Ritter met with Messrs. Herb McKim and Tim Johnson with GICC (North Carolina Geographic Information Coordinating Council) to discuss assimilating the recent Attorney General’s opinion. They agreed to present the opinion as factual information. Questions can be directed to GICC or the Board. Mr. Ritter placed in the Board books the article with the mutually agreed upon language, including a link to the Attorney General’s opinion, that went out in the GICC newsletter. A list of Inclusions and Exclusions as to what is surveying has been assembled and will be placed on the web site.

CPC Committee: Mr. Pond informed the Board of the following activities:

- Mr. Pond stated four applicants for CPC sponsorship were reviewed and are recommended by the committee for approval as follows:
  1. AHJ Technical Continuing Education Corporation
  2. Asheville-Buncombe Technical Community College
  3. SMART VENT, Inc.
  4. The Waterproofing Contractors Association, Inc. (WCA) Sponsor Application

Mr. Pond made the motion to approve these four (4) applications as CPC sponsors. A vote was taken and the Board unanimously approved the motion to approve these CPC sponsors.

- For the remainder of the year the emphasis will be placed on auditing 5% of the sponsors.
- Mr. Pond made a motion to add a statutory change to require a \$100 annual renewal fee for sponsors and to require that all licensees take their continuing education from an approved sponsor. After discussion Ms. Riley made a motion to amend the motion to require a \$200 annual renewal fee for the statutory change. Mr. Pond accepted the amendment to the motion. The Board voted unanimously in favor of including these two items in the statute related to CPC changes.

Mr. Ritter stated that Mr. Tuttle brought to his attention that to move forward with the statute and rule changes that the Engineering, Surveying and CPC Committees have agreed on, the Board needs to approve that these are the statute and rule changes the Board wants to pursue. Ms. Riley made a motion to move

forward with the proposed statute and rule changes. Mr. Tunstall seconded the motion. The Board voted and the motion was unanimously approved.

*Meeting recessed at 10:35 a.m. Meeting reconvened at 10:50 a.m.*

5. NCEES Activities – Executive Director

- Mr. Ritter presented in the Board books a summary of all the actions from the NCEES Annual Meeting in Denver. CBT (Computer based testing) was the hot topic. The PE exemption for PhD's failed.
- North Carolina will be hosting the Southern Zone meeting in 2016.
- Dr. Ratcliff may run for President Elect if the incumbent does not run and with his support. The NCEES President will come from the Southern Zone in 2011.

6. Review Committees – Executive Director

The Board considered the recommendation of the Land Surveying Review Committee on eleven cases conducted August 10, 2010 at 10:00 a.m. with Mr. Joyner. Mr. Thompson recused himself from discussion and voting for the entire Review Committee Agenda. Mr. Haynes made a motion to accept the recommendation of the Review Committee. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in two (2) reprimands; one (1) reprimand and audit; two (2) reprimands and civil penalties of \$2,000; one (1) reprimand and civil penalty of \$1,000; one (1) reprimand, two year suspension, exam (pass Part B of State Surveying Exam before suspension lifted) and NCSS course; one (1) cease and desist letter; two (2) close cases and one (1) continue investigation.

The Board considered the recommendation of the Engineering Review Committee on nineteen (19) cases conducted on August 13, 2010 at 10:00 a.m. with Mr. Stewart. Mr. Pond and Mr. Tunstall recused themselves from discussion and voting for the entire Review Committee Agenda. Ms. Haynes made a motion to accept the recommendations of the Review Committee. Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in five (5) reprimands; one (1) reprimand and civil penalty of \$1,000; one (1) reprimand, civil penalty of \$1,000 and restrict practice; one (1) revocation; two (2) cease and desist letters; one (1) cease and desist letter and refer to Home Inspector's Licensing Board; seven (7) close cases and one (1) continue investigation.

7. Violations Activity - Executive Director

In the absence of David Evans, Assistant Executive Director, due to a death in his family, Mr. Ritter gave a brief violations report. He addressed the concern expressed in the Engineering Committee regarding the potential that the non-licensed practice could bog the system. The report shows there have been 11% or 9 cases of non-licensed practice this year which is a low number. Mr. Ritter stated three to four cases would not be resolved by a Cease and Desist letter.

Mr. Pond asked how we're going track the average time line of cases from inception to completion. Mr. Ritter stated Mr. Evans uses the date an official complaint letter is received to the date it is delivered to the Review Committee to track the time staff spends on a case. After the Review Committee, it is in the hands of the Board disciplinary process.

8. Applications (See attachment to minutes for additional information)

Mr. Ritter stated Mark Mazanek was on vacation the week of the board meeting. He expressed his appreciation to Mr. Mazanek for coming in specifically for the board meeting and committee meeting. The Board considered the following Special Agenda Firm Items:

- **Labella of Charlotte, P.C. (C-3585)** has requested to be allowed to change its name to **Pease Engineering and Architecture, P.C.** The firm was created as part of an acquisition of the previously licensed Pease Associates (F-0646), which is now Archived.

Mr. Pease was never part of the newly formed entity of Labella of Charlotte, P.C. Mr. John Coffin, Counsel and Mr. Don Garbrick, PE, President and shareholder in Pease Associates and now a shareholder and employee of Labella appeared before the Board on behalf of the company.

After Messrs. Mazanek and Tuttle presented Board information on the firm and Messrs. Pease and Garbrick's comments, Mr. Pond made a motion to approve renaming Labella of Charlotte, P.C. to Pease Engineering and Architecture, P.C. Mr. Stewart seconded the motion. The Board voted and the motion was unanimously approved. Messrs. Pease and Garbrick were cautioned to deal with staff on any marketing materials to make certain the company is in compliance.

- **Pike Electric, Inc. (F-1159)** is currently licensed with the Board as an exempt corporation (Pre-69). The firm is considering separating their transmission and distribution services from their engineering services. To do this the firm is requesting to license an entity called **Pike Energy Solutions, LLC** with the Board for the purposes of performing engineering in North Carolina.

Pike is the name of an individual who was never a member/employee of the proposed engineering entity, Pike Energy Solutions, LLC, which is subject to Board Rule .0902(b) above.

The firm is requesting an exception to Board Rule .0902(b). Mr. Grayson Hale with K&L Gates appeared before the Board to give more details relating to the name change.

Mr. Stewart made a motion to approve the license for Pike Energy Solutions, LLC. Mr. Haynes seconded the motion. The Board voted and the motion was unanimously approved.

- **Engineered Controls International, Inc.** obtained a North Carolina *Certificate of Authority* (COA) on February 1, 1989. The COA was granted by the NC Secretary of State without a non-objection letter being issued by this Board. The firm recently applied to convert its existing COA from a Business Corporation COA to a Limited Liability Company COA. The request was flagged by the NC Secretary of State because the title of the company contains the restricted word "engineering." The firm is requesting that the Board issue a non-objection certificate allowing them to register as Engineered Controls International, LLC.

An attorney representing the firm wrote: "the business does not serve an 'engineering' function, as we discussed. It simply manufactures and sells products. They do not provide any schematics to customers or otherwise." The attorney provided a company overview for the Board's review.

Mr. Tuttle presented diagrams from the company's web site for Board members to review. Board members requested additional information before making a decision.

#### 9. Secretary's Report - Board Secretary

- Mr. Pond stated the auditors were very pleased that a Board member attended the audit review. He said if the year tracks as expected the Board will be in the \$80,000 to \$100,000 loss range which is better than anticipated.
- Mr. Pond stated that the audit was a 100% clean audit so far as things the auditors look for. Three minor items were mentioned as follows:
  1. The Board does not have staff with accounting degrees and accounting background. That is not uncommon for Boards. That's why the Board relies upon the auditors and this is not a big issue.
  2. How some things were accounted for and how the books on a monthly basis jive was blamed on a programming glitch that has been corrected. This affected the reconciliation on a monthly basis. This did not affect the yearend figures.

3. For the third year, the auditors stated that when mail comes in, it should be opened and deposited daily. Mr. Pond stated how checks are processed and that the auditor and Board have agreed once again to disagree.
- Mr. Pond stated the auditors were concerned about the \$387,000 loss when a \$200,000 loss was budgeted. The difference in the budgeted loss and the actual loss are attributed to litigation being the highest, administration costs with Blue Cross Blue Shield and a full time staff position was added (currently 16 employed). They were pleased that a fee increase is in place. The auditors recommended in the future budgeting the normal legal fees and when there are large cases, the restrictive reserves should be tapped. Restrictive reserves need to be reserved for specific accounts. For future budget planning, the Board will need to earmark the amount for restrictive reserves.
- After discussion, Mr. Pond made a motion that the restrictive reserve accounts be changed to \$150,000 for litigation and \$100,000 for special projects. Ms. Riley seconded the motion. The Board voted and the motion passed unanimously.
- After discussion, Mr. Pond made a motion this year's budget will run from December 1, 2010 to December 31, 2011 and each year thereafter will run on a calendar year basis. Mr. Stewart seconded the motion. The Board voted and the motion passed unanimously.
- Mr. Pond made a motion to move the election of officers to October, beginning with this year, but not to take office until January 1. There was no second to the motion. The Board voted and the motion passed unanimously.
- After discussion, Mr. Pond made a motion to create a Financial Committee composed of the incoming secretary and a Chair designated second person. The Financial Committee would have the responsibility, along with the Executive Director, of composing the Board budget based on Board input, administering the budget implementation and being part of the audit. Mr. Stewart seconded the motion. The Board voted and the motion passed unanimously.
- Board members agreed they would like the email regarding financials that Mr. Ritter sends to Board members each month placed in the Board books as the monthly report. The Secretary can highlight the points he/she wants to make.
- Ms. Riley has agreed to be nominated for Secretary in October.

10. Old Business - Executive Director

- Mr. Ritter presented the Board letter of reference for Mr. Thompson for appointment to the National Geospatial Advisory Committee. Mr. Thompson will hear in October who the new appointee is.
- Both certificate ceremonies went well. Thank you letters were sent to all speakers. There will be a certificate ceremony in January and next summer will be skipped.
- In July the out of state surveyor's exam was given. Thirteen took and seven passed the exam.
- Messrs. Tunstall, Joyner and Ritter attended a meeting with the Corps of Engineers that was most productive. The Corps invited the Board to come back to speak with a group of surveyors and a civil engineering group.
- Chair Ratcliff's and Mr. Joyner's five year terms on the Board conclude the end of the year. Mr. Ritter requested that the Chair pass the gavel to Mr. Haynes. Mr. Ritter asked Chair Ratcliff and Mr. Joyner if they would like to be reappointed. With an affirmative answer, Mr. Tunstall made a motion to write a letter to the Governor to recommend the reappointment of Chair Ratcliff and Mr. Joyner for a second term. Mr. Stewart seconded the motion. A vote was taken and the motion was approved unanimously.
- The first ten or twelve policies have been posted on the web site. A few more policies are ready for posting. Some of the older policies will be reviewed and approved by the committees before posting.
- Mr. Ritter did his first PENC webinar with over 80 people participating. He spoke to the Ag Engineering Department at NC State. That department has doubled in size. He will speak at Duke, with Henry Liles, PE, in two weeks.

11. New Business - Executive Director

- Mr. Ritter presented a clean Economic Interest Statement in the Board books for Mr. Pond.

*Meeting recessed at 2:40 p.m. for a 15 minute break. Meeting gaveled back in at 2:55 p.m.*

12. Informational Items - Executive Director

- Tomorrow at 9:00 a.m. will be a hearing for an ongoing disciplinary action coming out of the Review Committee. The licensee has filed a motion questioning the Board's jurisdiction over him. It is a motion hearing not a disciplinary hearing. Mr. Pond will be Chair of the Motion Hearing.
- Chair Ratcliff initiated the discussion whether to have the board retreat this year, what objectives the Board wants to achieve and how to handle in future years. Because of the costs involved, members decided not to have the board retreat this year. The Board is committed to having a retreat every other year for planning, using the alternate year to visit engineering schools. Members decided to have a board meeting November 17, 2010 in Charlotte with no staff beginning at 8:00 a.m. and spending the first four hours on planning. Ms. Thurman will set up a lunch with UNC Charlotte department heads and the Dean of Engineering.
- October 27 will be the continued hearing, committee meetings and a short meeting to include the election of officers and the consent agenda. A hearing is scheduled for December. Mr. Ritter will notify Board members of the date and plans for the December meeting.

Mr. Thompson made a motion to adjourn. Mr. Pond seconded the motion. A vote was taken and the motion was unanimously approved.

*The Board formally adjourned on Wednesday, September 8, 2010 at 4:10 p.m. The Board is next scheduled to meet on Wednesday, October 27, 2010.*

Respectfully submitted,



David L. Pond, PE  
Secretary

Approved by the Board in Session

Date \_\_\_\_\_

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 27, 2010

Raleigh, North Carolina

Board Chair Teresa Helmlinger Ratcliff gaveled the North Carolina Board of Examiners into session at 1:00 p.m. to convene its regular order of business for the Board. Board members present were:

Present:

Teresa Helmlinger Ratcliff, PE, PhD, Chair  
J. Glenn Haynes, PLS, Vice Chair  
David L. Pond, PE, Secretary  
Nils W. Joyner, Jr., PLS  
Elizabeth W. Riley, Public Member  
Willy E. Stewart, PE  
Gary W. Thompson, PLS  
Linda A. Thurman, Public Member  
John S. Tunstall, PE

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Ratcliff 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 conflicts or appearance of conflicts were noted. Conflicts or appearance of conflicts will be mentioned when the specific agenda item comes up.

Chair Ratcliff announced this would be the first paperless Board meeting.

2. Consent Agenda - Chair

Chair Ratcliff mentioned there was a typo in the minutes which has been corrected and replaced on Backpack and there will be Board elections under "New Business". Mr. Thompson moved to approve the consent agenda. Ms. Riley seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included the 2011 Board Calendar, Minutes; Firm Applications for 18 Professional Corporations, 13 Professional Limited Liability Companies, 3 Business Firms and two Chapter 87 Corporations; Firms Requests for 8 Name Changes, 2 Requests to be Resident Licensee of Multiple Firms, 6 Requests to Use Individual's Name in Company Title and 2 d/b/a requests; Comity Applications, CPC Sponsor Recommendations, Review Committee Recommendations, Settlement Conference Recommendations and Requests for Retired Status.

3. Committee Reports

Engineering Committee: Mr. Tunstall informed the Board of the following activities:

- DOI (North Carolina Department of Insurance) asked whether zip lines and structures should be considered engineering. The Committee offered the opinion that the whole zip line and structure for public use should be designed by an engineer. This is becoming popular in recreational parks.
- The Committee supports the rule revisions for solid waste. Mr. Pond will get additional information on the Rules and report back to the committee for a December resolution.

- A request was made to use the name "Server Engineer". The Committee will not allow the use of "Server Engineer" in the name.
- The Committee did a PE review with an application. The individual was put off for a year and told he can still apply in the spring of 2012.
- The Committee reviewed and gave their okay for the Surveyor's Easement and Staking Policy.
- Regarding HVAC Rules, the Committee will respond that the HVAC Board (Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors) review their Rules.
- The Committee supports the definition of "authoritative".
- The Committee reviewed how electronic seals should be applied to plans and requested Mr. Tuttle write an article for the next newsletter.

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

- Mr. Thompson revised the Tie Guidelines for the Committee to review. Upon approval, it will be placed on the website.
- The survey exclusion has been reviewed and no further action is needed.
- The Committee is working on a revision to the Positional Tie Policy and will provide to the Engineering Committee for review.
- The Easement Staking Policy is being reviewed.
- It was reported that realtors in the Charlotte area are using surveys 20 to 30 years old and marking through the date to use for a sale. The Board was asked what can be done and nothing was determined that the Board can do. The Committee decided that Mr. Tuttle should write a letter to place in the realtor's newsletter explaining the danger of doing this.
- The Committee is working on a Subsurface Policy.
- Mr. Thompson reviewed the revisions for additional proposed rule changes. He cited proposed changes for Rules 21 NCAC 56.1605, 56.1606, 56.1607 and 56.1608. These are in addition to the proposals previously accepted. Mr. Thompson made a motion to adopt the proposed rule changes and confirm the previously approved proposed rule changes. A vote was taken and the motion was passed unanimously.

CPC Committee: Mr. Pond informed the Board of the following activities:

- Mr. Pond stated three sponsor applications were reviewed by the Committee and approved on the consent agenda.
- Staff is in the process of doing sponsor audits. Fifteen percent of the sponsors will be audited. Audits have gone well with good compliance.
- The Committee did brainstorming for new member planning.

4. Settlement Conferences - Assistant Executive Director

The Board considered the recommendation of two Land Surveying Settlement Conference Committees Nos. 1 and No. 2 conducted on Wednesday, September 22, 2010 at 9:00 a.m. with Mr. Haynes and Ms. Thurman. Mr. Thompson recused himself from discussion and voting. Mr. Stewart made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the recommendation of one Land Surveying Settlement Conference Committee conducted on Wednesday, October 20, 2010 at 10:30 a.m. with Mr. Thompson and Ms. Thurman. Mr. Pond recused himself from discussion and voting. Ms. Riley made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.

5. Violations Activity - Assistant Executive Director

- Mr. Evans presented a pie chart of "Cases Opened in Fiscal Year 2010 Initiated by Board Staff". Mr. Evans stated the average number of cases initiated by the Board for the previous three years was 38 cases per year. This year he has initiated 40 cases. The number has been consistent. Mr. Evans stated discipline in another jurisdiction is the cause for the largest number of cases to be opened by Board staff followed by a spinoff from other disciplinary cases and criminal convictions. Noncompliance with CPC, practicing while suspended and firms that are not in compliance are other reasons that staff initiates opening a case.
- Mr. Evans reported 102 cases have been opened this fiscal year. The number of cases opened for non-licensed individuals and firms is 12% this year which is about half of the previous nine year average of almost 27%. Mr. Evans attributes the decrease to the position created to work informally with firms that Mr. Mazanek holds and has been successful with.
- There are 114 cases open at this time; 47 of which are in the investigators' hands. Seventy-one per cent of the PE cases have resulted in disciplinary action.
- A new investigator has been hired for the vacant position. Tina Curran will begin the week of November 1. She will work out of the Board office.

#### 6. Applications

- The new application for a new Professional Corporation for Norris & Tunstall Consulting Engineers, P.C. was not placed on the consent agenda as it involves Mr. Tunstall's company. Mr. Tunstall recused himself from discussion or voting. Mr. Stewart made a motion to approve the application for Norris & Tunstall Consulting Engineers, P.C. Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously.
- Ms. Liz Daniel requested to be allowed to register a new non-profit with the Secretary of State using the name "South Park Engineering and Robotics Club". (Additional information is provided in the Board book.) Mr. Haynes made a motion to approve the name. Mr. Thompson seconded the motion. After discussion, a vote was taken and the motion was approved unanimously.
- The following was presented at the September 8, 2010 meeting. Engineered Controls International, Inc. obtained a North Carolina *Certificate of Authority* (COA) on February 1, 1989. The COA was granted by the NC Secretary of State without a non-objection letter being issued by this Board. The firm recently applied to convert its existing COA from a Business Corporation COA to a Limited Liability Company COA. The request was flagged by the NC Secretary of State because the title of the company contains the restricted word "engineering." The firm is requesting that the Board issue a non-objection certificate allowing them to register as Engineered Controls International, LLC.

An attorney representing the firm wrote: "the business does not serve an 'engineering' function, as we discussed. It simply manufactures and sells products. They do not provide any schematics to customers or otherwise." The attorney provided a company overview for the Board's review. The Board requested additional information for their review.

As requested, Mark Mazanek presented additional information in the Board books for review. After review of the documentation, Mr. Pond made a motion to deny the request. Mr. Thompson seconded the motion. A vote was taken and the motion was denied unanimously. The Board delegated Mr. Tuttle to notify the firm (1)the name is denied so they clearly cannot use the name with LLC (2)the name of the of the existing corporation must be changed to continue operation because it has come to the Board's attention it is not a valid name and (3) these activities are engaged in the practice of engineering so regardless of what the firm is called there is a problem if steps are not taken to contract out the engineering, or get licensed with the Board.

#### 7. Secretary's Report

Mr. Pond stated that Mr. Ritter had forwarded all Board members the financials for September. The financial position has improved a little bit. Significant legal bills received between now and November 30 would be the only factor that would affect the financial position for the remainder of the year.



Mr. Ritter met with the auditor to discuss converting the budget cycle to the calendar year. The auditor recommended doing a 12 month budget beginning December 1, then a one month budget to get the Board on cycle. A budget should be ready for adoption at the December meeting for December 1, 2010 through November 30, 2011. At the planning session in November, the Board will need to decide amounts to be set aside for restrictive reserves replenishment, salary pool and capital projects.

Mr. Pond stated that at the November meeting, forms will be given to Board members to take home with them for Mr. Ritter's review. In December a time will be set aside for Mr. Ritter's review.

8. Old Business

Chair Ratcliff restated that the Board decided at the last meeting to have a retreat every other year and in the off year there would be a meeting in conjunction with meeting with a college of engineering. Ms. Thurman is working with Ms. LuAnn Buck and Mr. Ritter to plan the November meeting at UNC Charlotte. Mr. Stewart will be the facilitator.

Chair Ratcliff asked Board members what they want to accomplish at the November 17 meeting other than the budget issues previously discussed (per cent of increase in costs, salary increases, any new initiatives not budgeted this year). A list for discussion was composed and will be placed on Backpack that Board members can add to. The list includes: (1) budget, (2) PhD path to licensure, (3) CPC Sponsors annual renewal fee, (4) CPC – require ethics education, (5) require licensees obtain CPC from Sponsors, (6) GIS licensing (7) promotion of Mapping and Science examination and (8) investigation process.

9. New Business - Chair

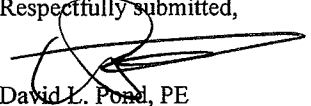
Election of Officers:

- Mr. Thompson moved that the present Vice Chair, Glenn Haynes, PLS be placed in nomination for the Board Chair. Mr. Joyner seconded the motion. There being no further nominations Ms. Riley moved to close the nominations. Mr. Thompson seconded the motion. The Board voted and Mr. Haynes was approved by acclamation.
- Ms. Thurman moved that Mr. David Pond, PE be placed in nomination for Vice Chair. Ms. Riley seconded the motion. Ms. Riley moved to close the nominations. Mr. Tunstall seconded the motion. The Board voted and Mr. Pond was approved by acclamation.
- Ms. Thurman moved that Ms. Elizabeth Riley be placed in nomination for Secretary. Mr. Thompson seconded the motion. Mr. Tunstall made the motion to close the nominations. Mr. Thompson seconded the motion. The Board voted and Ms. Riley was approved by acclamation.

Mr. Thompson made a motion to adjourn. Mr. Stewart seconded the motion. A vote was taken and the motion was unanimously approved.

*The Board formally adjourned on Wednesday, October 27, 2010 at 2:00 p.m. The Board is next scheduled to meet on Wednesday, November 17, 2010.*

Respectfully submitted,

  
David L. Pond, PE  
Secretary

Approved by the Board in Session

Date December 8, 2010

October 27, 2010

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 8, 2010

Raleigh, North Carolina

Board Chair Teresa Helmlinger Ratcliff gaveled the North Carolina Board of Examiners into session at 10:10 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

Teresa Helmlinger Ratcliff, PE, PhD, Chair  
J. Glenn Haynes, PLS, Vice Chair  
David L. Pond, PE, Secretary  
Nils W. Joyner, Jr., PLS  
Elizabeth W. Riley, Public Member  
Willy E. Stewart, PE  
Gary W. Thompson, PLS  
Linda A. Thurman, Public Member  
John S. Tunstall, PE

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Ratcliff 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 conflicts or appearance of conflicts were noted.

2. Consent Agenda - Chair

Chair Ratcliff asked if there was any discussion regarding the consent agenda. Hearing none, she entertained a motion. Mr. Thompson made a motion to approve the consent agenda. Mr. Haynes seconded the motion.

The Board voted and the consent agenda was unanimously approved. The consent agenda included the Firm Applications for 7 Professional Corporations, 5 Professional Limited Liability Companies and 2 Business Firms; Comity Applications, CPC Sponsor Recommendations, Review Committee Recommendations and Requests for Retired Status.

*Mr. Pond made a motion to go into closed session to discuss a personnel matter. Ms. Riley seconded the motion. The Board went into a closed session at 10:15 a.m. to discuss a personnel matter. The Chair gaveled the Board back into session at 10:50 a.m.*

3. Committee Reports

Engineering Committee: Mr. Tunstall informed the Board of the following activities:

- The Engineering Committee discussed a new Rule recently adopted by the NC Home Inspector Licensure Board. The Committee would like to meet with the Home Inspector Board to discuss the Rule.
- Regarding NCDENR 15A NCAC 2T, there were questions about the DENR certification. This is not a board issue.
- The Committee will review the Arc Flash Analysis information received from the Colorado Board.

- The Committee discussed, and will continue the discussion over lunch, a request to review for interpretation whether zip lines should be designed by a Professional Engineer. The Committee will consider zip lines and recreational cable systems all together.
- The Committee will also discuss Solid Waste Rules during lunch.

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

- Mr. Thompson presented to the Board and made a motion to approve the *Positional Tie Reporting Policy*. The Board voted and the motion passed unanimously.
- Mr. Thompson presented to the Board and made a motion to approve the *Subsurface Utilities Location Data Policy*. After discussion, the Board voted and the motion passed unanimously.
- The Committee is revisiting the *Easement Staking Policy* to make some clarifications that will be ready for the next board meeting.
- The *Tie Guidelines* are being revised to be consistent with the Board Rules that went into effect a year ago.
- A short article is being written to go in the realtor's newsletter in response to complaints that realtors are reusing old surveys and removing the date. This is a public protection issue.
- The Committee is working with Mr. Ritter to set up a follow-up meeting with the Corps of Engineers.
- The Committee is working on the Inclusions/Exclusions document that the definition of "authoritative" will go into. This is related to the GIS issue.

CPC Committee: Mr. Pond informed the Board of the following activities:

- The CPC Committee did not meet. One sponsor was approved on the consent agenda.

#### 4. NCEES Activities - Executive Director

- Mr. Haynes and Mr. Ritter will attend the Board Presidents Assembly in Atlanta in February.
- Nominations for NCEES awards are due by January 31, 2011. Mr. Tunstall nominated Henry V. Liles, Jr. for the Distinguished Service Award. Mr. Haynes seconded the motion. The Board voted and the motion passed unanimously. Mr. Ritter will put together the extensive nomination package for the January board meeting. Mr. Liles is the NCEES Task Force Committee Chair for the Alternative Path to Licensure Committee.
- Mr. Pond is back on the task force for sustainability.
- Mr. Ritter presented the brochure for Ted A. Sack, PLS. for NCEES Southern Zone Vice President. Dr. Ratcliff has expressed interest in pursuing the Assistant Vice President position.
- Mr. Ritter furnished the memo from Jerry Carter, Executive Director of NCEES, regarding what NCEES is telling individuals in foreign countries who have passed the FE exam. These individuals will have to meet each state's requirements. They will not receive special treatment.
- Mr. Ritter presented for information *Proctor Post*, the NCEES semiannual newsletter.
- Board members agreed Mr. Haynes will be the funded delegate to the Southern Zone Meeting in Austin, Texas April 28 through April 30.
- Mr. Thompson stated he had seen the five minute movie called "Spotlight Now" promoting surveying licensure that is being sent to Public TV December 27<sup>th</sup>. This was created by a professional firm and funded by NCEES. After each public TV station has shown the movie a certain number of times, it is public domain. Board members will want to promote the movie with Public TV.

#### 5. Approval of 2011 Fiscal Year Budget and Board Secretary's report - Executive Director – Board Secretary

- Mr. Pond made a motion to approve establishing an ongoing Audit Committee consisting of the current Board Secretary and a Board Appointee by the Chair with primary duties to prepare the budget, sit in on the audit itself and any other financial issues that need to be addressed throughout

the year and as set forth in his memorandum dated November 16, 2010 in the board books as follows:

1. Work with Executive Director on budget preparation and presentation to Board
2. Meet as needed through the year when directed by the Board to address any specific financial issues or concerns
3. Participate in annual audit
4. Conduct Annual Performance Review of Executive Director
5. Coordinate with Board on setting of Executive Director's goals for the year.

Ms. Riley seconded the motion. The Board voted and the motion passed unanimously.

- Mr. Pond made a motion to approve the 2011 budget. Mr. Tunstall seconded the motion. The Board voted and the motion passed unanimously.
- November financials are not yet available; however, it appears the Board will end the year on budget which is different from what was anticipated the first of the year with revenue being down. Mr. Pond attributed this to the hard work of Mr. Ritter and staff by keeping costs in line.
- Next year the budget will be a one month budget and a 12 month budget.
- Mr. Ritter presented a proposed *Policy on Payment of Per Diem and Reimbursement of Expenses to Board Members* that includes internet fees at hotels, luggage fees, etc. Once approved this will become the new back of the expense report. Mr. Pond made the motion to approve the *Policy on Payment of Per Diem and Reimbursement of Expenses* to Board Members with the addition under Air Travel of "Other incidental air travel fees as appropriate." Mr. Haynes seconded the motion. A vote was taken and the motion was unanimously approved.

6. Request from David Phipps PE, regarding PENC's Mathcounts program  
Executive Director

Mr. Ritter presented a request for an annual budgeted item for PENC Mathcounts. Mr. Thompson made a motion to approve. Mr. Haynes seconded the motion. The Board voted and the motion was unanimously approved.

7. Review Committee – Executive Director

The Board considered the recommendation of the Land Surveying Review Committee on seven cases conducted on November 30, 2010 with Mr. Thompson. Mr. Haynes recused himself from discussion and voting for the entire Review Committee Agenda. Ms. Riley made a motion to accept the recommendation of the Review Committee. Ms. Thurman seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in one (1) reprimand, civil penalty of \$2,000 and restriction of practice; two (2) continued; one (1) revocation; one (1) suspension; one (1) close case; and one (1) cease and desist letter.

The Board considered the recommendation of the Engineering Review Committee on one case conducted November 30, 2010 with Mr. Pond by telephone. Dr. Ratcliff recused herself from discussion and voting for the entire Review Committee Agenda. Ms. Riley made a motion to accept the recommendation of the Review Committee. Mr. Thompson seconded the motion. The Review Committee recommendation resulted in one (1) reprimand.

8. Violations Activity - Assistant Executive Director

- Mr. Evans introduced Ms. Tina Curran, the new board investigator. Dr. Ratcliff welcomed her.
- One hundred seven (107) cases were opened in 2010 which is 17 more than the previous year. Forty (40) of these cases were initiated by staff. Mr. Evans placed the year end numbers in the Violations Summary. Of the one hundred seven (107) cases, forty-five (45) are in the investigator's hands. Seven cases have been opened since the last board meeting. One hundred three (103) cases have been closed this fiscal year. One hundred twenty-eight (128) cases have

been taken to review committee. This number is close to the ten year average. Twenty (20) cases have been taken to the review committee since the last meeting.

- As of December 2, Mr. Mazanek had handled fifty-one (51) firms informally. Great progress has been made in reducing the number of non-licensed cases.

9. Applications

- No action was needed.

10. Old Business - Executive Director

- Mr. Ritter furnished the Board a copy of the letters he wrote on behalf of the Board recommending board reappointment for Chair Ratcliff and Mr. Joyner.
- Mr. Ritter placed the agenda for the Board Planning Session in Charlotte in the board books. Mr. Pond and Ms. Riley will work with Mr. Ritter to develop the criteria the Board laid out for staff for the coming year. Mr. Ritter thanked Ms. Thurman for hosting the Board, Mr. Pond for coordinating the dinner and Mr. Stewart for being facilitator.
- Mr. Joyner was subpoenaed by the State of North Carolina to court and was unable to attend the Board Planning Session. The subpoena is part of the permanent record under Information. In light of Governor Purdue's new criteria for missing board meetings, Mr. Joyner requested the record reflect that someone else from the State of North Carolina wanted him in another place on that day.
- Mr. Ritter informed the Board that an individual has filed a federal lawsuit against the Board and 51 other parties. This Board has teamed with the Board of General Contractors to share the services of Denise Stanford and Carson Carmichael of Bailey & Dixon LLP to handle the suit. The attorneys are trying to get the suit dismissed. Updates will be provided as available. When asked, Mr. Ritter confirmed that board members are fully covered for legal counsel if they were to be included in a suit.
- Mr. Carpenter appealed the decision of the Board as to his motion to dismiss the case. After discussion, Mr. Pond made a motion to refer the entire Randy Carpenter case to the Office of Administrative Hearing. Mr. Haynes seconded the motion. A vote was taken and the motion was unanimously approved.
- Staff has proposed a solution regarding the matter discussed at the planning session based on some of the challenges. The Board decided to go back to the Board opening the investigation with the addition of an individual confirming the authorization. The Board used to authorize investigations via the board meeting, and then the Board went with David Evans filing a Complaint, both of which were challenged. After discussion, board members agreed the Board will authorize an investigation and the Executive Director will sign a document that the Board opened the case.
- A new logo for the board shirts was discussed at the Planning Session. Mr. Ritter brought for members to see the old board shirt and a mock up of a new shirt based on the ideas coming out of the Planning Session. He requested board members to let Lou Ann Buck know their preference.
- Final proposed statute language will be ready for board approval for the January board meeting for the long session this spring. A meeting will be set up with the Board and PENC (Professional Engineers of North Carolina) Board.

11. New Business - Executive Director

The Surveying Society has proposed partnering with the Board to hold an Ethics Seminar in the spring. The Society suggested they would handle getting the space, logistics, advertising and publicity and the Board would pay for a nationally renowned ethics speaker. Mr. Stewart suggested inviting a nationally renowned speaker to present an ethics seminar for PLSs and PEs and charging for the seminar. Licensees would receive PDHs. If this is not a joint venture for PLSs and PEs, the Board would offer to work with NCSS to assist in providing speakers without a charge. Ms. Kusan was given certain stipulations and will come back to the Board in January with a more detailed recommendation based upon the discussion.

12. Informational Items - Executive Director

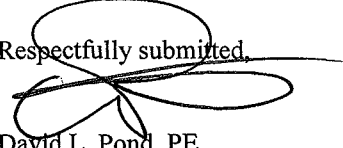
- Mr. Ritter presented a thank you email from the NC Department of Water Quality. They were told to come over and learn the Board's system. They spent 1/2 day observing how NCBELS conducts business. They were grateful and impressed with how the Board does business. Their challenge is little money to work with.
- Mr. Ritter stated an archive system is being developed to retrieve materials from the board meetings.
- Renewal notices went out the last day of November. Three thousand eight hundred renewed online the first three days.

Dr. Ratcliff thanked the Board for the opportunity to serve as Chairman. She stated progress has been made with statute changes and paperless board meetings. Dr. Ratcliff suggested talking with engineering deans to discuss B+30 in the coming year.

Mr. Thompson made a motion to adjourn. Mr. Tunstall seconded the motion. A vote was taken and the motion was unanimously approved.

*The Board formally adjourned on Wednesday, December 8, 2010 at 12:00 p.m. The Board is next scheduled to meet on Wednesday, February 23, 2011.*

Respectfully submitted,

  
David L. Pond, PE  
Secretary

Approved by the Board in Session

Date February 23, 2011