

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 16, 2013

Raleigh, North Carolina

Board Chair Gary Thompson called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:35 a.m. on Wednesday, January 16, 2013. Board members on the conference call were:

Board Members on Teleconference Call:

Gary W. Thompson, PLS, Chair  
Willy E. Stewart, PE, Vice Chair  
Richard M. Benton, PLS  
Carl M. Ellington, Jr., PE  
Nils W. Joyner, Jr., PLS  
David L. Pond, PE  
Linda A. Thurman, Public Member  
Elizabeth N. Willoughby, Public Member

Absent:

Teresa Helmlinger Ratcliff, PE, PhD, Secretary

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director  
David S. Tuttle, Board Counsel  
Shirley U. Ditt, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Mr. Thompson 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 – Executive Director

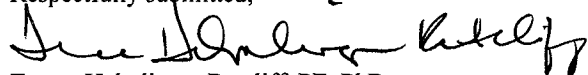
Mr. Ritter presented the Consent Agenda for approval. Mr. Stewart made a motion to approve the consent agenda. Ms. Willoughby seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC Recommendations; Firm Applications for 9 Professional Corporations, 14 Professional Limited Liability Companies, and 1 Business Firm; 1 Request for Company Name Changes and 4 d/b/a Requests; Minutes; and Requests for Retired Status.

Mr. Thompson welcomed Richard M. (Mike) Benton to the Board.

*The Board formally adjourned Wednesday, January 16, 2013 at 7:37 a.m. The Board is next scheduled to meet Wednesday, February 13, 2013.*

Respectfully submitted,



Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date February 13, 2013

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 13, 2013

Raleigh, North Carolina

Board Chair Gary Thompson gaveled the North Carolina Board of Examiners into session at 10:45 a.m. on Wednesday, February 13, 2013 to convene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Willy E. Stewart, PE, Vice Chair  
Teresa Helmlinger Ratcliff, PE, PhD, Secretary  
Richard M. Benton, PLS  
Carl M. Ellington, Jr., PE  
Nils W. Joyner, Jr., PLS  
David L. Pond, PE  
Linda A. Thurman, Public Member  
Elizabeth N. Willoughby, Public Member

Absent:

Chair Thompson expressed appreciation to Mr. Pond for his leadership as Chair in 2012 and presented him with a gift from the Board.

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Thompson 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 – Executive Director

Mr. Ritter stated the Consent Agenda was sent out February 11, 2013 for board members review and approval. Mr. Stewart made a motion to approve the consent agenda. Dr. Ratcliff seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; Firm Applications for 3 Professional Corporations, 8 Professional Limited Liability Companies and 1 Business Firm; 3 Name Change Requests and 2 Requests to Use Individual's Name in Company Title; Minutes; Review Committee Recommendations; and Requests for Retired Status.

3. Review Committee (Engineering – Stewart)  
Executive Director 2/5/2013

The Board considered the recommendations of the Review Committee – Engineering on seventeen (17) cases conducted on February 5, 2013 with Mr. Stewart. Messrs. Thompson, Pond and Ellington and Ms. Willoughby recused themselves from discussion and voting. Chair Thompson passed the gavel to Vice Chair Stewart. Mr. Joyner made a motion to accept the recommendations of the Review Committee and Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in one (1) reprimand and civil penalty of five hundred dollars (\$500); one (1) reprimand and civil penalty of one thousand five hundred dollars (\$1,500); three (3) reprimands and civil penalties of two thousand five hundred dollars (\$2,500); one (1) reprimand and civil penalty of three thousand five hundred dollars (\$3,500); one (1) reprimand and civil penalty of five thousand dollars (\$5,000); two (2) cease and desist letters; one (1) cease and desist letter and referral, one (1) cease and desist letter and conditions of licensure, one (1) continue investigation and five (5) closed cases. Vice Chair Stewart passed the gavel back to Chair Thompson.

Mr. Ritter welcomed Mr. Benton to the Board.

4. Committee Reports

Engineering Committee - Chair

- Mr. Ellington stated a company was advertising they were providing engineering services for fan equipment that they manufacture. The Company also designs and provides mounting brackets. The Committee determined that the company would need to be very clear on their web site that the owner, contractor or appropriate party would need to get a PE to make certain the brackets would be properly supported by the existing structure. This varies by jurisdiction. In addition, they will provide the loads that will need to serve as the basis for the other PE to determine if it is adequately supported. Once that is done, a letter of Non-objection can be given to the Secretary of State's Office so that the company is not deemed to be rendering professional services for which they would need to be licensed by this Board.
- The Committee considered applications for those sitting for the exam and comity applications with issues that the Executive Director brought to the Committee for review. The Engineering Committee decided they do not need to see the applications for which the experience requirement has not been met and the case is a "no brainer". Mr. Ritter stated this does not happen often on the surveying applications.

The Engineering Committee also decided if the Committee has approved an applicant to take the FE exam who reported a criminal record, the applicant does not have to come back to the Committee for a second approval when they apply for the PE exam unless something has changed. In the meeting, the Surveying Committee agreed to be consistent with surveying applications.

The Committee decided that if an engineering comity applicant has been disciplined in another jurisdiction, the Committee only wants to review the application if the violation resulted in a suspension, refusal to renew, refusal to reinstate, restriction on license or revocation. The applications are reviewed by the Surveying Committee as applicants have to take the test.

A discussion regarding references will be addressed in the future.

- Jeff Gray requested on behalf of the NC Landscape Architects that the Board modify the Stream Restoration Policy so that it does not exclude landscape architects from doing the type of work that this Board has said is engineering – hydrology and some other aspects. The Committee elected to make no revisions to the policy.

At the request of the Landscape Architects, a meeting will be scheduled to discuss if landscape architects can design parking lots, parking areas, sidewalks and other landscape features that will utilize impervious materials. This relates to DENR requirements.

Land Surveying Committee - Chair

- Mr. Joyner stated the committee reviewed the easement policy concerning existing easements and they have made revisions for Mr. Tuttle to make changes.
- The committee is looking forward to meeting with Charlie Brown, board liaison with the NC Department of Transportation, in March regarding maps and right of ways.
- The Committee discussed changing the procedure legislatively for computer based testing.
- The Committee welcomed Mike Benton to the Committee.

CPC Committee - Chair

Ms. Thurman stated there was no CPC activity.

5. NCEES Activities - Executive Director

- Mr. Ritter reminded board members they are responsible for travel and registration and staff will make hotel reservations for Wednesday through Sunday for the Southern Zone Meeting in Biloxi, Mississippi. Dr. Ratcliff and Messrs. Stewart and Ritter will be funded delegates.
- CBT (Computer based testing) is now twelve months away. NCEES has assumed the role to host webinars beginning in April. NCEES will be producing videos that can be placed on the board web site under a new NCEES section. Other CBT information and YouTube videos will also be available on the website.

The new business model will be between the universities and NCEES. The FE (Fundamentals of Engineering) and FS (Fundamentals of Surveying) candidates will no longer have to come to the NC Board to take the exam; they will go directly to NCEES. Both The SI (Surveying Intern) and EI (Engineering Intern) candidates will come to the Board only after they have passed their respective exams. In April the Board will contact everyone in the university system and community colleges with the new information about all the changes.

- Messrs. Thompson and Ritter and Dr. Ratcliff reported on the President's Assembly. Mr. Ritter stated much of the conversation was focused on CBT. Mr. Thompson said there was discussion about expanding the engineering awards for colleges. Also, the engineering task force set up to review engineering surveys in Model Law reported they will recommend that it stay in the Model Law with some wordsmithing to emphasize an engineer needs to be competent to do engineering surveys incidental to their project.

The Board authorized Dr. Ratcliff to attend the President's Assembly as she is running for Southern Zone Vice President. She is preparing a YouTube video to emphasize there are many things NCEES needs to keep and a lot of things need to be done differently.

- At this time Mr. Thompson is running unopposed for NCEES Treasurer.
- Mr. Ritter presented campaign information for Skip Harclerode II, PE from Maryland and David Widmer, PLS from Pennsylvania, both running for NCEES President and Glen W. Smith, PE, PLS from Oklahoma running for Southern Zone Assistant Vice President.
- Board members reported on the following NCEES committee meetings they recently attended.

Ms. Willoughby reported the UP&LG (Uniform Procedures and Legislative Guidelines) Committee worked on revisions to Model Law that they were charged with. There is ongoing discussion with the Law Enforcement Committee regarding conflicts on some of the revisions to clean up and streamline some of the language. Progress is being made.

Dr. Ratcliff said the CBT (Computer Based Testing) Committee is focused on getting the information needed and questions answered for the educators and people who will need it most. The surveyors are ready to get the PS –(Professional Land Surveyor) exam online. The Committee wants to get the benefit out of CBT by incorporating some real life experience with testing, i.e. BIM (building information modeling).

Mr. Thompson stated the EPP (Examination Policy and Procedures) Committee did fine tuning on a few exam development policies. The Agricultural and Biological Society asked to rename the agriculture exam to agricultural / biological exam. The EPP Committee has approved. If it is approved at the annual meeting, it will go into effect in 2015. The Committee also looked at establishing audit procedures for CBT exams.

Mr. Ritter stated his MBA meeting centered around CBT and how states will view foreign applicants regarding experience and references to be licensed for approximately 16 countries that are lined up to give the exam as soon as CBT comes on board.

- Mr. Ritter provided the board report for NCEES as of December 31, 2012 and the December 2012 NCEES Licensure Exchange in the board books.
- Mr. Ritter stated the Colonial States meeting will be at the North East Zone Meeting in Cape May, New Jersey. The Board usually sends one person. Mr. Thompson has requested to go. Chair Thompson passed the gavel to Vice Chair Stewart. Dr. Ratcliff made a motion to approve the expenditures for Mr. Thompson to attend the Colonial States meeting. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously passed. Mr. Stewart passed the gavel back to Chair Thompson.

#### 6. Board Secretary Report - Executive Director and Board Secretary

As a refresher and for the benefit of newer board members, Dr. Ratcliff explained some of the basics of the budget and revenue stream. The Board is on track by receiving 70% of revenue for the first eight weeks of the fiscal year.

This year 85% of licensees renewed online. This was the first year licensees could opt out of receiving a paper renewal and renew online only. Only 15% chose to opt out. The Board is hoping the number opting out will increase significantly with time as that will save significant printing and mailing expenses.

The board programmer is working on online renewals for firms. Many parameters have to be in place to comply with all the laws affecting the different legal entities. Mr. Mazanek would like to roll out online renewals for 2013; however, the window of time to be ready is quickly approaching. The worst case scenario would be next year for firm online renewals.

Mr. Ritter stated he would meet with the contractor the following week regarding moving forward with the wireless communication project in the two conference rooms. Work will take eight to ten weeks once the agreement has been signed.

7. Violations Activity - Assistant Executive Director

- Mr. Evans stated that Audrey Thomas, who has been working for the Board 29 years, is retiring the end of February. She provides all the support to Mr. Evans and the investigators. Her duties are being split among 8 staff members.
- Fourteen (14) new cases have been opened this fiscal year. Investigators have twenty-four (24) cases in hand; sixty-nine (69) cases are on the open sheet. Twelve (12) cases have been closed this fiscal year. Twenty-nine (29) cases have been taken to the review committee. Mark Mazanek has worked with twenty-four (24) companies on an informal basis.

8. Applications

Special Agenda Items for Board Approval

**LKC Engineering, PLLC (P-1095)** requests direction from the Board as to whether they can continue using the current company logo or if all items bearing the current logo need to be changed. The firm name contains the first initial of each principle, however, subsequent to licensing, the firm created a logo that reflects the last names of each principle below the LKC Engineering, PLLC name. One of the principles of this firm is not licensed (Mr. Carpenter) and therefore use of his name in the firm title does not meet the intent of Board Rule .0902. The firm has taken steps to change the logo on items that do not require significant expense but are requesting the Board to provide direction if they can continue to use the logo as it is or if it needs to be changed to not reflect the names of the principles.

Liz Willoughby recused herself from discussion and voting on this matter. After discussion, Mr. Pond made a motion to deny the request to continue using the logo as it is and to give the company 60 days to become compliant. Dr. Ratcliff seconded the motion. There was discussion and a call for questions. There were no further questions; a vote was taken. Messrs. Pond, Ellington and Benton, Dr. Ratcliff and Ms. Thurman voted in favor of the motion. Messrs. Stewart and Joyner opposed the motion. Ms. Willoughby was recused and did not vote. The motion passed to deny the request and the company was given 60 days to become compliant.

Dr. Ratcliff made a motion that the Board reconsider and change the Board Rules as they relate to using initials in a name; all the initials have to be for someone who is licensed, regardless if the names are mentioned underneath. Ms. Thurman seconded the motion. Ms. Willoughby read a portion of Board Rule 21 NCAC 56.0902 (a) which includes, "shall not contain the name of an individual not licensed to provide the professional services offered or eligible for licensure under the provisions of G.S. 89C-13". Mr. Tuttle stated an interpretation of how the Rule should be interpreted and applied is needed by staff rather than a rule change. Dr. Ratcliff and Ms. Thurman rescinded their motions.

Dr. Ratcliff moved to deny LKC Engineering, PLLC altogether because using "C" implies that Mr. Carpenter is licensed and is misleading. (LKC Engineering, PLLC (without the three individual names) was approved in a previous meeting.) There was no second to the motion. The motion failed.

Mr. Joyner made a motion to take as direction from the Board from this point forward, that anytime there is an abbreviation or acronym the staff should review the names of the individuals against the requirements of

licensure in the board Rules. Mr. Stewart seconded the motion. A vote was taken and the motion was approved unanimously.

*Meeting recessed at 12:20 for lunch. Meeting gaveled back in at 12:55 p.m.*

9. Statute and Rules - Executive Director

PART 1: Mr. Ritter presented three bills that have been introduced to the General Assembly. He stated there has been no movement since they were introduced; however, they need to be watched. If they pass and go into law, each of the three would affect this Board immediately. They are as follows:

- A. S. B. 32 to be entitled, AN ACT TO PROVIDE FOR THE PERIODIC REVIEW AND EXPIRATION OF RULES. All Rules would have to be brought back to Rules Review Commission to be readopted with a timetable given in the bill. If this Bill passes, all board Rules would have to be reviewed, justified and readopted by the fall of December 31, 2018.
- B. S. B. 36 to be entitled, AN ACT TO MAKE CERTAIN TECHNICAL CLARIFYING AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE. This is more housekeeping. It would change the way the Board renews and repeals the Rules.
- C. S.B. 37 to be entitled, AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION DIVISION TO STUDY THE STRUCTURE, ORGANIZATION, AND OPERATION OF THE VARIOUS INDEPENDENT OCCUPATIONAL LICENSING BOARDS AND TO CONSIDER THE FEASIBILITY OF CREATING A SINGLE STATE AGENCY TO OVERSEE THE ADMINISTRATION OF THE BOARDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE. This model would:
  1. Establish a single state agency to oversee the administration of all occupational licensing board;
  2. Evaluate whether greater efficiency and cost-effectiveness can be realized by combining the administrative functions of the boards, while allowing the board to continue performing the regulatory functions;
  3. Evaluate whether the total number of boards should be reduced by combining and/or eliminating some boards.

After discussion, board members agreed that Mr. Thompson would appoint a small committee to work with Mr. Ritter regarding strategy and creation of a one page fact sheet, identifying the three engineers in the Legislature and developing "what if" scenarios.

PART 2: Pertains to legislation changes to G.S. 89C that the Board would like to run and is required to run. Legislation will need to be split.

- A. CBT changes have to be made. A marked copy of G.S. 89C-13 and 15 was given to board members showing the draft technical changes required. Mr. Pond made a motion to proceed with proposed changes. Ms. Willoughby seconded the motion. After discussion, Mr. Pond amended his motion adding to give leeway to make minor changes that are not controversial. Ms. Willoughby accepted the amendment to the motion. A vote was taken. The Board voted unanimously to approve the motion as amended. Based on several recommendations, Mr. Ritter recommended that Representative Rick Catlin be the bill sponsor. Betsy Bailey and David Pond have approached him about running the technical changes and Ms. Bailey is setting up a meeting with Representative Catlin.
- B. Mr. Thompson gave board members the proposed draft revisions to G.S. 89C-13 for GIS legislation for review. The language was modeled from the photogrammetry statute that was run in 1999, saying that those already doing GIS would be grandfathered. The Board will vote on the language at the March meeting. Board members decided to seek Representative Catlin's advice how to proceed. The Board would have his feedback by the March meeting.
- C. A third bill could include any or all of the following: (1) obtain jurisdictional authority over unlicensed practice, (2) increase the civil penalty on Professional Land Surveyors to \$5,000, (3) charge renewal fee for sponsors, (4) remove 20 year waiver from the statute. After discussion, the Board prioritized the issues as follows: first, obtain jurisdictional authority over unlicensed

practice; second, increase civil penalty up to \$5,000 Professional Land Surveyors and drop number 3 and 4 mentioned above.

Board members agreed that writing a white paper would be beneficial to show what is broken and what the Board is trying to fix. They also agreed it would be best to approach Representative Catlin as to his thoughts on each of these matters and what he would be willing to sponsor. In addition, the consolidation of boards could be addressed with him at this time. Mr. Thompson will appoint a special committee and task them with creating the white papers with support from the staff for the March meeting.

10. Old Business - Executive Director

- Mr. Ritter presented a spread sheet itemizing the \$42,000 of civil penalties that was sent to the State of North Carolina to be routed to the education fund in the county in which the violation took place.
- Mr. Ritter presented a clean ethics statement for Mike Benton.
- Ben O'Neal with NC State University furnished the pass records of 86% for the fall exam at NC State.
- Linda Thurman did a great job with the Charlotte Certificate ceremony. Sixteen licensees and 50 guests attended.
- There was an excellent turnout for the Raleigh Certificate Ceremony. Board Member Willy Stewart was a dynamic speaker.

11. New Business - Executive Director

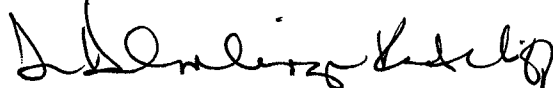
- Mr. Ritter presented an invitation to the NCSS Conference in New Bern on February 21-23, 2013. Mr. Thompson is attending as the funded attendee. Mr. Ritter will be the lunchtime speaker on Thursday.
- Mr. Ritter presented a request from a gentleman who was reprimanded in 1992 for an engineering violation, retired in 2007 and returned to active status in 2008. His request for the Board is that his disciplinary action be removed from the website. Mr. Pond made a motion to deny the request. Ms. Willoughby seconded the motion to deny the request. The Board voted and the motion unanimously passed to deny the request.

12. Informational Items - Executive Director

- Mr. Thompson asked for any volunteers for the special committee.

*The Board adjourned at 2:15 p.m. The Board is next scheduled to meet on Wednesday, March 13, 2013.*

Respectfully submitted,



Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date March 13, 2013

# NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 13, 2013

Raleigh, North Carolina

Board Chair Gary Thompson gaveled the North Carolina Board of Examiners into session at 11:20 a.m. on Wednesday, March 13, 2013 to convene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Willy E. Stewart, PE, Vice Chair  
Teresa Helmlinger Ratcliff, PE, PhD, Secretary  
Richard M. Benton, PLS  
Carl M. Ellington, Jr., PE  
Nils W. Joyner, Jr., PLS  
David L. Pond, PE  
Linda A. Thurman, Public Member

Absent:

Elizabeth N. Willoughby, Public Member

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Thompson 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 – Executive Director

Dr. Ratcliff made a motion to approve the consent agenda as presented. Mr. Benton seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; Firm Applications for 9 Professional Corporations, 17 Professional Limited Liability Companies, 2 Business Firms and 1 Chapter 87 Corporation; 5 Name Change Requests and 4 d/b/a Requests; Minutes; Settlement Conference Committee Recommendations; and Requests for Retired Status.

3. Committee Reports

Engineering Committee – Chair

- Mr. Ellington stated the Committee discussed applicants with a criminal record. He stated that the Surveying Committee needs to discuss this also after which there can be a full board discussion. Mr. Tuttle discussed possible legislation pending for ways this might be handled.
- The Committee concluded that they would take no exception to the recommendation to the suggested changes to the Draft Application to Construction Permit and Draft Minimum Design Criteria for NPDES Wastewater Treatment Facilities. This is an express permit concept limited to waste water treatment plants with spot checking at the end. If design concepts are not met, the licensee can be brought to the Board. Mr. Tuttle will ask DENR (NC Department of Environmental and Natural Resources) if this involves surface runoff.
- Regarding the request for guidance regarding public trust lands, the State Property Office needs to communicate with the professional societies, League of Municipalities and power companies.

Land Surveying Committee - Chair

- Charlie Brown, Board Liaison with the NC Department of Transportation provided a document for the committee's review that shows coordinates of key points, i.e. control points and right of way information. The Committee confirmed this is suitable for the Board and would provide a great service to the public and surveyors. Mr. Brown will approach his staff and the Highway Administrator for their feedback and will get back with the Committee.



Mr. Brown stated he did not have funding to make old right of way maps accessible on the website. The Committee will explore possible funding including NCSS (North Carolina Society of Surveyors).

- Mr. Joyner made a motion to approve the Easement Policy for Existing Easements that gives guidance on reflecting existing easements on new surveys. The Board voted and the motion was unanimously approved.

CPC Committee - Chair

- Ms. Thurman stated that a sponsor audit found that what a sponsor promised was not being delivered. The number of hours that the sponsor granted for PDHs was not what was taking place in the course. Ms. Thurman made a motion to revoke the CPC sponsor's license. Messrs. Pond and Joyner recused themselves from discussion and voting. The Board voted and the motion was unanimously approved to revoke the sponsor's license.

4. NCEES Activities - Executive Director

- Mr. Ritter stated the announcement has gone out, a video is on YouTube and a trifold brochure will be ready for the Dr. Ratcliff's candidacy for Vice President at the Southern Zone. Daniel Turner from Alabama is running against her.
- Chair Thompson will be pursuing the endorsement of the Southern Zone in his pursuit of the NCEES Treasurer.

5. Review Committee – Executive Director

(Engineering – Stewart - 3/6/2013)

The Board considered the recommendation of the Review Committee – Engineering on one (1) case conducted on March 6, 2013 with Mr. Stewart. Messrs. Thompson, Pond and Ellington recused themselves from discussion and voting. Chair Thompson passed the gavel to Vice Chair. Dr. Ratcliff made a motion to accept the recommendation of the Review Committee and Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in one (1) closed case.

6. Settlement Conference – Executive Director

(Engineering - Ellington, Thurman – 2/28/2013)

The Board considered the recommendation of the Settlement Conference Committee – Engineering on one case conducted on February 28, 2013 with Mr. Ellington and Ms. Thurman. Mr. Thompson recused himself from voting and discussion and Vice Chair Stewart kept the gavel. Dr. Ratcliff made a motion to accept the recommendation of the Review Committee and Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference recommendation resulted in one (1) closed case. Vice Chair Stewart passed the gavel back to Chair Thompson.

7. Board Secretary Report - Executive Director and Board Secretary

- Dr. Ratcliff reported the finances are on track with the budget. She praised Mr. Ritter for his fiscal responsibility.

8. Violations Activity - Assistant Executive Director

- Mr. Evans stated that 26 new cases have been opened. At the end of the first quarter 4% were against non-licensees. Sixty-five (65) cases are on the open sheet, twenty (20) of which are in the investigators' hands; seven (7) cases were open in the fiscal year 2012. Twelve (12) cases have been opened since the last board meeting. Twenty-eight (28) cases were closed. Thirty (30) cases have been taken to the review committee this year.

9. Applications

## Special Agenda Items for Board Approval

### 1. Kisinger Campo & Associates, Corp. (C-1506) History

Firm is currently licensed with the Board to provide engineering. The name of Mr. Kisinger was allowed to be used in the title of the firm when it initially applied in 1996 because it met the intent of the Board Rule that states "A firm may include in its title the name or names of one or more deceased or retired former members of the firm, provided that the firm submits a letter of request and explanation with its application to the Board, and that the Board finds as fact that the use of the name is not misleading." Mr. Kisinger has been deceased since 1981 but was part of this company so the name was permitted per the Board Rule.

#### Request

The firm currently licensed is no longer going to be able to meet the licensing requirements of N.C.G.S. 55B (Professional Corporation Act) and wishes to form a new Professional Limited Liability Company using the name **KCA Engineering, PLLC**. Per instructions from the Board at the last meeting, this firm name contains the initial of Mr. Kisinger who has never been part of this new proposed PLLC.

**Firm is requesting an exception to the Board Rule and believes the use of the initial would not be misleading (Letter in board books):**

Dr. Ratcliff made a motion to deny the request. Mr. Stewart seconded the motion. A vote was taken and the motion to deny the request was unanimously passed.

2. **Facilities Engineering Associates, PC (CT Entity)** is requesting to obtain licensure with the Board. Currently, we have an entity licensed with the name Facility Engineering Associates, PC (VA entity). The only difference in the names is one is the plural of Facility and one is singular. See letter of request for more.

Mr. Pond made a motion to deny the request. Mr. Stewart seconded the motion. A vote was taken and the motion to deny was unanimously passed. Five name alternatives were offered by the company. Board members agreed alternatives 2-5 were ok. Board members did not approve no. 1 – adding "of North Carolina" to the name.

After discussion board members agreed if there is no substantive change other than adding "of North Carolina" to the name of the company, the name would not be acceptable to this Board. The Board added clarification by saying any two firm names of two separate companies that the public can perceive as being the same company should be brought to the Board for review.

### 9. Old Business - Executive Director

- Messrs. Ritter, Thompson and Benton attended the NCSS Conference in New Bern. Mr. Ritter discussed CBT in his luncheon presentation on the opening day.

Mr. Thompson, as the funded delegate to the NCSS Conference, reported line weights were discussed at the workshop. After his report regarding legislation for GIS professionals, NCSS gave their support if the Board moves forward with legislation.

### 10. New Business - Executive Director

- Mr. Ritter reminded board members to get their Statements of Economic Interest into the Ethics Commission by April 15, 2013.
- The May board meeting will be one day on Wednesday, May 8. There will be an Exam Writing Workshop on April 11, 2013 from 1-5 at the board office.
- Mr. Ritter and Betsy Bailey met with Representative Arp who is a PE and recommended by Representative Catlin to run the proposed board legislation. Mr. Ritter submitted draft language for CBT legislation that is not ready for introduction. Dr. Ratcliff requested that an engineer review the language. Representatives Catlin, Millis and Hager have signed on as co-sponsors for the CBT legislation
- After discussion, Mr. Pond made a motion to incorporate in the upcoming statute changes for GS 89C language from Model Law that would require applicants applying for PE license to have three

PE references (2 presently) of the five references and those applying for PLS license would be required to have three PLS references (2 presently) of the five references. Dr Ratcliff seconded the motion. The Board voted and the motion was unanimously approved.

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

- Mr. Thompson stated GIS professionals are clearly practicing surveying. Mr. Thompson made a motion that the GIS Task Force recommend that legislation be introduced that GIS professionals be grandfathered that are practicing in the definition of surveying. A vote was taken and the motion was approved unanimously. Mr. Thompson requested the statute language be posted to Backpack and requested that all board members review the language.

12. Informational Items - Executive Director

- Mr. Thompson stated that National Surveyors' week would be March 17-23.
- The retirement party for Audrey Thomas was held on February 27, 2013 honoring her for 29 years of service.

*Mr. Stewart made a motion to adjourn. Dr. Ratcliff seconded the motion. The Board adjourned at 1:40 p.m. The Board is next scheduled to meet on Wednesday, May 8, 2013.*

Respectfully submitted,



Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date April 10, 2013

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

April 10, 2013

Raleigh, North Carolina

Board Chair Gary Thompson called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, April 10, 2013. Board members on the conference call were:

Board Members on Teleconference Call:

Gary W. Thompson, PLS, Chair  
Willy E. Stewart, PE, Vice Chair  
Richard M. Benton, PLS  
Carl M. Ellington, Jr., PE  
Nils W. Joyner, Jr., PLS  
David L. Pond, PE  
Teresa Helmlinger Ratcliff, PE, PhD, Secretary  
Linda A. Thurman, Public Member  
Elizabeth N. Willoughby, Public Member

Absent:

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director  
Shirley U. Ditt, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Mr. Thompson 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.

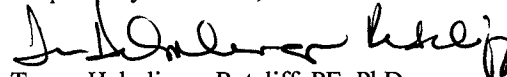
2. Consent Agenda – Executive Director

Mr. Ritter presented the Consent Agenda for approval. Dr. Ratcliff made a motion to approve the consent agenda. Mr. Stewart seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: a Board Authorized Case Opening; Comity Applications; a CPC Recommendation; Firm Applications for 13 Professional Corporations, 16 Professional Limited Liability Companies, and 2 Chapter 87 Corporations; 1 Request to be Resident for Multiple Companies and 3 Requests to Use Individual's Name in Company Title; Minutes; and Requests for Retired Status and a Review Committee.

*Dr. Ratcliff made a motion to adjourn. The Board formally adjourned Wednesday, April 10, 2013 at 7:35 a.m. The Board is next scheduled to meet Wednesday, May 8.*

Respectfully submitted,



Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date May 8, 2013

April 10, 2013

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

May 8, 2013

Raleigh, North Carolina

Board Chair Gary Thompson gaveled the North Carolina Board of Examiners into session at 11:40 a.m. on Wednesday, May 8, 2013 to convene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Willy E. Stewart, PE, Vice Chair  
Teresa Helmlinger Ratcliff, PE, PhD, Secretary  
Richard M. Benton, PLS  
Carl M. Ellington, Jr., PE  
Nils W. Joyner, Jr., PLS  
David L. Pond, PE  
Linda A. Thurman, Public Member  
Elizabeth N. Willoughby, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Thompson 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 – Executive Director

Mr. Benton made a motion to approve the consent agenda as presented. Dr. Ratcliff seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: an Administrative Review of Engineering Applications Policy, Board Authorized Case Openings; Comity Applications; CPC Sponsor Applications, Firm Applications for 6 Professional Corporations, 15 Professional Limited Liability Companies, 1 Business Firm and 1 Chapter 87 Corporation; 1 Name Change Requests and 1 Request to Use Individual's Name in Company Title; Minutes; and Review Committee Recommendations.

3. Review Committee – Executive Director

(Engineering – Ellington 4/16/2013)

The Board considered the recommendation of the Review Committee – Engineering on twenty-one (21) cases conducted on April 16, 2013 with Mr. Ellington. Ms. Willoughby recused herself from voting and discussion. Mr. Pond made a motion to accept the recommendation of the Review Committee and Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously resulting in sixteen (16) closed cases, one (1) continued investigation, one (1) cease and desist letter, one (1) refusal to renew or suspension if renewed and two (2) reprimands and ethics courses.

(Engineering – Pond 4/29/2013)

The Board considered the recommendation of the Review Committee – Engineering on one (1) case conducted on April 29, 2013 with Mr. Pond. Dr. Ratcliff recused herself from voting and discussion. Ms. Willoughby made a motion to accept the recommendation of the Review Committee and Ms. Thurman seconded the motion. A vote was taken and the motion was approved unanimously resulting in one (1) reprimand, civil penalty of \$5,000 and restriction of practice.

4. Committee Reports

Engineering Committee – Chair

- Mr. Ellington stated the Committee reviewed a request from the Department of Insurance for a response regarding one engineer preparing the design and another engineer certifying that it was constructed per plans and specs. Mr. Tuttle stated the board rules provide for this and must be followed in this situation. Mr. Ellington stated the answer should cover this matter very clearly and nothing else.
- Mr. Stewart presented a physicist's request for the board's review regarding the timing of traffic lights. In this gentleman's opinion and other experts who have reviewed, the formulas being used by traffic engineers are incorrect; thus many red light cameras are triggering violations that are creating a windfall for communities because of incorrectly designed traffic lights. This gentleman lost a case in the Town of Cary but made a compelling case. The Committee requested Mr. Evans obtain information (from trial, depositions, phone calls etc.) so a preliminary evaluation of the case can be done after which the Committee will decide whether to launch a full investigation.
- Mr. Pond stated Mitch Gillespie, Assistant Secretary of DENR (N. C. Department of Environment and Natural Resources) has directed all regulatory agencies in DENR to develop fast track permitting procedures. The Wastewater Section for design of wastewater treatment plants requested input from the Board; the Committee saw nothing in the fast track permitting that caused concern.

The Legislature is setting a date in 2014 by which fast tracking permitting must be done for all of DENR. In anticipation of the new process, Mr. Pond recommended setting up a meeting with DENR & DOT (N. C. Department of Transportation) after the Legislature goes home regarding the board violations process and how these agencies bring complaints to the Board.

#### Land Surveying Committee - Chair

- Mr. Joyner stated Tom Morgan with the Secretary of State's Office offered insight regarding proposed rule changes particularly regarding, horizontal and vertical plat accuracy requirements for topos and GIS. Based upon Mr. Morgan's comments, the Committee is looking at several other changes that would involve rule changes. Consideration of a change regarding the control corners for subdivisions would have to be a statute change.

#### CPC Committee - Chair

- Ms. Thurman stated all CPC items were on the consent agenda.

#### Electronic Seal Task Force

- Mr. Thompson stated he and Mr. Stewart met with the NC Board of Architecture a couple of months ago. Since that time the Board of Architecture has met and accepted the "Pilot Program Proposal for use of Design Professional seals in BIM-IPD projects", a joint proposal by Carolinas Healthcare System and Mecklenburg County Code Enforcement" for use in Mecklenburg County to test the entire process in two pilot programs. This process will take about three years and will need to be monitored. The Board accepted the Proposal as consistent with the intent of the Board Rules and that Mr. Stewart will be board liaison for this process. This will highlight where board rules may need to be tweaked.

Messrs. Thompson and Stewart will meet with Mr. Pond's staff to look at some of the issues and possible recommendations regarding transmitting 2-D work. After additional discussion, board members decided that the Task Force should create a list of the forms of communication that are happening today and how to address each of them. As task force members progress with their work, it can be determined if this is the way to go about the project and possible rules changes.

#### 5. NCEES Activities - Executive Director

- Mr. Ritter stated the Ohio Board is seeking comment on a proposed change to the NCEES Bylaws as follows: "Voting shall be by member board. Member boards that regulate one profession, either engineering or surveying, shall be entitled to one vote. Member boards that regulate both the professions of engineering and surveying shall be entitled to two votes". Final language for the proposal should be available at the July meeting.
- Dr. Daniel Turner resigned his position as Southern Zone Secretary-Treasurer. The Southern Zone Nominations Committee is seeking nominations for a one-year term. Dr. Ratcliff is giving this position consideration. Board members wanted to proceed with her nomination in case she decides to run. Mr. Pond made a motion to nominate Dr. Ratcliff for Southern Zone Secretary-

Treasurer. Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously. Dr. Ratcliff will let board members know of her decision.

- The Northeast Zone Election had a tie for President-elect for NCEES. They elected not to break the tie. A floor vote will take place at the Annual Meeting between Howard C. (Skip) Harclerode II, PE from Maryland and David Widmer, PLS from Pennsylvania.
- Messrs. Benton, Ritter and Thompson (as Committee Chair) will be funded for the Annual Meeting in August
- Mr. Ritter presented a list from NCEES of Emeritus Members. Ms. Willoughby made a motion to make J. Glenn Haynes an Emeritus Member of the Board. Mr. Joyner seconded the motion. A vote was taken and the motion was unanimously approved.
- As there was a change in the schedule of the Annual Meeting for Colonial States, Mr. Thompson was unable to attend. He sent a report.

6. Board Secretary Report - Executive Director and Board Secretary

- Dr. Ratcliff reported that as of March, the Board's financials are on target as expected. The auditors were in the board office for four days of review. A report from the auditors will follow within the next couple of weeks which will be reported back to the Board.

7. Violations Activity - Assistant Executive Director

- Mr. Evans stated thirty-nine (39) cases have been opened this fiscal year. Seventy-two (72) cases are on the open sheet; only sixteen (16) cases are in the investigators' hands. Thirteen (13) cases have been opened since the last board meeting. Thirteen (13) percent of the cases have been opened against non-licensees. The ten year average has been about 25%. Mark Mazanek has worked with 36 companies on an informal basis before they became disciplinary cases. Thirty-four (34) cases have been closed this fiscal year. Fifty-nine cases have been taken to the review committee this fiscal year. David Tuttle has done numerous presentations including NC Mappers Programs throughout the state.

8. Applications

Special Agenda Items for Board Approval

1. DePaul Engineering, Inc.

The firm requests licensure with the Board. The name of the firm, "DePaul" comes from a combination of Dwight S. Kurtz, PE who is currently the sole member of the firm and Paul Gurley, PE who was a former member of the firm but left the firm 10 years ago.

NAME ORIGIN: DePaul is a combination of Dwight + Paul

Firm is requesting the Board Rule to allow the use of the firm name and believes the use of the name would not be misleading.

Mr. Stewart made a motion to approve the use of the name "DePaul Engineering, Inc." Mr. Benton seconded the motion. After discussion, the Board voted unanimously to approve the motion.

9. Old Business - Executive Director

- Mr. Ritter stated the minutes coming out of the March meeting refer to the reference requirement. Upon review of the motion and the tape, the motion did not reflect what was said coming out of the committee meeting. Mr. Ritter spoke with Mr. Pond who led the discussion and Mr. Pond stated the statute language that was proposed did not reflect the intent of the committee. The proposed statute was corrected. To correct the record, Mr. Pond reintroduced the motion coming out of the Engineering Committee Report "to change the language in the board proposed statute revision to read: shall submit five references acceptable to the board with his or her application for licensure, three of which references shall be Professional Engineers or Professional Surveyors *or*

*other references deemed acceptable". Ms. Thurman seconded the motion. A vote was taken. The motion was passed unanimously.*

*The meeting recessed at 12:00 pm for lunch. The meeting gaveled back in at 12:35 pm*

- Mr. Ritter was notified that Senate Bill 612 was being rewritten regulating government agencies, more specifically DENR. Provisions for DENR Fast-Track Permitting and Approval are in the bill. As board statute, GS. 89C – Public Works Exemption was being opened up as part of this bill, the Board was asked for input. The bill expanded beyond DENR to say any government entity that is reviewing any plans of any kind has to be reviewed by a PE or engineering intern under the responsible charge of a PE for plans that are submitted by a Professional Engineer. Suggestions for revisions are required to be signed and sealed by the PE doing the review. The Bill passed in the Senate and has passed first reading in the House of Representatives. After discussion, Mr. Ritter stated he will keep board members updated.
- The Board bill passed the House of Representative, has been stalled two to three weeks and will go before the Senate Commerce Committee tomorrow, May 9. Mr. Ritter will update board members after that meeting.
- The Senate unanimously passed the Boards and Commissions Bill. The House of Representatives unanimously voted against the bill. The bill is now dead.
- Mr. Ritter presented board members with the North Carolina Court of Appeals case in the matter of Suttles Surveying, P.A. and Kenneth D. Suttles, PLS and the Board. The Board won the appeal with very strong language in the Board's favor. The case cannot be appealed by right to the Supreme Court; however, Suttles has 35 days to file a Petition for Discretionary Review.
- Board members should reserve two days for the September meeting, one of which will be for a hearing that will not take place in July as previously mentioned.
- Mr. Ellington as Chair of the Engineering Committee will be funded by the Board to attend the PENC and ACEC meetings. Mr. Ritter requested Mr. Ellington notify him if he is unable to attend so another board member can take his place. Mr. Stewart has been asked to participate on a panel of past Presidents for ACEC (American Council of Engineering Companies).

10. New Business - Executive Director

- Mr. Ritter asked board members if any changes need to be made to 21 NCAC 56.0503(i) as a result of CBT (Computer based testing) concerning the requirement that a person who has three failures or excused absences has to wait twelve months to take the FE (Fundamentals of Engineering Exam) or SI (Surveying Intern Exam). Board members decided to leave as is and evaluate after CBT is implemented.

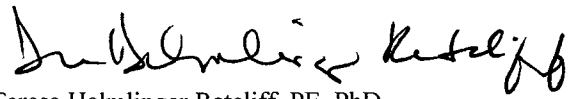
11. Informational Items - Executive Director

- Mr. Benton mentioned Virginia just had legislation trying to resolve county boundaries. The estimate to do surveying work was \$200,000 so it was decided to use GIS to determine the boundary. The Virginia Association of Surveyors had no knowledge until legislation was in process. The Governor has power to make some modifications and made some changes; however, it is still an issue. Mr. Benton expressed concerns that GIS was used and that nothing like this happens in North Carolina. Mr. Pond stated the Board does not lobby; it is important that the professional societies are aware of this as they monitor legislation and do the lobbying in North Carolina.
- Ms. Thurman stated as of March 4, 2013 the Fracking Bill (Senate Bill 76) is in the House of Representatives and was referred to the Committee on Commerce and Job Development. There is much opposition in the House and several people that wanted to set up shop in NC have moved on. Mr. Pond will try to get an update.

*Dr. Ratcliff made a motion to adjourn. The Board adjourned at 1:50 p.m. The Board is next scheduled to meet on Wednesday, July 10, 2013.*



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Teresa Helmlinger Ratcliff". The signature is fluid and cursive, with the first name "Teresa" being the most prominent.

Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date June 12, 2013

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 12, 2013

Raleigh, North Carolina

Board Chair Gary Thompson called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, June 12, 2013. Board members on the conference call were:

Board Members on Teleconference Call:

Gary W. Thompson, PLS, Chair  
Willy E. Stewart, PE, Vice Chair  
Richard M. Benton, PLS  
Nils W. Joyner, Jr., PLS  
David L. Pond, PE  
Teresa Helmlinger Ratcliff, PE, PhD, Secretary  
Linda A. Thurman, Public Member  
Elizabeth N. Willoughby, Public Member

Absent:

Carl M. Ellington, Jr., PE

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director  
David S. Tuttle, Board Counsel  
Shirley U. Ditt, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Mr. Thompson 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 – Executive Director

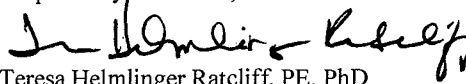
Mr. Ritter presented the Consent Agenda for approval. Dr. Ratcliff made a motion to approve the consent agenda. Ms. Thurman seconded the motion. The Board voted and the consent agenda was unanimously approved.

The Consent Agenda included: Board Authorized Case Openings; Comity Applications; Firm Applications for 13 Professional Corporations and 14 Professional Limited Liability Companies and; 4 Name Change Requests and 3 d/b/a Requests; Minutes; Requests for Retired Status; and Settlement Conferences.

Mr. Ritter stated that that an appeal based on an alleged constitutional question and request for discretionary review by the NC Supreme Court was filed for the Suttles case.

*Mr. Thompson made a motion to adjourn. Mr. Stewart seconded the motion. The Board formally adjourned Wednesday, June 12, 2013 at 7:34 a.m. The Board is next scheduled to meet Wednesday, July 10, 2013.*

Respectfully submitted,

  
Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date July 10, 2013

# NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 10, 2013

Raleigh, North Carolina

Board Chair Gary Thompson gaveled the North Carolina Board of Examiners into session at 10:10 a.m. on Wednesday, July 10, 2013 to convene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Willy E. Stewart, PE, Vice Chair  
Teresa Helmlinger Ratcliff, PE, PhD, Secretary  
Richard M. Benton, PLS  
Carl M. Ellington, Jr., PE  
Nils W. Joyner, Jr., PLS  
David L. Pond, PE  
Elizabeth N. Willoughby, Public Member

Absent:

Linda A. Thurman, Public Member

Mr. Ritter introduced Representative Dean Arp, PE from Union County who sponsored the recent board legislation. Mr. Ritter thanked Representative Arp for his efforts. Board members introduced themselves to Representative Arp and expressed their appreciation for his hard work. Representative Arp spoke briefly about the legislative process.

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Thompson 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 – Executive Director

Mr. Stewart made a motion to approve the consent agenda as presented. Ms. Willoughby seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: a Board Authorized Case Opening; Comity Applications; a CPC Sponsor Application, Firm Applications for 5 Professional Corporations, 7 Professional Limited Liability Companies, and 1 Business Firm; 5 Company Name Change Requests; 1 Request to be Resident for Multiple Companies; 3 Requests to Use Individual's Name in Company Title, and 1 Summary of d/b/a Request; Minutes; and Review Committee Recommendations.

3. Settlement Conference (Engineering Stewart - Thurman)  
Executive Director 5/21/2013

As Chair Thompson was recused on this case, he passed the gavel to Vice Chair Stewart. With board member recusals and the absence of Ms. Thurman, there was not a quorum of the Board remaining to vote. Vice Chair Stewart passed the gavel back to Chair Thompson as this case will be saved for approval at the September board meeting.

4. Committee Reports

Engineering Committee – Chair

- Mr. Ellington stated the committee is reviewing the Elevated Recreational Facilities Policy as a result of a happening at the Charlotte Motor Speedway. The committee requested staff obtain additional information and report back to the committee.
- The Committee reviewed a question from staff, whereby one contractor designed a fire sprinkler system and asked if another contractor could build the system. Staff's interpretation of the statute was that could not happen. The committee concurred with that interpretation of staff and requested staff to write a response letter.

- Dan Dawson who works for W. K. Dickson asked questions regarding wireless communication. The Committee had insufficient information to respond. Mr. Pond offered to talk with Mr. Dawson and bring back additional information to the committee.
- Timing has not allowed Messrs. Pond and Ritter to meet with DOT (Department of Transportation or DENR (NC Department of Environmental and Natural Resources). Members of the Board will be invited when the meetings are scheduled.
- The Engineering Committee discussed and determined at this time there is no action the Board will take on the Bryan Ceccarelli request regarding the timing of yellow traffic lights. The Committee requested that staff write a response letter to Mr. Ceccarelli.

#### Land Surveying Committee - Chair

- Mr. Joyner stated the GIS grandfathering legislation passed (changes to GS 89C). The Committee worked on a checklist regarding what to look for on the GIS applications that will be forthcoming. The applicants have until July 1, 2014 to get their applications in to be grandfathered.
- Questions regarding copyright and limitation of use statements on maps were addressed as to how it has been viewed in the past by the Committee. The Committee did not approve of statements on the maps that restrict use for the reasonable and expected uses of the maps and noted that in some cases the maps are public information.
- The Committee discussed House Bill 476 (the 811 call that one makes when digging). If this bill passes, surveyors will have to call 811 prior to installing property corners that penetrate more than ten inches into the ground. This includes private property or a right of way.
- The Committee discussed how House Bill 857 (QBS) may affect surveyors.

#### CPC Committee -

- In the absence of Ms. Thurman, Mr. Evans reported for the CPC Committee. The application for Knowledge Source Inc. was on the consent agenda. Mr. Evans stated the Committee recommends approval for an application received for i2 Integrated Intelligence, Inc. that is Mr. Stewart's company. Mr. Stewart recused himself from discussion and voting. Dr. Ratcliff made a motion to approve the sponsor application for i2 Integrated Intelligence, Inc. Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously.

#### 5. NCEES Activities - Executive Director

- Mr. Ritter presented the letter from NCEES that Chair Thompson will be presented with the Distinguished Service Award at the annual banquet in San Antonio.
- Ms. Willoughby has been reappointed to the UPLG Committee; Dr. Ratcliff has been appointed to a new task force for evaluating foreign experience; and Mr. Ritter was appointed Chair of the MBA Committee.
- Mr. Ritter furnished the pass rates for the PLS 1 and PLS2 A, B and C. There are 23 new licensees. For FE and PE exams, "no show" data was available. There were 63 no shows out of 1100 taking the test. A "no show" counts as a failure.
- Mr. Ritter requested Board members review and let him know if they have any questions regarding the Motions for the 2013 Annual Meeting that he provided.
- Mr. Ritter read a thank you note from Glenn Haynes for his nomination as an Emeritus Member of the Board and NCEES. Because Mr. Haynes is on the Education Task Force and the Board has a policy that if Emeritus Members are active members of a committee, the Board will pick up their fee to the national meeting thus, the Board will pick up Mr. Haynes's fee for the annual meeting.
- Dr. Daniel Turner submitted his resignation letter as Southern Zone Secretary-Treasurer that will be effective at the 2013 Annual Meeting. An election between David H. Widmer, PLS and H. C. 'Skip' Harclerode II, PE will determine the President-Elect.
- Chair Thompson is running for Treasurer of NCEES and asked board members for their support.

#### 6. Board Secretary Report - Executive Director and Board Secretary

- Dr. Ratcliff, Chair Thompson (as replacement for Mr. Stewart), and Mr. Ritter met with two partners for the audit company for the annual audit review. The audit findings are 100% clean. The auditors told the board representatives it is a pleasure to work with the Board because everything is in order that they have to search to remark on anything needing improvement. The auditors were complimentary of staff and participation of board members.

- Mr. Ritter stated that two years ago the Board budgeted \$150,000 to transform the board room and two conference rooms for wireless technology. The board room costs were about \$90,000 which left \$60,000 for the two conference rooms. The proposal for the two conference rooms is \$90,000 which is \$30,000 over budget. After discussion Mr. Stewart made a motion to accept increasing the budget \$30,000 over the previous amount budgeted to \$180,000. Ms. Willoughby seconded the motion. A vote was taken and the Board unanimously approved the motion.

*The meeting recessed at 11:30 pm to continue committee meetings and have lunch. The meeting gaveled back in at 1:05 pm.*

7. Violations Activity - Assistant Executive Director

- Mr. Evans stated sixty-one (61) cases have been opened as of June 27, 2013. Thirteen percent of the cases are for non-licensees. Twenty-two (22) cases have been opened since the last board meeting. Sixty-one (61) cases have been closed this fiscal year. Sixty-two (62) cases have been taken to the Review Committees.
- Proactive contacts have been strong this year. Mark Mazanek has handled informally twenty-seven (27) non-compliant firms – (informal inquiries)
- Messrs. Tuttle and Evans have given numerous presentations.
- Mr. Ritter reminded board members a hearing will be held Wednesday, September 11 and the board meeting will be Thursday, September 12. A request for a second hearing is tentatively scheduled for December. Doug Hanna will be Counsel sitting with the Board.

8. Applications

Special Agenda Items for Board Approval

- **Engineering Institute of Technology** requests the Board to allow them to obtain a Certificate of Authority using the name as it appears. Per a representative of the firm, they do not offer engineering and are a company that offers online engineering education and training.

Web site: <http://www.eit.edu.au/>

<http://www.idc-online.com/>

Firm Info: Request for Non-Objection

Dr. Ratcliff made a motion to deny the request for Non-Objection to do business in North Carolina. Mr. Joyner seconded the motion. After discussion, the Board voted. The motion failed.

Mr. Benton made a motion to approve the request for Non-Objection to do business in North Carolina. Mr. Stewart seconded the motion. The motion was unanimously approved.

- **Academy of Science and Engineering** requests the Board to allow them to obtain a Certificate of Authority in North Carolina using the name as it appears. Per a representative for the firm, they do not offer engineering. They are a research institute that operates as an academic and networking organization.

Web Site: <http://asesite.org/>

Firm Info: Services Offered by Firm

Dr. Ratcliff made a motion to approve. Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously.

- **JDH Engineering, Inc.** requests licensure in North Carolina. The initials “JDH” are the first initial of each founding partner of the firm. Mr. Johnson and Mr. Hulst are no longer with the firm. Both were licensed engineers in Michigan.

Staff Recommendation: Approve. Meets the intent of Board Rule .0902(b)

Dr. Ratcliff made a motion to approve. Mr. Benton seconded the motion. A vote was taken and the motion was approved unanimously.

- **Staff Requests Board Clarification – Related to Item #3**

Board recently directed staff to look at what the initials of a firm stand for prior to approving the application. If the initials stand for a licensee no longer with the firm then this currently requires the staff to bring the application before the Board prior to administratively approving the application as is currently done with firms that contain actual names of former, retired, deceased members of a firm, which are currently brought before the Board on the Consent Agenda and once approved the application is then processed.

Staff would like the Board to advise if they wish for applications containing initials of former members and/or actual names of former members to the Board on the Consent Agenda prior to administratively approving them. Another option would be that if staff is able to determine prior to the Board meeting that the names and/or initials of the individuals in the firm name were former, retired, or deceased licensee members of the firms, then administratively approve the applications and then place them on the next Consent Agenda for the Board's final approval.

Staff Comments: To do the latter would allow a firm to continue with the licensure process and not have to wait until the next Board meeting for approval by the Board and then have staff process the application.

All board members agreed that they have no issues if staff is able to determine prior to the Board meeting that the names and/or initials of the individuals in the firm name were former, retired, or deceased licensee members of the firms, then administratively approve the applications and place them on the next Consent Agenda for the Board's final approval.

9. Old Business - Executive Director

- Mr. Ritter thanked Betsy Bailey with PENC (Professional Engineers of North Carolina) for being instrumental in making the Board legislation go smoothly and for all she has done this legislative session. Ms. Bailey does the lobbying for PENC and ACEC (American Council of Engineering Companies). She updated the Board on the status of HB 857 (QBS provision), HB 94 (includes fracking) and 811 (underground damage prevention).
- Dr. Ratcliff and Messrs. Ritter and Pond attended the PENC meeting. Mr. Ritter gave his annual board report. Dr. Ratcliff gave a program unrelated to the Board. She stated alternative energy and fracking were important issues. Cyber security was a central theme.
- This was the first year that firm renewals could be done online. Mr. Ritter and board members expressed their appreciation to Mark Mazanek for his dedication and hard work especially the first week of renewals. Sixty-five percent of the firms have participated in renewing online.

*The meeting recessed at 12:00 pm for lunch. The meeting gaveled back in at 12:35 pm*

10. New Business - Executive Director

- Mr. Ritter stated that Mr. Thompson is up for re-nomination for the National Geospatial Advisory Committee. Mr. Thompson had asked if the Board would be interested in re-nominating him to this Committee. Mr. Thompson passed the gavel to Mr. Stewart. Dr. Ratcliff made a motion to send a letter of nomination to the National Geospatial Advisory Committee. Ms. Willoughby seconded the motion. A vote was taken and the Board unanimously passed the motion. Mr. Stewart passed the gavel back to Mr. Thompson.

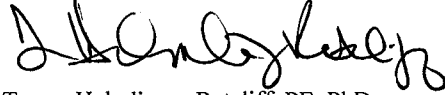
11. Informational Items - Executive Director

- Board members watched the short video titled "Border Battle" that appeared on WLOS in Asheville that included comments from Chair Thompson who is Chair of the NC Boundary Commission.

- The Electronic Task Force will have a meeting July 11 and will report back to the Board in September. The Fracking Task Force is still active and will report back in September.

*The Board adjourned at 2:15 p.m. The Board is next scheduled to meet on Wednesday and Thursday,, September 11 and 12, 2013.*

Respectfully submitted,



Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date August 14, 2013

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

August 14, 2013

Raleigh, North Carolina

Board Chair Gary Thompson called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:33 a.m. on Wednesday, August 14, 2013. Board members on the conference call were:

Board Members on Teleconference Call:

Gary W. Thompson, PLS, Chair  
Willy E. Stewart, PE, Vice Chair  
Richard M. Benton, PLS  
Carl M. Ellington, Jr., PE  
Nils W. Joyner, Jr., PLS  
Teresa Helmlinger Ratcliff, PE, PhD, Secretary  
Linda A. Thurman, Public Member  
Elizabeth N. Willoughby, Public Member

Absent:

David L. Pond, PE

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director  
Shirley U. Ditt, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Mr. Thompson 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 – Executive Director

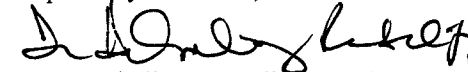
Mr. Ritter presented the Consent Agenda for approval. Mr. Stewart made a motion to approve the consent agenda. Mr. Benton seconded the motion. The Board voted and the consent agenda was unanimously approved.

The Consent Agenda included: a Board Authorized Case Opening; Comity Applications; Firm Applications for 14 Professional Corporations, 20 Professional Limited Liability Companies, 1 Business Firm and 2 Chapter 87 Corporations and; 1 Firm Name Change Request and 1 d/b/a Request; Minutes; Review Committees; a Request for Retired Status; and Settlement Conferences.

Mr. Ritter stated he would email board members key items to be voted on at the NCEES Annual Meeting.

*There being no further business, Mr. Thompson formally adjourned the meeting Wednesday, August 14, 2013 at 7:36 a.m. The Board is next scheduled to meet Wednesday, September 12, 2013.*

Respectfully submitted,

  
Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date 8/12/2013



NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 11 and 12, 2013

Raleigh, North Carolina

Wednesday, September 11, 2013. Board Vice Chair Willy Stewart gaveled the North Carolina Board of Examiners into session at 9:17 a.m. to conduct a Hearing in the matter of J. Randy Herron – Case No. V2012-050. Board members:

Present:

Willy Stewart, Presiding  
Teresa Helmlinger Ratcliff  
Nils W. Joyner, Jr.  
David L. Pond  
Carl M. Ellington  
Richard M. Benton  
Elizabeth N. Willoughby

Recused:

Gary W. Thompson  
Linda A. Thurman

Respondent's Counsel: Andrew B. Parker and Robert B. Long, Jr. \ Long, Parker, Warren,  
Anderson & Payne, P.A.

Prosecuting Counsel: Patricia P. Shields \ Hedrick Gardner Kincheloe & Garofalo, LLP

Advisory Counsel to Board: Douglas W. Hanna \ Graebe Hanna & Sullivan, PLLC

The Board conducted a hearing, recessing at 6:20 p.m. and reconvening at 8:00 a.m. on September 12, 2013. The Hearing was closed at 10:20 a.m. and the Board then deliberated on the matter.

Thursday, September 12, 2013. Board Chair Gary Thompson gaveled the North Carolina Board of Examiners into session at 12:50 p.m. to convene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Willy E. Stewart, PE, Vice Chair  
Teresa Helmlinger Ratcliff, PE, PhD, Secretary  
Richard M. Benton, PLS  
Carl M. Ellington, Jr., PE  
Nils W. Joyner, Jr., PLS  
David L. Pond, PE  
Linda A. Thurman, Public Member  
Elizabeth N. Willoughby, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Thompson 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 have a conflict when special applications for firms come up.

2. Consent Agenda – Executive Director

Dr. Ratcliff made a motion to approve the consent agenda as presented. Ms. Willoughby seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; a CPC Sponsor Application, Firm Applications for 7 Professional Corporations, 8 Professional Limited Liability Companies, and 1 Business Firm; 1 Company Name Change Request, and 1 Summary of d/b/a Request, and Minutes.

3. Committee Reports

Mr. Ritter stated that because of the hearing the Committees would not meet at this board meeting. The Committee Chairs should arrange for their committee to have a conference call, possibly a video conference or to meet at an alternative meeting location.

4. Settlement Conferences - Executive Director

Engineering 07/16/2013 (Stewart & Thurman)

Engineering 07/17/2013 (Pond & Thurman)

The Board considered the recommendation of the Settlement Conference Committee on a case conducted on July 16, 2013 at 1:00 p.m. with Mr. Stewart and Ms. Thurman. Messrs. Thompson, Pond and Ellington and Ms. Willoughby recused themselves from discussion and voting. Mr. Thompson passed the gavel to Mr. Stewart. Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously. Mr. Stewart passed the gavel back to Mr. Thompson. The Settlement Conference Committee Recommendation resulted in one closed case.

The Board considered the recommendation of the Settlement Conference Committee on a case conducted on July 17, 2013 at 11:00 a.m. with Mr. Pond and Ms. Thurman. Dr. Ratcliff recused herself from discussion and voting. Ms. Willoughby made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Benton seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Committee Recommendation resulted in a reprimand, civil penalty of \$2,000 and restriction of practice.

5. Review Committees - Executive Director

Engineering 07/30/2013 (Ratcliff)

Surveying 07/30/2013 (Joyner)

Surveying 08/02/2013 (Benton)

The Board considered the recommendation of the Engineering Review Committee on one case conducted July 30, 2013 at 10:00 a.m. with Dr. Ratcliff. Mr. Ellington recused himself from discussion and voting. Mr. Joyner made a motion to accept the recommendation 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 one closed case.

The Board considered the recommendation of the Surveying Review Committee on two cases conducted July 30, 2013 at 3:00 p.m. with Mr. Joyner. Mr. Thompson recused himself from discussion and voting for the entire Review Committee Agenda. Mr. Thompson passed the gavel to Mr. Stewart. Dr. Ratcliff made a motion to accept the recommendation of the Review Committee. Ms. Willoughby seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in one revocation and one closed case.

The Board considered the recommendation of the Surveying Review Committee on one case conducted August 2, 2013 at 9:00 a.m. with Mr. Benton. Mr. Thompson recused himself from discussion and voting. Dr. Ratcliff made a motion to accept the recommendation of the Review Committee. Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in one closed case. Mr. Stewart passed the gavel back to Mr. Thompson.

6. NCEES Activities - Executive Director

- The Board will save matters that need additional discussion from the Annual Meeting for the planning session.

- Messrs. Thompson, Ellington, Pond and Ritter met with two representatives from Japan. The Japanese representatives have asked Kentucky, Missouri and North Carolina (as each of these states consider foreign experience) for a formal agreement that will accept the applications for the engineers who have passed the PE exam administered by NCEE/JPEC in Japan. There are about 300 US PEs. These states are developing a common memo.
- Mr. Thompson thanked board members for their support in his election for NCEES Treasurer. Mr. Thompson was also awarded the Distinguished Service Award at the Annual Meeting. Mr. Ritter expressed appreciation to Mr. Thompson for the thank you that he expressed to Mr. Ritter for his contribution at the Awards Banquet. Mr. Ritter placed in the board books a congratulatory letter to Mr. Thompson from Dr. Robert Johnson, Dean at UNCC.
- Mr. Pond praised Messrs. Tuttle and Evans for their presentations at the NCEES Annual Meeting and recommended that they present them to the Board.

7. Violations Activity –

No Report given. Violations Summary Report in board books.

8. Applications

Special Agenda Items for Board Approval

- 1) **Mr. Thomas Fields, PLS** currently operates as Wright and Fields Land Surveying (F-1055), a non-exempt proprietorship. Mr. James L. Wright, PLS (L-1418-RETIRED) was part of this entity prior to his retirement and Mr. Fields took over ownership in 1996 and has been operating it since that time. Mr. Fields now wishes to incorporate as a Professional Corporation using the name Wright and Fields Land Surveying, Inc., however, Mr. Wright has never been part of this entity and per Board Rule .0902 (c), it does not meet the intent of the rule. Mr. Fields is requesting an exception be made and he be allowed to incorporate using Mr. Wright's name in the firm title.

Mr. Thompson recused himself and passed the gavel to Mr. Stewart. Ms. Thurman made a motion to deny the request. Ms. Willoughby seconded the motion. After discussion a vote was taken. Messrs. Joyner and Ellington and Ms. Willoughby, Ms. Thurman and Dr. Ratcliff voted in favor of the motion to deny the request. Messrs. Pond and Benton opposed. The motion carried to deny the request. Mr. Stewart passed the gavel back to Mr. Thompson

- 2) JSG Solar, Inc. requests licensure using the initials "JSG" in the firm name. Mr. Joyner made a motion to deny the request. Dr. Ratcliff seconded the motion. After discussion a vote was taken. Messrs. Joyner, Benton and Ellington and Dr. Ratcliff, Ms. Willoughby and Ms. Thurman voted in favor of the motion to deny the request. Messrs. Stewart and Pond opposed. The motion carried to deny the request.
- 3) Tiffany C M Schoefield is requesting the Board issue a non-objection letter to allow her to form a company with the word "engineer" in it. The firm will not offer/provide engineering and has provided a description of its proposed services as well as a request. She requests permission to use the term Esthetic Engineer(s) and d/b/a of Spa Engineers for her business. Mr. Stewart made a motion to deny the request. Dr. Ratcliff seconded the motion. After discussion a vote was taken. Messrs. Stewart and Ellington and Dr. Ratcliff and Ms. Thurman voted in favor of the motion to deny the request. Messrs. Pond, Joyner and Benton and Ms. Willoughby opposed the motion. Mr. Thompson broke the tie by voting in favor of the motion to deny the request. The motion carried to deny the request.
- 4) EBA Engineering, Inc. request licensure using the initials "EBA". Mr. Joyner made a motion to deny the request. Mr. Stewart seconded the motion. A vote was taken and the motion to deny the request passed by a unanimous vote.

9. Secretary's Report –

None

10. New Business - Executive Director

- Mr. Ritter stated that Mr. Pond and Ms. Willoughby are up for reappointment. Dr. Ratcliff made a motion that the Board write strong letters of endorsement for Ms. Willoughby and Mr. Pond. Mr. Benton seconded the motion. The Board voted and the motion was unanimously approved.
- Dr. Ratcliff requested that Cyber Security be added as a topic for the Planning Session. Mr. Ritter will set up a Backpack page for board members to add items for discussion. Plans will be made for board members to tour the NC State GIS Visualization Lab.
- Mr. Pond made a motion to elect Linda Thurman as Secretary beginning January 1, 2014, but she would sit in on the budget. Ms. Willoughby seconded the motion. The Board voted and the motion was unanimously approved, electing Ms. Thurman as Secretary. Dr. Ratcliff and Ms. Thurman will do the budget the night before the planning session.

11. Informational Items - Executive Director  
None

*The Board adjourned at 1:45 p.m. The Board is next scheduled to meet on Wednesday, November 13, 2013.*

Respectfully submitted,



Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date October 9, 2013

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 9, 2013

Raleigh, North Carolina

Board Chair Gary Thompson called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:32 a.m. on Wednesday, October 9, 2013. Board members on the conference call were:

Board Members on Teleconference Call:

Gary W. Thompson, PLS, Chair  
Willy E. Stewart, PE, Vice Chair  
Richard M. Benton, PLS  
Carl M. Ellington, Jr., PE  
Nils W. Joyner, Jr., PLS  
David L. Pond, PE  
Linda A. Thurman, Public Member  
Elizabeth N. Willoughby, Public Member

Absent:

Teresa Helmlinger Ratcliff, PE, PhD, Secretary

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director  
David S. Tuttle, Board Attorney  
Shirley U. Ditt, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Mr. Thompson 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 – Executive Director

Mr. Ritter presented the Consent Agenda for approval. Mr. Benton made a motion to approve the consent agenda. Ms. Willoughby seconded the motion. The Board voted and the consent agenda was unanimously approved.

The Consent Agenda included: Board Authorized Case Openings; Comity Applications; CPC Sponsor Applications; Firm Applications for 6 Professional Corporations, 4 Professional Limited Liability Companies and 2 Business Firms and; 1 Firm Name Change Request, 3 Requests to Use Individual's Name in Company Title and 1 d/b/a Request; Minutes; Review Committees; Requests for Retired Status; and a Settlement Conference.

*There being no further business, Mr. Thompson formally adjourned the meeting Wednesday, October 9, 2013 at 7:34 a.m. The Board is next scheduled to meet Wednesday, November 13, 2013.*

Respectfully submitted,



Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date November 13, 2013

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

November 13, 2013

Raleigh, North Carolina

Board Chair Gary Thompson gaveled the North Carolina Board of Examiners into session at 8:40 a.m. on Wednesday, November 13, 2013 to convene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Willy E. Stewart, PE, Vice Chair  
Teresa Helmlinger Ratcliff, PE, PhD, Secretary  
Richard M. Benton, PLS  
Carl M. Ellington, Jr., PE  
Nils W. Joyner, Jr., PLS  
David L. Pond, PE  
Linda A. Thurman, Public Member  
Elizabeth N. Willoughby, Public Member

Absent:

The board meeting was held at the Technology Incubator on Centennial Campus at North Carolina State University (NCSU). Dr. Ratcliff gave a brief introduction about NCSU and explained the functions of the Technology Incubator.

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Thompson 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 – Executive Director

Dr. Ratcliff made a motion to approve the consent agenda as presented. Mr. Benton seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC Sponsor Applications; Firm Applications for 7 Professional Corporations, 8 Professional Limited Liability Companies, and 3 Business Firms; 2 Company Name Change Requests; 1 Request to be Resident for Multiple Companies, and 3 Requests to Use Individual's Name in Company Title; Minutes; Review Committee Recommendations; Requests for Retired Status and a Settlement Conference Recommendation.

3. Review Committee (Engineering - Pond)  
Executive Director 10/29/2013

(Engineering - Pond 10/29/2013)

The Board considered the recommendation of the Review Committee – Engineering on thirteen (13) cases conducted on October 29, 2013 with Mr. Pond. Mr. Ellington and Ms. Thurman recused themselves from voting and discussion. Ms. Willoughby made a motion to accept the recommendation of the Review Committee and Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously resulting in four (4) closed cases, five (5) cease and desist letters, one (1) reprimand and \$2,000 civil penalty, one (1) revocation, one (1) reprimand, \$5,000 civil penalty and restrict practice, and one (1) reprimand, \$1,000 civil penalty, make up 45 PDHs and obtain 30 PDHs for renewal or reinstatement, and 3 year audit.

(Engineering – Ellington 10/29/2013)

The Board considered the recommendation of the Review Committee – Engineering on one case with Mr. Ellington. Mr. Pond recused himself from voting and discussion. Dr. Ratcliff made a motion to accept the

recommendation of the Review Committee. Ms. Willoughby seconded the motion. A vote was taken and the motion was approved unanimously resulting in one (1) closed case.

4. Settlement Conference (Engineering – Ratcliff, Thurman)  
Executive Director 9/17/2013 at 10:30 a.m.

The Board considered the recommendation of the Settlement Conference Committee on one case conducted on September 17, 2013 at 10:30 a.m. with Dr. Ratcliff and Ms. Thurman. Messrs. Pond and Ellington recused themselves from discussion and voting. Ms. Willoughby made a motion to accept the recommendations of the Settlement Conference Committee. Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Committee recommendation resulted in one (1) closed case.

5. Approval of JPEC/NCBELS MOU - Executive Director

- Mr. Ritter presented a Memorandum of Agreement between Japan PE/FE Examiners Council (JPEC) and the Board for review and adoption. After discussion, Mr. Pond made a motion to approve the Memorandum of Agreement that was presented between the Board and JPEC. Ms. Willoughby seconded the motion. A vote was taken and the motion was unanimously approved.

6. Approval of FY2014 Budget  
Executive Director and Board Secretary

- Dr Ratcliff and Mr. Ritter presented the 2014 budget. After discussion, Mr. Joyner made a motion to approve the budget for 2014. Mr. Benton seconded the motion. A vote was taken and the motion was unanimously approved.

7. New Business - Executive Director

- Mr. Ritter presented the proposed 2014 board calendar for approval. Ms. Thurman made a motion to approve the proposed 2014 board calendar. Ms. Willoughby seconded the motion. A vote was taken and the motion was unanimously approved.
- Mr. Ritter presented an email from Nancy Cottingham requesting the Board nominate Dick (J. Richard) Cunningham for Distinguished Service Award with Southern Zone and Distinguished Service Award with Special Commendation with NCEES. Mr. Cottingham was a former board member and an Emeritus Member. Dr. Ratcliff made a motion to support this nomination. Ms. Thurman seconded the motion. A vote was taken and the motion was unanimously approved.
- Mr. Ritter informed board members that he received a letter from the State Auditor letter stating the Board had been audited (financial) based upon the reports that they receive from the Board. One question was asked and the Board responded. Results will be forthcoming from the State Auditor in December.
- Mr. Ritter presented a request for a letter of support for Blue Ridge Community College in Henderson as they are considering “adopting” the Civil Engineering and Surveying Technology programs that were cancelled at A-B Tech. Dr. Ratcliff made a motion to support this request. Ms. Thurman seconded the motion. A vote was taken and the motion was unanimously approved.

Mr. Thompson reported that Southwest Community College would also like a support letter as they are partnering with Western Carolina University. Dr. Ratcliff made a motion to ask Messrs. Ritter and Thompson to write a support letter to Southwest. A vote was taken and the motion was unanimously approved.

**Special Agenda Item:**

- Wendel Engineers, P.C. requests licensure as a Professional Corporation using the name of Peter Wendel. Mr. Wendel was never part of Wendel Engineers, P.C. but the firm is requesting an exception to Board Rule .0902 and that they be allowed to use his name in the firm.

Dr. Ratcliff made a motion to deny the request. Ms. Thurman seconded the motion. After discussion a vote was taken and the motion failed. All board members opposed the motion.

Dr. Ratcliff made a motion to approve the request. Mr. Joyner seconded the motion. A vote was taken and the motion was unanimously approved.

8. Old Business - Executive Director

- Mr. Ritter provided board members with a list provided by the State Ethics Commission showing the dates they need to complete their ethics education.
- Mr. Ritter and Betsy Bailey with PENC have been answering questions from Representative Millis as he is seeking information regarding the government exemption; it is going to be studied. When asked, both Mr. Ritter and Ms. Bailey stated we wanted to get rid of the government exemption. Representative Millis requested whitepapers on why the government exemption is not good. After discussion, board members agreed Mr. Ritter should report this is not within the purview of the Board; however, the Board is promoting the removal of the government exemption and will provide NCEES whitepapers that the government exemption is not good.

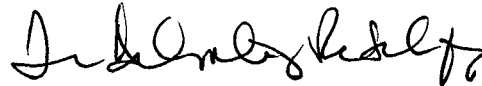
*Meeting recessed at 10:40 a.m. for a break. Meeting reconvened at 11:00 a.m. for Planning Session.*

9. Planning Session - Vice-Chair

- Mr. Joyner nominated Dr. Ratcliff as Vice Chair for 2014. Mr. Benson seconded the motion. The motion passed by acclamation.
- Mr. Pond nominated Mr. Stewart as Chair. Dr. Ratcliff seconded the motion. The motion passed by acclamation.
- Ms. Linda Thurman was elected Secretary at the September meeting.
- Board members agreed to a two day board meeting in February. The Board will meet from 1:00 p.m. to 5:00 p.m. on February 12 to finish the Planning Session.

*The Board formally adjourned on Wednesday, November 13, 2013 at 4:05 p.m. The Board is next scheduled to meet on Wednesday, December 11, 2013.*

Respectfully submitted,



Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date December 11, 2013



# NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 11, 2013

Raleigh, North Carolina

Board Chair Gary Thompson gaveled the North Carolina Board of Examiners into session at 11:08 a.m. on Wednesday, December 11, 2013 to convene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Teresa Helmlinger Ratcliff, PE, PhD, Secretary  
Richard M. Benton, PLS  
Carl M. Ellington, Jr., PE  
Nils W. Joyner, Jr., PLS  
David L. Pond, PE  
Linda A. Thurman, Public Member  
Elizabeth N. Willoughby, Public Member

Absent:

Willy E. Stewart, PE, Vice Chair

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Thompson 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 – Executive Director

Dr. Ratcliff made a motion to approve the consent agenda as presented. Ms. Willoughby seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Comity Applications; a CPC Sponsor Application, Firm Applications for 11 Professional Corporations and 11 Professional Limited Liability Companies; 3 Company Name Change Requests; 1 Request to Use Individual's Name in Company Title, and 3 Summary of d/b/a Requests; Minutes; and Requests for Retired Status.

3. Committee Reports

Engineering Committee – Chair (Mr. Ellington)

- Mr. Ellington stated the Committee had two meetings, one via conference call on October 21, 2013 and one prior to this meeting, December, 11, 2013. The following items were discussed on the October 21, 2013 conference call meeting:
  - A. The question was asked what engineers can do regarding home inspections. The Committee determined that engineers can do whatever type of inspections their license will allow them to do. A letter was sent under Mr. Ritter's signature to the NC Home Inspector Licensure Board.
  - B. For informational purposes the Committee discussed House Bill 857 (design-build) sponsored by PENC. The engineering process needed to include QBS. Mini-Brooks was rewritten to add additional provisions. Also, municipalities can no longer exempt themselves from QBS unless the project is under \$50,000. The discretionary exemption went away.
  - C. An individual asked the Board if he could do air quality inspections in North Carolina. The Board determined he could as long as he did not represent him as an engineer. The Board responded with a letter under the signature of David Evans.
  - D. The committee was asked if non-engineers can determine where to place trusses on structures. The Committee responded in a letter that non-engineers cannot determine where to place trusses on structures. Mr. Stewart will meet with the Department of Insurance to discuss this matter going forward and will keep the Board informed.

- E. An individual was told by his boss (Corps of Engineers) that he should not report violations as an engineer while he was doing his job. The Board responded with a letter under Mr. Ritter's signature that as long as he was working as an engineer in North Carolina, if he knew of a violation, he should report the violation to the Board just as any other engineer would.
- F. A letter was sent under Mr. Ritter's signature to the Town of Nags Head that storm water design could be done using manuals as long as it did not require variation from that manual or some other engineering calculations to be done or combinations of mixing manuals together as long as they stick strictly with the manual under the regular guidelines.

The following items were discussed at the December 11, 2013 meeting:

- G. Additional information is forthcoming for the Committee to review regarding a request from the Department of Insurance for the Board to make a recommendation whether nonpublic boat docks need the signature of a PE.
- H. The Committee discussed that it is common that geotechnical reports are often signed and sealed by the design engineer and reviewed, signed and sealed by a senior engineer. The current interpretation by statute is that if there are two seals on a document, each licensee must delineate the work he has done. The Board has been advising that the review seal should be placed on a separate document. The consensus of the Committee is if there are two seals on drawings and the second is showing "for review by", the licensee signing as "for review by" is taking equal responsible charge for all the work; the public is further protected by the review. The Committee tasked Mr. Tuttle to research if having reports or specifications signed and sealed by an engineer and "for review by", signed and sealed by a second senior engineer are currently allowed by statute, if not what would it take to revise the Statutes or Rules to allow this. This is a matter for the surveyors to consider also.
- I. The Committee reviewed and denied a comity application. The individual will be contacted.
- J. The Committee reviewed and looked at the board rule revisions and reviewed the "Elevated Recreational Facility Policy".

#### Land Surveying Committee – Chair (Mr. Joyner)

- Mr. Joyner stated the Committee reviewed the proposed changes to the surveying board rules with minor revisions to include the establishment of classifications for horizontal and vertical surveys.
- Mr. Benton attended a seminar whereby plats that depicted conservation or stream easements did not meet board rules. The Committee is requesting a copy of the seminar.
- A photogrammetrist from another state requested licensure through GIS grandfathering in North Carolina; he can apply for GIS licensure, not photogrammetry.
- The Committee reviewed an email from David Pond regarding the Stream Restoration Policy. After discussion, Mr. Pond made a motion to change the last paragraph of the Stream Restoration Services Policy to read as follows:

The following Stream Restoration Services are not considered within the practice of engineering: Soils Evaluation, Planning Studies, Wildlife/Habitat Studies, Regulatory Interaction, Wetlands Delineation (mapping must be done by PLS), Environmental Studies, and Monitoring Plans (the as-built elevations, location data, mapping, placing of monuments and annual monitoring cross sections must be done by a PLS).

Mr. Joyner seconded the motion. The Board voted and the motion was unanimously approved. Mr. Ritter will contact Mitch Gillespie, Assistant Secretary for NCDENR to schedule a meeting with whoever he recommends regarding EEP Guidelines.

- The Committee asked John Barber, retiree from State Properties, to write an article for the next newsletter regarding the effort to require that an easement be obtained from the Council of State when public trust lands that are under navigable waters are crossed. When the State grants property to citizens the State retains the right to all land under navigable waters so this can have a huge effect.
- A licensee asked if an access easement must have a metes and bounds legal description on maps. The Committee responded absolutely; access easements must have a metes and bounds description on maps.

- A PLS asked the Surveying Committee if he should be signing a National Flood Insurance Program Hydraulic Openings Certificate. The Committee brought to the Board as this is definitely engineering. After discussion, board members agreed that a letter should be sent to the PLS this is engineering and the Board will follow up with a letter. The Engineering Committee will review FEMA's Technical Bulletin I-93, Openings in Foundation Walls at the February committee meeting.

#### CPC Committee – (Ms. Thurman)

- Ms. Thurman stated PDH Academy was denied as a sponsor. More information is needed for the application for National Trench Safety. NC Green Industry Council is on the consent agenda.
- The goal of 15 sponsor audits was met.
- Mr. Pond mentioned that he had heard a lot of questions about CPC and requested that CPC be added to the planning session agenda to review what the Board is putting out to the public.

#### Additional Comments

- Mr. Pond suggested after each board meeting it would be of benefit to licensees to email an executive summary (bullets – one sentence of action items) from the last meeting. If there are questions, one could go to the minutes or contact staff with additional questions. Board members want to add this and verification alerts to the February Planning Session.

#### 4. NCEES Activities - Executive Director

- Glen Haynes is now an emeritus member of NCEES.
- Dr. Ratcliff attended the Foreign Experience Task Force Meeting. NC is one of six jurisdictions in the country that will look at any kind of foreign experience. Dr. Ratcliff stated many other countries are interested in licensure and want to work with each other to create an international gold standard for licensure. There is concern that instead of working together with other countries, the US is building walls and if we do not become more cognizant of the globalization, we will become so isolated that we will become irrelevant. There is concern we will isolate ourselves from being able to work outside of this country. The Task Force will be making recommendations.
- Mr. Thompson is well versed in NCEES budget now. CBT has begun. As of December 16, 2013, there were 1,400 FE applicants and 31FS applicants.

#### 5. Board Secretary Report - Executive Director and Board Secretary

- Dr. Ratcliff said as of November, the precision of the budget is going as planned.

#### 6. Violations Activity - Assistant Executive Director

- Mr. Evans stated for the year 2013 that 106 cases were opened. Thirty-six percent of the cases were for PEs; 31% were for PLSs. At the time of this report, 55 cases were on the open sheet, 23 of which were in the investigators' hands. The average number of days from the receipt of a complaint until the case is closed, based on the 118 cases that were closed last year, was 186 days. The average number of days from the time of the respondent's written response until the investigation was complete was 55 days. It was 73 days the previous year. One hundred eighty-nine proactive contacts were made during the fiscal year 2013. Mark Mazanek worked with 66 noncompliant firms, 44 of which were non-licensed. Messrs. Evans and Tuttle have done a number of continuing education programs.

Thirty percent of the PE cases closed last year resulted in disciplinary action. The five year average is about 50%. Forty-one percent of the surveying cases closed last year resulted in disciplinary action.

#### 7. Applications

##### Special Agenda Items for Board Approval

1. Zabik Turner Engineering, PLLC requested licensure as a Professional Limited Liability Company. The "Turner" in the name of the firm is the Maiden name of the licensed Professional

Engineer. The “Zabik” is her married name. She now goes by Jennifer Zabik but the firm name is her last name followed by her maiden name, Zabik Turner Engineering, PLLC.

This does not meet the intent of the Board Rule but the firm is requesting permission to use the name as it is licensed in Florida.

Dr. Ratcliff made a motion to approve the request. Ms. Willoughby seconded the motion. The Board voted and the motion was unanimously approved.

2. Engineering Design Institute requested a non-objection letter to obtain Articles of Organization with the NC Secretary of State. Meets Yadav wrote that “The goal of the company is online engineering courses that make a real difference to students to get a job. We are offering key courses in chip design and verification and adding cloud computing and hardware architectural modeling as we move forward. I believe that having the name Engineering Design Institute represents the goal of the company.”

Company Web site: <http://engineeringadesign.org/>

After discussion Ms. Willoughby made a motion to deny based on Engineering a Design.org (referred to on the website) is misleading and suggested the applicant should come back with a name the Board might be willing to approve. Dr. Ratcliff seconded the motion. A vote was taken and the motion was unanimously approved to deny the request. Ms. Willoughby clarified the motion for staff that Engineeringadesign.org implies they are doing more than teaching and requested the applicant be provided with why they are being denied.

*The meeting recessed at 12:25 p.m. for lunch. The meeting gaveled back in at 1:00 p.m.*

8. Old Business - Executive Director

- Mr. Ritter placed in board books due dates for mandated Ethics Training for board members as several due dates are coming up soon.
- Mr. Ritter presented a status report from the Program Evaluation Division of the NC General Assembly regarding the evaluation of occupational licensing boards dated December 3, 2013. The Board should know by May 2014 if this Board will be affected.
- Mr. Ritter presented a list of civil penalties collected for the fiscal year 2013. The \$29,500 collected goes to the State general fund and is routed back to the school system in the counties in which the offense occurred.
- Mr. Ritter reminded board members that the Board would finish the topics on the 2013 NCBELS Planning Session in February.

9. New Business - Executive Director

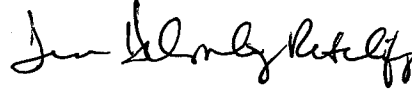
- Mr. Ritter presented renewal statistics for the first week of renewals. Total renewals were 6,431 and up 6% from the same time last year.
- Mr. Ritter presented staff complied exam statistics and NCEES North Carolina Summary of 2013 Exam Activities.
- In the absence of Mr. Stewart, Mr. Ritter read the committee assignments for next year as follows:
  - Engineering Committee: Chair: David Pond, PE  
Public Member: Linda Thurman
  - Surveying Committee: Chair: Mike Benton, PLS  
Public Member: Liz Willoughby
  - CPC Committee: Linda Thurman, Public Member  
Carl M. Ellington, PE  
Nils Joyner, PLS
- Board members concurred with the proposal from NCEES, given by Mr. Ritter, that a new process to have applicants pay the \$100 application fee and exam fee of \$250 directly to NCEES be implemented for the PE and PS exams. The date to begin will have to be determined. If this new process begins in the fall of 2014, a revised budget would need to be done.

- The Committee that Mr. Ritter has been meeting with has decided the government PE exemption is no longer an 89C / Board issue rather a Regulatory Reform issue. Staff attorneys were tasked with a solution to codify when a regulatory reviewer does something to a PE's plans that a licensee does not like. The surveyors have not been part of these meetings.
- The Charlotte certificate ceremony will be January 23, 2014 at UNC Charlotte. Representative Arp will be the speaker.
- The Raleigh ceremony will be January 28, 2014.
- Mr. Ritter will be leaving for Japan on Monday, December 16, 2013 to enter into the JPEC Memorandum of Understanding. Our North Carolina Trade Representative from Japan will be attending.
- Messrs. Evans and Mazanek started a board page on Facebook. Mr. Evans is monitoring.
- Mr. Tuttle presented proposed amendments for 16 rules. The Surveying Committee made two minor changes. Mr. Pond made a motion to approve the proposed rule amendments. Dr. Ratcliff seconded the motion. A vote was taken and the motion was unanimously adopted. The proposed revisions will proceed with publication of the Notice of Text.

10. Informational Items - Executive Director

*The Board went into closed session at 1:55 p.m. to discuss a personnel matter. The Board adjourned at 2:30 p.m. The Board is next scheduled to meet on Wednesday, February 12, 2014.*

Respectfully submitted,



Teresa Helmlinger Ratcliff, PE, PhD  
Secretary

Approved by the Board in Session

Date January 15, 2014