

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 15, 2014

Raleigh, North Carolina

Board Chair Willy Stewart called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, January 15, 2014. Board members on the conference call were:

Board Members on Teleconference Call:

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

Absent:

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. Stewart 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

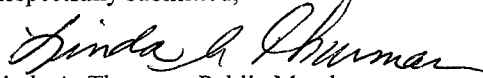
Mr. Ritter presented the Consent Agenda for approval. Dr. Ratcliff made a motion to approve the consent agenda. Mr. Benton seconded the motion. The Board voted and the consent agenda was unanimously approved.

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

Mr. Ritter gave board members the schedule for the February meeting.

The Board formally adjourned Wednesday, January 15, 2014 at 7:35 a.m. The Board is next scheduled to meet Wednesday, February 12, 2014 and Thursday, February 13, 2014.

Respectfully submitted,


Linda A. Thurman, Public Member
Secretary

Approved by the Board in Session

Date March 27, 2014

January 15, 2014

February 12 & 13 BOARD MEETING
CANCELLED DUE TO INCLEMENT WEATHER.

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 27, 2014

Raleigh, North Carolina

Board Chair Willy E. Stewart gavelled the North Carolina Board of Examiners into session at 8:30 a.m. on Thursday, March 26 and 27, 2014 to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Stewart 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 28 Professional Corporations, 26 Professional Limited Liability Companies, 5 Business Firms and 3 Chapter 87 Corporations and, 4 Company Name Change Requests, 1 Request to be Resident for Multiple Companies, 1 Request to Use Individual's Name in Company Title, and 5 Summary of d/b/a Requests; Minutes; and Requests for Retired Status, Review Committees and Settlement Conferences.

3. Public Comment Hearing for Proposed Rules – Chair

At 9:10 a.m. Mr. Ritter gave a brief explanation that the rule changes are primarily to bring the rules up to date for computer based training. At 9:12 a.m., Chair Stewart opened the public comment hearing by stating the process done to date and explaining the process for the public to make comments. No one from the public was present; Chair Stewart allowed the public hearing to remain open.

At 9:40 a.m., Chair Stewart stated that having had no speakers for the public hearing for the proposed rules, the public hearing was closed.

4. Board Member Appointments – Executive Director

Mr. Ritter officially welcomed Mr. Pendleton and Mr. Zoutewelle to their first official meeting of the Board and presented in the board books their appointment information. He also presented Mr. Pond's reappointment letter by the Governor to the Board for a second term and expressed his appreciation for his leadership.

5. Committee Reports

Engineering Committee – Chair (Mr. Pond)

- Mr. Pond stated representatives from the NC Department of Insurance (DOI) met with the Committee to discuss the requirements for signing and sealing of plans by a PE for marine structures for residential and commercial docks. DOI presented a draft for recommended building code changes. The proposal includes that stipulations for slips without the design of a PE be limited to the length of the dock, limited to four slips and for one or two family dwellings. The Committee decided to take the issue to the NCEES ((National Council of Examiners for Engineering and Surveying) Southern Zone Engineering Forum to see what other states in the southeast are doing and report back to the Department of Insurance after the May board meeting.
- The Surveying Committee referred to the Engineering Committee a question regarding a certification that a surveyor was being asked to sign regarding pre-engineered vents and engineered vents for structures within a flood zone. The Committee concurred with the Surveying Committee this is engineering and the surveyor was correct in not signing the form. A letter of response will be sent. This will be communicated to the Surveying Society and placed under the information portion of the board website.
- ACEC (American Council of Engineering Companies) asked the Board about an engineer, who does roofing, who felt engineering was being done by un-licensed firms and cities and towns are not adhering to the general statutes by putting out RFPs for school boards on work greater than \$300,00 without an engineer. Mr. Pond stated that a policy that was done in 1991 is still a good policy and still stands that says roof design is engineering; however, a like kind replacement does not have to be done by an engineer; any deviation would require an engineer. This policy is not currently on the web site; it will be put in correct format and brought back to the Board for approval at the May board meeting and for response back to ACEC. If the engineer feels work is being done by unlicensed individuals, the engineer or ACEC can open a complaint or he can contact the School Board. It is not the Board's role to enforce general statutes with municipal governments.
- Messrs. Pond, Tuttle and Ritter and Ms. Thurman met with the NC Home Inspectors Licensure Board to discuss engineers doing home inspections. A policy will be prepared for approval at the May meeting that engineers can provide home inspections in their areas of competency that will be sent to the Home Inspectors Board.
- A guidance brochure about what is required to be sealed that was developed about 10 years ago for all building code officials in conjunction with the NC Board of Architecture needs to be updated. Mr. Evans will contact the Executive Director of the NC Board of Architecture about rewriting and reprinting to be shared between the Boards. The Committee will come back to the Board at a future date for authorization of reprinting costs that would be shared by the two boards.
- The Committee decided to take the issue of having two seals on a document (when sealed by the engineer in responsible charge and by the reviewer) to the Engineering Forum to discuss and then revisit the issue. The board rules do not have a provision for this at this time.
- Mr. Pond stated the Committee reviewed a request for review of a decision on truss placement plans made in which a cease and desist letter for practicing engineering was issued based on the respondent's interpretation that the current policy was not clear and the respondent did not feel they had done anything wrong. Mr. Pond made a motion to rescind the letter to cease and desist for Case No. V2013-032, that the board action is changed to closed, unfounded; that this decision be published in the next newsletter and a letter be issued to the firm. After additional research and collaboration with the Department of Insurance, both agreed the residential code is confusing as it relates to truss placement plans for residential structures as truss placement (or layout) plans are not referred to within the residential code. Mr. Stewart stated the Committee will revise policies to clarify the exact expectations for commercial and residential building as they are different. The Board voted and the motion was unanimously approved. Mr. Pond stated the three existing policies will change to two, residential and commercial and the existing three will be gotten rid of.
- Mr. Pendleton agreed to invite and schedule Secretary Tata with DOT (NC Department of Transportation) to attend a board meeting. The committee would like to invite ACEC (American Council of Engineering Companies) to attend an Engineering Committee meeting.
- Mr. Pond stated that Engineering Committee plans to discuss Board Rule 21NCAC 56.0701 (e)(2) (Rules of Professional Conduct) regarding not accepting compensation. financial or otherwise from more than one party for services on same project unless disclosed to and agreed to, in writing by all parties) at the Engineering Forum and suggested the surveyors may want to do the same thing to bring back and discuss jointly at the May board meeting.

Land Surveying Committee – Chair (Mr. Benton)

- Mr. Benton stated a GIS company that was grandfathered now wants to provide other services that fall under the category of surveying. There may be individuals taking advantage of the license obtained by GIS to use it as a door to other surveying. The Committee wants to make certain licensees are practicing in their area of competency and will look for ways to tighten up the practice, one of which may include examining applications more carefully.
- Mr. Benton stated that during a seminar he attended put on by DENR (NC Department of Environment and Natural Resources) and CAMA (Coastal Area Management Act – NC Division of Coastal Management), plats were being shown that had been turned into agencies for permit purposes with only a company name – no seal, no signature and no professional was taking responsibility for the work. He stated licensees must be educated that the plats must be signed and sealed or marked preliminary as it is their work product. Staff was directed to set up presentations with government agencies to make them aware of requirements for compliant plats. A letter will also be sent to the two companies involved that had plats recorded with only the company name stating the requirements. This also affects engineering. Mr. Pendleton stated he thought staff should write the League of Municipalities and the NC Association of County Commissioners and make them aware of the issue.
- The Committee will be updating control corner guidelines to keep up with the modernization of surveying.
- Mr. Benton stated at a meeting of the Board of Directors of NCSS (North Carolina Society of Surveyors) it was suggested making a mandatory requirement for four hours of ethics and board rules as part of continuing education every other year. Mr. Pond stated staff was instructed to get pricing for development of an online ethics course that the Board could put on with some type of incentive for licensees. As the planning session was not completed, this topic will be revisited.
- The Committee has requested coursework from NC A&T University to review regarding their online ethics course that may be an option in lieu of New Mexico State University for surveying licensees with disciplinary actions.
- The Committee asked Mr. Tuttle to prepare language for the next cycle of rule changes (1) that an applicant will not have to prepare a surveying plat to be approved as a (SI) Surveying Intern and (2) a surveyor would be required to furnish his work product based on his discipline when applying for the PLS (Professional Land Surveyor) exam.
- The Committee reviewed the topo certification and decided to take out 95% confidence and put in a blank preceding the level of confidence so the licensee can show to what level of confidence the certification is done.
- Mr. Benton reported on the NCSS Convention that he attended in February. Messrs. Benton and Evans were the lunch time speakers. Mr. Evans talked about board rules and policies and Mr. Benton's presentation was about the current Surveying Committee Agenda.

The Board recessed at 10:05 a.m. for a ten (10) minute break; back in session at 10:15 a.m.
(Dr. Ratcliff left the meeting at 10:05 a.m.)

CPC Committee – (Ms. Thurman)

- Ms. Thurman stated that the committee chair and staff would review and approve the applications for which there would be no question about sponsor approval; any applications on the border or denied should be reviewed by the committee.
- The Committee is evaluating the sponsor evaluation form to make it less cumbersome for sponsors and licensees.
- Ms. Thurman presented the following sponsors for approval:
 1. LMK Technologies iTEC
 2. West Penn Wires
 3. Chandler Concrete, Co., Inc.
 4. GeoStructures, Inc.
 5. Assa Abloy
 6. Law Office of Jeffrey T. O'Briant, PC

Mr. Benton made a motion to approve the sponsors as presented. Mr. Pond seconded the motion. A vote was taken and the motion was unanimously approved.

- The Committee received a request from an individual who had not been current for five years requesting to become current (without PDHs) so he could die with integrity. The Committee said they are not taking away his license but made a suggestion that he go to retired status.

6. NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director
- Mr. Ritter placed in the board books a thank you email from Richard Cottingham for the Board's role in his recognition of the Southern Zone Distinguished Service Award.
 - Mr. Ritter furnished a national chart for a 10 year period showing the number of individuals passing the FS (Fundamentals of Surveying) exam and the PS (Professional Land Surveyor) exam illustrating the dramatic fall in surveying numbers. Board members discussed reasons this is happening and if anything should be done or should the Board wait and let public demand drive up the numbers.

Mr. Ritter talked with Ms. Thurman and Mr. Benton about working together to remove some of the hurdles for civil engineering technology students to take the FS exam (Fundamentals of Surveying). There would be no change in the experience required to take the PLS exam.

- Mr. Ritter stated Sam Kannappan, PE from Texas and James R. Riney, PE, PS from Kentucky will be campaigning for Southern Zone Secretary-Treasurer.
- Mr. Zoutewelle will be funded for the national NCEES meeting in Seattle; Mr. Ritter and Ms. Thurman will be the funded delegates.

7. Board Secretary Report - Executive Director and Board Secretary
- Ms. Thurman stated we are in the third month of financials. Revenue is a little over 99% for the year, with no areas of concern. The Land Surveying exam application fees have decreased and continue to be low as have the engineering re-exam fees. Comity applications are high. There were unbudgeted legal expenses for the Suttles appeal in the amount of \$10,000.

8. JPEC MOU (Japan PE/FE Examiners Council Memorandum of Understanding) – Executive Director
- For the new board members, Mr. Ritter explained the process by which the Board entered into the Memorandum of Understanding with Japan. Mr. Ritter presented to Chair Stewart gifts from JPEC upon the signing of the Memorandum.

9. Violations Activity - Assistant Executive Director
- Mr. Evans stated 30 cases have been opened, 7 were opened since the report was run and 7 were opened at this meeting for a total of 44 cases opened to date. Eleven (11) cases have been closed this fiscal year (low resulting from cancellation of February meeting). One case is pending hearing for the May meeting and the Herron matter is in Superior Court. Numerous proactive contacts have been made. Messrs. Tuttle and Evans have made numerous presentations.

Dr. Ratcliff returned to the meeting at 11:35 a.m.

10. Applications

1. **Wadelynn Geospatial LLC** is requesting licensure as an exempt GIS Business Firm using the name referenced. The origin of the name comes from the middle names of his two children "Wade" & "Lynn." See letter in board books for his request for an exception and reason why it is not misleading. The firm is already currently registered with the NC Secretary of State.

Mr. Pond made a motion to approve. Dr. Ratcliff seconded the motion. After discussion, the Board voted and the motion was unanimously passed.

2. **Chester Engineers (North Carolina), Inc. LLC** is requesting licensure using the name of an individual who is not associated with this firm directly nor ever has been. Mr. Flynn with has provided a request for an exception and why he feels it is not misleading.

Mr. Pendleton made a motion to approve. Mr. Pond seconded the motion. After discussion, the Board voted and the motion was unanimously passed.

3. **MKA Consulting Engineers, P.C.** is requesting licensure using the initials of individuals who were never associated with the firm, Mr. Madsen and Mr. Kneppers. They were founders of Madsen, Kneppers & Associates, Inc. and this entity, MKA Consulting Engineers, P.C. used their initials when this entity was formed but neither has been part of this entity.

Mr. Pond made a motion to approve. Dr. Ratcliff seconded the motion. After discussion, the Board voted and the motion was unanimously passed.

4. **Engineering Design Institute** requested a non-objection letter to obtain *Articles of Organization* with the NC Secretary of State at the December 2013 Board Meeting. The Board denied the request (December 11, 2013) based on references on the web site stating "Engineering A Design." The Board advised that the use of this terminology was misleading in that it appeared to be taking the idea of only "offering courses" in engineering to students to actually offering/providing engineering services.

The Board directed staff to ask the firm if "the intent of the company was to not only offer engineering courses to students but to actually take those students out into the field to perform engineering type services, or in any other way will the company offer services that require engineering knowledge to perform?" Ms. Yadav's response was presented to the Board.

The meeting recessed at 12:20 p.m. for lunch. The meeting gaveled back in at 1:00 p.m.

After discussion Mr. Pond made a motion to retract the denial that was made at the December 11, 2013 board meeting. Ms. Thurman seconded the motion. A vote was taken. Messrs. Pond and Benton and Ms. Thurman voted in favor of the motion. Dr. Ratcliff and Messrs. Joyner, Ellington, Zoutewelle and Pendleton opposed the motion. The motion stands from the December meeting. The request is denied.

11. Old Business - Executive Director

- Mr. Ritter and the Board briefly reviewed and updated the outstanding issues from the Planning Session as follows:
 - A. Fracking – Representative Mike Hager will attend the July or September board meeting.
 - B. Remove CPC Sponsor – CPC Committee will bring recommendation to the Board regarding if the Board should discontinue CPC sponsorship.
 - C. Cyber security – should include unmanned aircraft (drones). Gary Thompson, Emeritus Member said officials are looking for a licensing board to regulate companies, develop statutes and rules and investigate for drones. Board members are interested.
 - D. Rules video – CPC Committee should develop parameters, ie. time and what should be covered for staff to get pricing for online webinar.
 - E. Sealing Policy – Electronic sealing policy – can't seal now without using validation software. Mr. Tuttle should write a whitepaper for the May meeting.
 - F. For next rules & statute discussion:
 - Review experience requirement to take PE exam after model law changes.
 - Review 3 time failure policy with implementation of CBT
 - Review high school experience path to take FE/PE exam
 - G. Implemented –Settlement conference recommendation goes to full board only if it is accepted.
 - H. New firm items –
 - 1 Ability for a retired person to have name with a company he's not affiliated with.
 - 2 Are our corporate firm name rules antiquated and do they need to be reviewed,
 - 3 Retired Status Rule and
 - 4 Double dipping
- The Supreme Court did not hear the appeal on the Suttles case. He is now suspended and has transferred all interest in his firm.

- The thank you letter to Representative Arp for speaking at the Charlotte certificate ceremony was placed in the board books. This was the highest attendance ever for the ceremony.
- Mr. Ritter reminded board members about ethics training and that their Statement of Economic Interest is due April 15th.
- As the Raleigh Certificate Ceremony was snowed out, board members decided to wait until January for the next certificate ceremony. Certificates were mailed out.
- The Electronic Task Force was scheduled to attend the meeting in February, rescheduled for the March meeting and now needs to be rescheduled for the May board meeting.

12. New Business - Executive Director

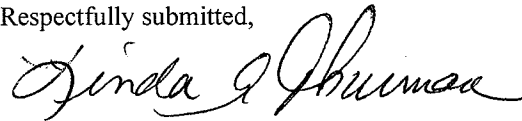
- Mr. Ritter presented a Request for Board Authorized Case Opening for approval. Mr. Joyner recused himself. Ms. Thurman made a motion to approve. Dr. Ratcliff seconded the motion. A vote was taken and the motion was unanimously approved.
- Mr. Ritter furnished his certification for online ethics training in the board books.
- Gary Thompson was reappointed to the National Geospatial Advisory Committee (NGAC).
- Dr. Ratcliff made a motion to approve Gary Thompson and Liz Willoughby as emeritus members of the Board. Mr. Pendleton seconded the motion. A vote was taken and the motion was unanimously approved.
- Bobby Long, Emeritus Member will join board members at the Southern Zone Meeting in Charleston.
- The Board is one of 14 or 15 parties being sued in the amount of \$300,000,000. The plaintiff wants the board members to go to jail for a year and is claiming she was denied her civil rights. Patricia Shields will be handling the case in federal court. Mr. Ritter will furnish updates as it proceeds.
- Representative Millis is proposing language to G.S. 89C that the only individuals who can call themselves an engineer in state government or local jurisdiction are licensed engineers. Representative Arp is working with Mr. Tuttle on drafting language to the industrial exemption. Both are in draft form. Mr. Ritter will email board members when something definitive is available.

13. Informational Items - Executive Director

- Mr. Ritter furnished a list of the approved applications for the PE (Professional Engineer)) spring exam by discipline and the PLS exams.

The Board went into closed session at 2:10 p.m. to discuss a personnel issue. The Board adjourned at 3:15 p.m. The Board is next scheduled to meet on Thursday, May 15, 2014.

Respectfully submitted,



Linda A. Thurman
Secretary

Approved by the Board in Session

Date May 15, 2014

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

May 14 and 15, 2014

Raleigh, North Carolina

Vice Chair Teresa Helmlinger Ratcliff gaveled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, May 14, 2014 to conduct a Hearing in the matter of Brooke T. Carpenter, PE – Case No. V2013-043 and Residential Engineering Services, P.A. – Case No. V2012-089. Board Members

Present:

Teresa Helmlinger Ratcliff, Presiding
Willy E. Stewart
Linda A. Thurman
Richard M. Benton
Gary H. Pendleton, Public Member
David L. Pond, PE
Andrew G. Zoutewelle, PLS

Recused:

Carl M. Ellington, Jr.
Nils W. Joyner, Jr.

Respondent's Counsel: Robert O. Crawford, III \ Crawford & Crawford, LLP
Prosecuting Counsel: Patricia P. Shields \ Hedrick Gardner Kincheloe & Garofalo, LLP
Advisory Counsel to Board: Douglas W. Hanna \ Graebe Hanna & Sullivan, PLLC

The Hearing was closed at 3:00 p.m. and the Board then deliberated on the matter.

Thursday, May 15, 2014. Board Chair Willy Stewart gaveled the North Carolina Board of Examiners into session at 10:40 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

Willy E. Stewart, PE, Chair
Linda A. Thurman, Public Member, Secretary
Richard M. Benton, PLS
Carl M. Ellington, Jr., PE
Nils W. Joyner, Jr., PLS
Gary H. Pendleton, Public Member
David L. Pond, PE
Andrew G. Zoutewelle, PLS

Absent:

Teresa Helmlinger Ratcliff, PE, PhD, Vice Chair

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Stewart 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. Joyner 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 Recommendations; Firm Applications for 11 Professional Corporations, 24 Professional Limited Liability Companies and 8 Business Firms and, 5 Company Name Change Requests, 2 Requests to Use Individual's Name in Company Title, and 3 Summary of d/b/a Requests; Minutes; Retired Status Request and Settlement Conference.

3. Committee Reports

Engineering Committee – Chair (Mr. Pond)

- Mr. Pond stated with the changes being made in model law and computer based testing (CBT), it will be impossible to enforce the current requirement that an applicant who fails the FE Exam (Fundamentals of Engineering) three times must come before the Board to get approval to retake the exam. Mr. Ritter stated this would also apply to the FS Exam (Fundamentals of Surveying) as well and requested this be placed on the Surveying Committee Agenda. Depending on model law changes, the Committee will also be discussing if an applicant can take the PE exam early.
- Currently a fire contractor, for his own work, can by exemption design a fire sprinkler system for the portion that they themselves are building. The Board of Examiners for Plumbing, Heating and Fire Sprinklers asked the question, if there is a domestic line coming off a main service line that goes to a building and it tees off, can a fire contractor design that supply line from the meter at the street to the building. After discussion, the Committee determined the exemption only applies to the point of demarcation to the fire sprinkler system. The fire contractor can design a supply line going to a building under exemption, only if that line spurs off to the fire sprinkler system they are going to build. The Committee will research and clarify whether the point of demarcation is the backflow preventer or the meter and will respond appropriately.
- After members of the Engineering Committee talked with other states at the Southern Zone meeting regarding the NC Department of Insurance (DOI) proposal that four boat slips or less do not need to be engineered, the consensus of the Committee was to support the DOI proposal.
- Based on a request from a member firm of ACEC (American Council of Engineering Companies) that some municipalities are not requiring a PE for roof design, the committee agreed a 1991 policy is still applicable. The roof of a commercial building or less than a two family residence can be replaced by a like kind replacement and does not require an engineer; any changes would require an engineer. Mr. Pond made a motion to readopt the Roofing System Design Policy (restating the 1991 policy). The Board voted and the motion passed unanimously.
- Mr. Pond and Ms. Thurman met with the Home Inspector Licensure Board; they do not feel engineers can do home inspections when it involves multiple disciplines. A Memo of Understanding that engineers could do home inspections involving multiple disciplines was created when the Home Inspector Board was created. Mr. Pond made a motion to approve a policy that engineers can do home inspections as long as it is in their area of competency and they do not hold themselves out to be a licensed home inspector; this formalizes the Memo of Understanding. The Board voted and the motion passed unanimously.
- The Committee has charged David Tuttle with working with the Board of Architecture to develop a final draft for an updated brochure for all building code officials regarding what is architecture, what is engineering and what is required to be sealed, to be approved by the Committee for distribution by the end of the year.
- The rules says if two PEs place their signature and seal on a drawing each licensee has to be specific about which piece of the drawing or specification they are taking responsible charge for. The phrase, "For Review Only" does not identify a specific action and would not comply with the current statute. The feeling of the Committee was the Rule should be modified so if two licensees sign and seal a drawing or report, if there is no distinction of specific subject matter, both licenses must be equally responsible and must be competent in all forms of work. This may require a rule change. The Committee has asked Mr. Tuttle to review this matter and to make a recommendation.
- There was a case and discussion regarding the current policies for truss placement plans based on several older policies. The Committee condensed the older policies into a draft residential truss placement policy and a draft commercial truss placement policy that are going to the Department of Insurance for their review and comment with the goal of coming back to the Board for approval of these two policies in July.
- Several meetings are going to be scheduled. Jim Bartl from Charlotte Mecklenburg [BIM (Building Information Modeling) and electronic seals and signatures] and DOT (Department of Transportation) electronic signature report are going to be scheduled in July. Representative Hager and ACEC will come in September to discuss fracking. An invitation will also be extended to the Secretary of DOT for a future board meeting.
- Mr. Stewart will represent the Board at the ACEC meeting in July. Mr. Pond will attend the PENC (Professional Engineers of NC) Meeting in June.

Land Surveying Committee – Chair (Mr. Benton)

- The Committee discussed and reviewed additional information for a situation whereby a licensee who was grandfathered under GIS (Geographic Information Systems) as a PLS (Professional Land Surveyor) stated on his website that in addition to GIS he was doing GPS work (Global Positioning System), hydrographic work and 3D scanning. The Committee decided to meet with the licensee for informational purposes to hear more about his experience and education, tell him he must practice within his area of competency and give him some guidance. With changes in technology this may be an issue in the future. The Surveying Committee decided they would handle in much the same way by having a conference with the licensee to learn more about their education and experience. The Committee would also like to derive criteria for staff to use when answering questions.
- Duke Progress Energy sent letters to property owners regarding encroachments of the property owner onto the Duke right of way easement. The Committee determined that when the public is put on notice, the information must be verified, signed and sealed by the PLS representing Duke Progress Energy. The disclaimer used is not sufficient.
- An individual questioned the property was surveyed to the center of the right of way. The Committee surmised the deed went to the center line of the road and the surveyor had set property corners on the right of way of the road. The Committee requested Mr. Mazanek forward a copy of the statute that explains that property corners need to be staked that include where right of ways cross property lines.
- The Committee will address creating or revamping easement staking policy after Mr. Jeff Horton with DENR comes in July to discuss the nuisances of conservation easements.
- The Report of Survey language was tweaked to clarify a Report of Survey is not required for construction staking when the property lines or control had been previously established by a PLS. Clarification will be made in the Report of Survey.
- Mr. Benton reported on the NCSS Annual Meeting.

CPC Committee – (Ms. Thurman)

- The sponsor evaluation form has been amended and it has been given to Mr. Tuttle to review.
- Some of the education did not rise to a level that the licensee should receive credit for on one audit. The licensee will be notified.
- The Committee does not want to require ethics and rules education as part of the required 15 hours of PDHs (Professional Development Hours) to allow licensees more flexibility. After board discussion, possible options for ethics courses mentioned were (1)incentive for licensee for taking a rules course, (2)no charge, (3)web-based presentation, (4)more PDH hours for presenter.
- The Committee does not support requiring CPC hours from “approved sponsors” only. Licensees should take courses of interest to them and not be forced to attend an approved sponsor course to qualify for PDHs. It also gives the impression the Board is approving every sponsor and every workshop.
- A licensee can use the NCBELS register or the new NCEES register to track CPC. An inquiry has been made to NCEES to inquire if they would send CPC records to various states that a multi-state licensee is licensed in.
- The Committee has reviewed if other states have CPC requirements and how often the reporting is required. Based on the review, no changes will be made.
- After discussion board members decided to leave the process in place for those licensees that passed the exam that calendar year. Those passing the exam in April will have CPC requirements in 7 months with renewal; those passing in November are licensed for the next year and will have CPC requirements when they renew approximately 13 months later.

The meeting recessed at 12:00 noon for lunch. The meeting gaveled back in at 12:55 p.m.

4. **Settlement Conference** - Executive Director
Engineering 04/09/2014 (Ratcliff & Thurman)

The Board considered the recommendation of the Settlement Conference Committee on one case conducted on April 9, 2014 at 10:00 a.m. with Dr. Ratcliff and Ms. Thurman. Mr. Stewart recused himself and passed the gavel to Ms. Thurman. Mr. Joyner made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Pond seconded the motion. A

vote was taken and the motion was approved unanimously. The Settlement Conference Committee recommendation resulted in one (1) closed case. Ms. Thurman passed the gavel back to Mr. Stewart.

5. **Review Committees** - Executive Director

(Surveying - Joyner 4/16/2014)

The Board considered the recommendation of the Review Committee – Land Surveying on fifteen (15) cases conducted on April 16, 2014 with Mr. Joyner. Mr. Pond recused himself from voting and discussion. Mr. Ellington made a motion to accept the recommendation of the Review Committee and Mr. Benton seconded the motion. A vote was taken and the motion was approved unanimously resulting in 10 closed cases, 1 reprimand, suspension and ethics course, 1 cease and desist and referral, 1 reprimand and \$2,000 civil penalty, 1 refuse to renew, reinstate or revoke if renewed and 1 continue investigation.

(Engineering – Ellington 4/29/2014)

The Board considered the recommendation of the Review Committee – Engineering on seventeen (17) cases conducted on April 29, 2014 with Mr. Ellington. Mr. Stewart recused himself and passed the gavel to Ms. Thurman. Mr. Pond made a motion to accept the recommendation of the Review Committee and Mr. Benton seconded the motion. A vote was taken and the motion was approved unanimously resulting in 6 cease and desist, 6 closed cases, 1 reprimand and \$2,000 civil penalty, 1 suspension for one year, continuing until respondent provides proof of 45 PDHs and three year audit, 2 cease and desist with referral and 1 refuse to renew, reinstate or revoke if renewed. Ms. Thurman passed the gavel back to Mr. Stewart.

6. NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director

- Mr. Ritter included in the board books a thank note he received for a great job conducting the MBA Forum and a list of the future hosts for the Southern Zone Meetings. North Carolina is slated for 2019.
- Board members made plans for the NCEES National Meeting in August in Seattle. Dr. Ratcliff, Ms. Thurman, Mr. Zoutewelle and Mr. Ritter will attend as funded delegates. The Board will make reservations for Messrs. Stewart, Pond, Ellington, Joyner and Benton.

7. Violations Activity - Assistant Executive Director

- Mr. Evans stated as of May 6, 2014, fifty (50) cases have been opened this fiscal year. This time last year 39 cases had been opened, 46% of the cases were against PEs; this year it is only 12%. Seventy-five (75) cases are on the open sheet; this time last year there were 72. There are 24 active cases. Thirty (30) cases have been closed this fiscal year; sixty (60) cases have been taken to Review Committees. Twenty-four (24) informal inquiries have been made on firms that appear to be out of compliance. In addition, all firm records were audited by running queries. Over 250 currently licensed firms may have issues as a result of their employees not having current status, address changes and the like. Another 62 letters have been sent out to companies to try to get them back in compliance. David Tuttle has done numerous presentations through the Secretary of State Mappers Workshops.

8. Applications

- Mr. Ritter reported that Mr. Mazanek handled all applications this month without any having to come before the Board.

9. Secretary's Report – Secretary & Executive Director

- Ms. Thurman reported the Board is currently at 100.6% of projected revenue which translates to about \$13,000 to the good. Late renewals are up. Fees for land surveying exams remain down. Expenses are tracking at 97%, about \$30,000 under budget. The Board has done a good job of anticipating costs for hearings and appeals and is in a good position even after the Suttles appeals. Twenty thousand dollars a year is budgeted for normal legal expenses. Per the auditor, hearings are not a budget item as the cost is not predictable. There may be Southern Zone expenses going into next month.

Mr. Zoutewelle inquired about the \$300,000,000 lawsuit against the Board and others. Mr. Tuttle reported there is no update; it is still in federal district court in Asheville. Patricia Shields is

handling the case. It is a matter of filing motions for the Board to be dismissed. Mr. Tuttle will check the lawsuit and let board members know if they are named individually in the lawsuit. Mr. Ritter assured board members they are covered under G.S. 150-B by a state insurance policy; the Board has a policy on board members and if necessary the Board would tap into board funds.

10. Old Business – Executive Director

- Mr. Ritter read a thank you card from Liz Willoughby for the farewell party. Gary Thompson called Mr. Ritter and asked that he relay his thanks to the Board for the farewell party.
- Mark Esposito's last appeal was dismissed without prejudice. His attorney said they would not re-file; however, that does not mean that another attorney will not re-file on his behalf within a year.
- Randy Carpenter has been sentenced to federal prison for 27 months.

11. New Business - Executive Director

- Based on the packed room for the hearing the previous day, Mr. Pond requested that Mr. Ritter request the cost for extending the board room wall back about 10 feet. Mr. Ritter stated the board lease is up in a couple of years and maybe that could be part of the renegotiation.

12. Informational Items - Executive Director

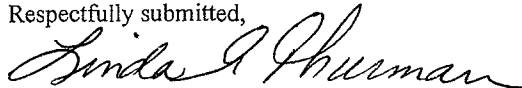
- Mr. Ritter included in the board books an article titled "Going Global" from the NSPE magazine regarding using the NCEES Exam in foreign countries.

13. Adoption of Board Rules - Executive Director

- Mr. Tuttle stated that no public comments came in on the Rules. Now the rules are ready to be formally adopted for permanent rule submittal so the process can move forward to the Rules Review Commission. Comments may be made by the Commission. The Rules Review Commission will meet on June 18th. If the Rules are approved, they will be effective July 1, 2014. Mr. Pendleton made a motion to adopt the Rules for permanent rule submittal. Mr. Zoutewelle seconded the motion. The motion was approved unanimously.

Mr. Pendleton made a motion to go into closed session. Mr. Zoutewelle seconded the motion. The Board went into closed session at 1:30 p.m. to discuss a personnel issue. The Board adjourned at 2:15 p.m. The Board is next scheduled to meet on Wednesday, July 9, 2014.

Respectfully submitted,



Linda A. Thurman
Secretary

Approved by the Board in Session

Date June 11, 2014

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 11, 2014

Raleigh, North Carolina

Board Chair Willy Stewart called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, June 11, 2014. Board members on the conference call were:

Board Members on Teleconference Call:

Willy E. Stewart, PE, Chair
Linda A. Thurman, Public Member, Secretary
Richard M. Benton, PLS
Carl M. Ellington, Jr., PE
Nils W. Joyner, Jr., PLS
David L. Pond, PE
Andrew G. Zoutewelle, PLS

Absent:

Teresa Helmlinger Ratcliff, PE, PhD, Vice Chair
Gary H. Pendleton, Public Member

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. Stewart 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 presented the Consent Agenda for approval. Mr. Pond 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: Comity Applications; Firm Applications for 9 Professional Corporations, 6 Professional Limited Liability Companies, 2 Business Firms, and 1 Chapter 87 Corporation; 3 Requests for Company Name Changes, and 1 d/b/a Request; Minutes; and a Request for Retired Status.

Mr. Ritter stated the July board meeting will be Wednesday, July 9, 2014.

Mr. Joyner made a motion to adjourn. Mr. Benton seconded the motion.

The Board formally adjourned Wednesday, June 11, 2014 at 7:32 a.m. The Board is next scheduled to meet Wednesday, July 9, 2014.

Respectfully submitted,



Linda A. Thurman, Public Member
Secretary

Approved by the Board in Session

Date July 9, 2014

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 9, 2014

Raleigh, North Carolina

Board Chair Willy E. Stewart gavelled the North Carolina Board of Examiners into session at 10:20 a.m. on Wednesday, July 9, 2014 to convene its regular order of business for the Board. Board members present were:

Present:

Willy E. Stewart, PE, Chair
Teresa Helmlinger Ratcliff, PE, PhD, Vice Chair
Linda A. Thurman, Public Member, Secretary
Richard M. Benton, PLS
Carl M. Ellington, Jr., PE
Gary H. Pendleton, Public Member
David L. Pond, PE
Andrew G. Zoutewelle, PLS

Absent:

Nils W. Joyner, Jr., PLS

Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Stewart 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 10 Professional Corporations, 7 Professional Limited Liability Companies and 1 Business Firm and, 5 Company Name Change Requests, 4 Requests to Use Individual's Name in Company Title, and 1 Summary of d/b/a Request; Minutes; and Requests for Retired Status, Review Committee and Settlement Conferences.

3. NCDOT and Electronic Signatures on Plans - Charlie Brown PE, PLS NCDOT State Location and Surveys Engineer

Bryan L. Edwards, PE, Richard Mark Clifford, PE and Charles Richards represented NC DOT to discuss and illustrate how NCDOT after several pilot projects with no negative feedback plans to move forward with all projects signed electronically through the use of the product, "DocuSign".

4. Pilot Program Proposal for use of Design Professional Seals in BIM-IPD Projects – Jim Bartl, Director of Code Enforcement at Mecklenburg County

Mr. Bartl presented a proposal for expanding the existing pilot program to include VA Charlotte Health Care Center and Davidson College New Academic Building (renovation of and addition to Martin Science Building).

Following the presentation Mr. Zoutewelle made a motion to accept the two additions, VA Charlotte Health Care Center and David College New Academic Building (renovation of and addition to Martin Science Building), presented into the BIM IDP Project with a report back to the Board in the next 3 to 4 months. Dr. Ratcliff seconded the motion. (Dr. Ratcliff was not present for the vote.) The motion was approved.

5. Settlement Conference (Engineering - Pond - Pendleton)
Executive Director 5/21/2014

The Board considered the recommendation of the Settlement Conference Committee on a case conducted on May 21, 2014 at 3:00 p.m. with Messrs. Pond and Pendleton. Mr. Ellington and Ms. Thurman recused themselves from discussion and voting. Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Zoutewelle 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 \$3,000 and restriction of practice from offering or practicing structural engineering, until respondent evidences to the Board competency by passing the NCEES 16 hour Structural Exam.

6. Committee Reports

Engineering Committee – Chair (Mr. Pond)

- The Committee was requested to determine if HVAC work that was done as part of a lawsuit was engineering. Staff had responded that the individual and his company were not licensed with the Board. After looking at the website, the Committee questioned if the individual is providing engineering. Inquiry will be made; the issue was resolved.
- The following questions were asked regarding 21 NCAC 56.0701 Rules of Professional Conduct:
 - a) A firm has employees with the title of “Project Coordinator”, PC that earn an hourly wage and are paid a commission/bonus based on each sale they make. The process is that they receive inquiries from potential customers and the PC works with the potential customer to determine the need and then works with the engineer to determine the engineering requirements of the project and the associated fee. The PC then prepares a written proposal for the engineer’s review, approval and signature. Upon receiving payment a commission/bonus is paid to the PC. Board members agreed this was okay if it was under the responsible charge of a PE with the company.
 - b) The other scenario is the PC is a 1099 consultant working from their office and contacts potential customers and offers an engineering company’s services. The PC works with the potential customer to determine the need and then works with the engineer to determine the engineering requirements of the project and the associated fee. The PC then prepares a written proposal for the engineer’s review, approval and signature. Under the current rule a commission/bonus cannot be paid to the PC in this case.
 - c) It was suggested that Mr. Tuttle check with the CPA Board and State Bar to see how they handle the aforementioned issues and the topic will be moved to the planning retreat list.
- The Board will vote affirmative on the NCEES Definition of Engineering Task Force – Motion 2 at the Annual Meeting.
- The Committee reviewed the request for changes made by ACEC to the Roofing Policy that was adopted at the May meeting. Mr. Pond made a motion to approve that the Roofing Policy be amended to incorporate the ACEC changes as presented. The Board voted. The motion was unanimously approved.
- The Committee discussed modifications to the Truss Placement Plans Policy. In response to the request to lower the threshold for prescriptive tables, the Committee recommended a) Mr. Stewart will discuss the issue with DOI (NC Department of Insurance); b) Mr. Tuttle will check with other states to see how they are handling; and c) Mr. Ritter will request this topic be placed on the agenda for discussion at NCEES Annual Meeting – Engineering Forum. The Committee will come back with a policy for the next meeting.
- Messrs. Pond and Ritter and Dr. Ratcliff attended the PENC (Professional Engineers of North Carolina) Annual Meeting. Mr. Pond attended as the funded delegate. He stated that Mr. Ritter’s presentation was well attended and that Mr. Evan’s presentation on “When to File a Complaint” for government officials received excellent feedback. Messrs. Pond and Ritter also attended the American Public Works Association – NC Meeting in New Bern. Mr. Ritter presented.

Land Surveying Committee – Chair (Mr. Benton)

- Mr. Jeff Horton and Mr. Blaine Wright with the NC Ecosystem Enhancement Program met with the Committee to discuss conservation easements (i.e. for stream restoration). The Consensus of the Committee was that conservation easements should be monumented at every corner. The Committee will prepare a policy to specifically address conservation easements to bring back to the Board.
- Aurora Engineers, unlicensed has opened an office in NC and Mr. Mazanek was informed when doing a firm inquiry that Mr. Aurora, the engineer is presently getting licensed by comity and then

plans to license Aurora Engineers; the NC office was not doing engineering services but was doing GIS work. Mr. Mazanek was told the firm was trying to take the GIS work being done in NC to the Charlotte location saying this was not within the definition of surveying/GIS. The Board asked what they were doing to determine if it was within the definition of GIS Land Surveying whereby they would need to be licensed as a surveyor as well. The Surveying Committee reviewed what was presented by Aurora and what they intend to do in NC. The work presented was inventory work, which is an exclusion; the firm will be cautioned extensively by Mr. Tuttle and Mr. Mazanek the areas they cannot practice in and about the use of disclaimers.

Mr. Stewart requested that the situation like this whereby an engineering company opens an office in North Carolina without a resident engineer in North Carolina be placed on the Planning Session Agenda.

- Mr. Zoutewelle was asked by a colleague if he could use new LIDAR technology in his final design that the state is creating for the new flood maps because it has been signed and sealed by another PLS. A town is requiring that the underlying survey data be sealed by the dual licensee who is preparing the road cross sections for design and approval of the road. The licensee says he should be able to sign and seal because it was created according to certain specifications to the County of Mecklenburg. Board members advised if the LIDAR data was used for planning purposes only, you can use it. If it was for some other purpose, one cannot use; verifications should be made to make it his own work.

CPC Committee – Chair (Ms. Thurman)

- Ms. Thurman stated when it is appropriate to change the Rules, the Committee would like to discontinue the use of sponsor evaluation forms. As the forms are required until there is a Rules change, Mr. Evans will simplify the formatting of the form so that if a licensee attends a multi-session seminar, they can complete one form only regardless of how many sessions one attends.
- From the board planning session, it was requested that the Committee prepare a Rules video. The Committee determined there was not a need for a Rules video but instead looked at an ethics webinar for PDHs. Texas has a free ethics webinar. The Committee will also look at the course being online.

7. NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director

- Mr. Ritter stated that Richard Cottingham, PE, PLS and Emeritus Member of this Board will be awarded the 2014 NCEES Distinguished Service Award with Special Commendation at the NCEES annual meeting. Mr. Cottingham was nominated by the North Carolina Board.
- Mr. Ritter furnished a letter from NCEES that Mr. Gary W. Thompson and Ms. Elizabeth N. Willoughby are now Emeritus Members of NCEES.
- NC State won one of the NCEES engineering awards for universities for a joint project with the UNC School of Medicine and NCSU Joint Department of Biomedical Engineering. The Board will make a ceremonial presentation and invite the NCSU Dean of Engineering and Representative Dean Arp sometime in September.
- Dr. Ratcliff and Mr. Pendleton have scheduling conflicts and will not attend the Annual Meeting. Mr. Joyner is not certain yet if he will attend. Mr. Ritter went over motions that are important as follows:
 - a) Now if a foreign country meets certain criteria and they want to give the NCEES exam in their country, they must go before the full NCEES Council for vote to be approved. It is proposed that if the country has ABEC accredited institutions and Pearson view testing sites, the NCEES Board of Directors could approve the request to give exams in those countries without having to go before the full Council.
 - b) That health, safety and welfare be used in all manuals and remove reference to life and property;
 - c) Develop a CPC Registry for individuals;
 - d) New definition for engineering;
- Decoupling of experience for PEs was passed last year (on the consent agenda but because of opposition around the country, it will most likely be pulled off) and is now in UPLG (NCEES Committee on Uniform Procedures and Legislative Guidelines) for wordsmithing. If decoupling comes to a vote at the Annual Meeting, as a group, the Board will oppose

decoupling. Several board members feel it is critical that the exam move to a practice exam quickly if decoupling passes.

The meeting recessed at 12:10 pm for lunch. The meeting gaveled back in at 12:45 pm.

8. Board Secretary Report - Executive Director and Board Secretary

- Ms. Thurman stated the June financials indicated the board was a little over 101% net revenue which is approximately \$14,000 in the black. Seventeen hundred dollars was netted from EI (Engineering Intern) applications. The Board was under budget by \$9,000; this does not include \$153,000 that will be put in reserves. The year to date legal fees are \$68,000 which come out of reserves. As requested, the financials will be placed on Backpack for every meeting.
- Ms. Thurman stated she and Dr. Ratcliff sat through a flawless audit of the Board. The Board is tracking at overall operating revenue at .1% and the expenses are .6% over that is minimal. An allocation of \$175,000 went in the budget for IT to update the database and digitizing paper records.
- Mr. Ritter presented a) the audit itself, 2) the company letter with the audit which stated the Board received a 100% clean audit and 3) the management letter which is what the auditors say needs to change but is not a violation. The repeat item is that LuAnn Buck is not a CPA; however, the audit acknowledges this is an unrealistic expectation for an organization our size.
- Mr. Pendleton requested the Board consider letting him sit on the Finance Committee since he has been Finance Chairman for WakeMed and numerous other boards. He would like to be invited and hear about the Finance Committee. After discussion Chair Stewart appointed Mr. Pendleton to the Finance Committee. Board members decided that next year the auditors should give their report to the full Board.
- Ms. Thurman stated she was charged in the May meeting to meet on checks and balances with Andrew; they met and everything is on target.

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

9. Violations Activity - Assistant Executive Director

- Mr. Evans stated sixty (60) cases have been opened year to date which is in line with where we were last fiscal year. Currently there are fourteen (14) cases in the investigators' hands; last year at this time there were twenty-five (25). Fifty-six (56) cases have been closed to date this fiscal year. Ten (10) new cases have been opened since the May board meeting. Twenty-seven (27) cases are pending review. There have been over 100 proactive contacts. Mr. Mazanek has handled 90 informal inquiries this year.

Of the sixty (60) cases that have been opened this year, twenty-one (21) of those respondents have had prior cases for a total of sixty (60) prior cases for these 21 respondents and 26 prior disciplinary actions. Of the 21 respondents with prior cases, 71% were PLSs and 9% were PEs. Of the respondents with prior actions, eight-six (86) percent were surveyors.

10. Applications

11. Old Business - Executive Director

- Mr. Ritter presented statistics from the April surveying exam. There were nineteen (19) new surveying licensees.

12. New Business - Executive Director

- Mr. Ritter presented a letter on behalf of East Carolina University requesting a letter of support for Dr. George Wang who is submitting to National Science Foundation (NSF) for a grant on an ethics training project. Mr. Pendleton made a motion to approve the support letter. Ms. Thurman seconded the motion. The Board unanimously approved the support letter.

13. Informational Items - Executive Director

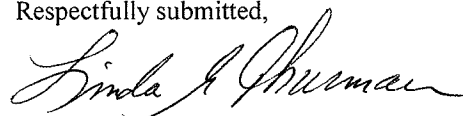
- Mr. Ritter stated that the results were released by the Government Ops Committee on the Study of Boards. The results were released and the recommendation is one line should be added to board reporting requirements. Since that time in the current legislative session three new boards have been created. Two bills are at the General Assembly concerning G.S. 89C. Representative Millis's bill brings this Board into a pilot study with DENR regarding what they do in their practice that constitutes engineering and does not constitute engineering and the limitation on job title only to those licensed as professional engineers that call themselves engineers. The Bill passed the House and is in the Senate.

The Bill that Representative Arp is running rewriting the definition of Industrial Exemption (just clarifies definition) has cleared the House and has been sent to the Senate; it has not moved.

- Dr. Ratcliff is a funded delegate and cannot attend the NCEES Annual Meeting. Mr. Benton agreed to be the funded delegate.
- A request was made to add board member pictures beside their name on the website and place the board member name on their picture in the lobby. Board members agreed to both requests.
- Gary Thompson, Emeritus Member has requested that the Board request from the NC Department of Public Safety (of which NC Geodetic Survey Office is a part) that the Board have a Liaison with the Department of Public Safety. When the Board makes the request, Mr. Thompson would then request to be the liaison for the Department. After discussion, Mr. Zoutewelle made a motion to request a liaison to the Board from the Department of Public Safety (of which NC Geodetic Survey Office is a part). Mr. Pendleton seconded the motion. A vote was taken and the motion was unanimously passed.
- Dr. Ratcliff attended the National Society of Engineers in DC. The Japanese Society of Professional Surveyors bragged about the North Carolina response to their need for the Memorandum of Understanding. Representative Dean Arp was the closing keynote speaker. His presentation centered around the legislation he introduced and shepherded around sharpening QBS in North Carolina and how the separated yet integrated approach with the NC Board and PENC aided him through the process. He stated this has been a bedrock year for engineers and state legislatures everywhere in the United States

Mr. Pendleton made a motion to adjourn. Ms. Thurman seconded. The Board adjourned at 3:20 p.m. The Board is next scheduled to meet on Wednesday, September 10, 2014.

Respectfully submitted,



Linda A. Thurman
Secretary

Approved by the Board in Session

Date 8/13/14

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

August 13, 2014

Raleigh, North Carolina

Board Chair Willy Stewart called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, August 13, 2014. Board members on the conference call were:

Board Members on Teleconference Call:

Willy E. Stewart, PE, Chair
Linda A. Thurman, Public Member, Secretary
Richard M. Benton, PLS
Carl M. Ellington, Jr., PE
Nils W. Joyner, Jr., PLS
David L. Pond, PE
Andrew G. Zoutewelle, PLS

Absent:

Teresa Helmlinger Ratcliff, PE, PhD, Vice Chair

Staff on Teleconference Call:

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

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

To initiate the meeting, Mr. Stewart 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 presented the Consent Agenda for approval. Mr. Zoutewelle noted a correction to the last item of the Surveying Committee Report. Mr. Benton confirmed the correction. Mr. Pond made a motion to approve the consent agenda. Ms. Thurman seconded the motion. The Board voted and the consent agenda was unanimously approved.

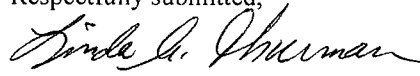
The consent agenda included: Requests for Board Authorized Case Openings; Comity Applications; CPC; Firm Applications for 12 Professional Corporations, 14 Professional Limited Liability Companies, 1 Business Firm, and 1 Request to Use Individual's Name in Company Title, 1 Request to obtain Certificate of Authority, and 1 d/b/a Request; Minutes; Request for Retired Status; Review Committees; and Settlement Conferences.

Mr. Ritter stated Gary Pendleton has notified the Governor's Office of his resignation and board members will be attending the NCEES Annual Meeting next week.

Mr. Pond made a motion to adjourn. Ms. Thurman seconded the motion.

The Board formally adjourned Wednesday, August 13, 2014 at 7:37 a.m. The Board is next scheduled to meet Wednesday, September 10, 2014.

Respectfully submitted,



Linda A. Thurman, Public Member
Secretary

Approved by the Board in Session

Date 9/10/14

August 13, 2014

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 10, 2014

Raleigh, North Carolina

Board Chair Willy E. Stewart gaveled the North Carolina Board of Examiners into session at 10:15 a.m. on Wednesday, September 10, 2014 to convene its regular order of business for the Board. Board members present were:

Present:

Willy E. Stewart, PE, Chair
Linda A. Thurman, Public Member, Secretary
Richard M. Benton, PLS
Carl M. Ellington, Jr., PE
Nils W. Joyner, Jr., PLS
David L. Pond, PE
Andrew G. Zoutewelle, PLS

Absent:

Teresa Helmlinger Ratcliff, PE, PhD, Vice Chair

Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Stewart 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. Ms. Thurman seconded the motion. The Board voted and the consent agenda was approved. Mr. Ellington was not in the room for the vote.

The consent agenda included: Board Authorized Case Openings; Comity Applications; Firm Applications for 9 Professional Corporations, 13 Professional Limited Liability Companies and 1 Chapter 87 Corporation and; 1 Company Name Change Request, 1 Request to Use Individual's Name in Company Title and 1 Summary of d/b/a Request; Minutes; a Review Committee; and Settlement Conferences.

3. Committee Reports

Engineering Committee Chair

- Mr. Pond stated that upon the Board request for DOI (Department of Insurance) to review the proposed Truss Placement Plans Policy for Residential and Commercial, DOI requested that the threshold be lowered. The Committee received input at the NCEES National Meeting. The Committee will leave the threshold at 15,000. David Tuttle will work with Mr. Stewart to finalize the draft policy; it will be circulated and approved on the consent agenda in October. A letter will be sent to DOI that there will be no change in the threshold, but it will be revisited if DOI changes their threshold.
- The Committee approved a request to accept the UNCC Masters of Science in Construction and Facilities Management program (30 hours) toward one year of experience to take the PE exam. During the development of Senate Bill 729, an individual tried to get incorporated that inundation mapping (if a dam fails what structures downstream would be affected) be required. It included maps and formulas that could be used by any individual to determine this. The Board received a heads up and communicated with DENR this is engineering and public safety is affected. The Board will be happy to meet with Dam Safety.

Land Surveying Committee Chair

- Mr. Benton stated David Tuttle will write a newsletter article alerting surveyors to concerns regarding requests for recertification of existing surveys. Mr. Benton stated 40 applicants were

approved for GIS grandfathering. These are the last to be grandfathered as surveyors. Ten to fifteen were turned down because they did not meet the requirements.

- Regarding the interpretation of NCBELS Policy # BP-1005-3 Rev.01 Engineering Surveys Policy, an individual asked if horizontal and vertical established by a PLS are necessary. After much discussion board members agreed that an engineer can do an engineering survey in support of their engineering design, but not issue the topographic survey (or work product) to the engineer's client. In this case the engineer should have issued a report.

CPC Committee Chair – No report

4. **Review Committees**

Surveying 07/21/2014 (Zoutewelle)

Engineering 09/03/2014 (Stewart)

The Board considered the recommendations of a Land Surveying Review Committee on two (2) cases conducted on July 21, 2014 and chaired by Mr. Zoutewelle. Mr. Tom W. Morgan, PLS served as a consultant. Mr. Joyner recused himself from voting and discussion on all cases. Mr. Pond made a motion to accept the recommendations of the Review Committee; Mr. Benton seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) closed case and one (1) reprimand, civil penalty of five hundred dollars (\$500.00).

The Board considered the recommendation of an Engineering Review Committee on four (4) cases conducted on September 3, 2014 and chaired by Mr. Stewart. Ms. Thurman and Mr. Pond (Dr. Ratcliff would have been recused herself had she been present) recused themselves from voting and discussion on all cases. Mr. Joyner made a motion to accept the recommendations of the Review Committee. Mr. Zoutewelle seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in two (2) closed cases and two (2) cease and desist letters.

5. **NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director NEWS FROM THE NCEES ANNUAL MEETING:**

- Mr. Ritter stated B+30 was removed from model law. No board action is needed.
- Decoupling was not discussed; it is in model law. The Board will place decoupling on the planning agenda in October to discuss the implications for engineers and surveyors.
- Based on the Engineering Forum, Mr. Pond asked if a structural engineer is licensed by comity in NC, do they get just a PE license. Mr. Ritter stated yes, and they could also use the SE designation on their business cards, if it is identified as applicable only to them in the other states. Mr. Pond also wanted staff to be aware regarding comity applications that Wyoming is allowing individuals with a PHD and four years of experience to do an oral interview and to take an exam of the Rules and Ethics without anything on practice and a PE license is issued. This will not meet comity requirements for NC.
- Mr. Benton stated the PLS Forum discussed the following: the declining numbers in the profession is a marketing issue; property descriptions written by non-licensed individuals is mostly in other states; and approval of requirements for unmanned aircraft by FAA is 2 – 3 years away (cannot be done for a commercial benefit at this time). Mr. Tuttle stated a survey cannot be issued based on the information obtained using an unmanned aircraft.
- Mr. Benton stated that at the Colonial States Meeting attendees discussed all exams going to CBT and possibilities to make state specific exams part of the process to be more cost effective by having all colonial states send their bank of questions to Person Vue to have a bank of questions from all states and choosing questions on what states have in common. Messrs. Ritter and Zoutewelle are on separate committees that have explored this and the overwhelming answer was surveying is too specific to each state to combine the exam.
- NCEES is exploring placing all CPC sponsors in a national database.

Mr. Ritter introduced Ms. Christy Davis, Executive Director of the NC Society of Surveyors (NCSS).

6. Violations Activity - Assistant Executive Director

- Mr. Evans stated 83 cases have been opened this fiscal year. Fifty-eight (58) cases are on the open sheet; 24 are in the investigators' hands. Eleven (11) new cases have been opened today, 8 of which are CPC cases resulting from audits. Eighty (80) cases have been closed to date and 91 cases have gone to Review Committee to date for this fiscal year. Over two hundred (200) proactive contacts have been made this year. Mark Mazanek has handled 83 non-compliant firm inquiries.

7. Applications – Special Agenda Items for Board Approval

Eskenazi & Farrell Associates, LLC requests permission to use the name of an individual in the firm title that was never part of the firm applying for licensure. The individual, Mr. Eskenazi was a licensed engineer and a partner of a previous company licensed with this Board as *Eskenazi, Farrell & Fodor, P.C.*

Ms. Thurman made a motion to deny the request. Mr. Pond seconded the motion. After lengthy discussion, the Board voted 4-2 to approve the motion to deny the request. Ms. Thurman and Messrs. Pond, Ellington and Zoutewelle voted to approve the motion. Messrs. Joyner and Benton voted no.

8. Board Secretary Report - Executive Director and Board Secretary

- Ms. Thurman reported the Board is in good shape for her June and July reports. The Board is up slightly on income. Engineering applications are up 2%; surveying applications are flat and late fees are up. All hearing expenses are paid.
- Mr. Pond inquired about the motion made at the last meeting to post financials on Backpack. Mr. Ritter stated that will be done in the future.

9. North Carolina Representative Mike Hager

Representative Hager updated the Board on fracking, coal ash challenges and energy options for the future.

The meeting recessed at 11:57 a.m. for lunch. The meeting gavelled back in at 12:50 p.m.

10. Old Business - Executive Director

- Mr. Ritter presented Mr. Pendleton's resignation letter for the record. Mr. Ritter has not heard anything from the Governor's Office regarding a new appointment.
- Mr. Ritter presented Senate Bill 734 (most concise write-up regarding some of Representative Hager's presentation) that has passed the General Assembly and was sent to the Governor on August 15th. If the Governor does not veto the bill, it will become law on September 19th. The bill completely rewrites the Industrial Exemption in G.S. 89C to clarify the Professional Engineer exemption. Representative Arp, David Tuttle and Betsy Bailey rewrote the industrial exemption portion of the bill. They will give a presentation at the December board meeting.

Representative Millis worked on the stormwater permitting part of Bill 734 that states, "No later than March 1, 2014, NCDENR in consultation with NCBELS and PENC shall complete a pilot study on the PERCS wastewater collection system permitting program and the stormwater permitting program to identify the work activities associated with each program, which work activities constitute the practice of engineering and develop recommendations to ensure that those activities that constitute the practice of engineering have the proper oversight." According to the statute, all items will come to the Board for review. The Engineering Committee will need to develop a plan as to what constitutes engineering and what does not.

11. New Business - Executive Director

- Mr. Ritter stated the Planning Session is scheduled for October 22nd and October 23rd at Farrington Inn in Pittsboro. Board elections will be on the agenda. Board members agreed that it is okay for Mr. Ritter to present the new budget at the December meeting. Mr. Ritter will post to Backpack the 4 or 5 items that were not handled from the last planning session. The Board Chair requested that members post on Backpack or bring to the meeting items they want to discuss.

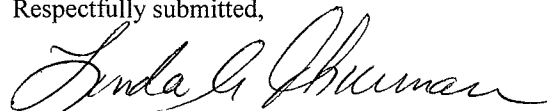
- Mr. Benton requested the Board write a letter to the Governor requesting that Ms. Thurman be reappointed. Mr. Joyner seconded the motion. The Board voted and the motion was approved unanimously.
- The Government Ops Committee was charged with reviewing boards. Boards were required to complete a lengthy survey which this Board did. The report by the State Auditor concluded boards need more oversight; however, the mechanisms for oversight are there, it's just not being done and they could not determine how many boards there actually are. They are charged with bringing recommendations from the audit by January 15, 2015. Mr. Ritter stated that from his meeting with a state representative regarding the audit, they are looking more closely at the smaller boards who are not doing what they should be doing or do not have money for staff.
- A bill was recently passed by the General Assembly requiring a plan for giving credit for military experience toward licensure and some sort of proactive program with the bases. Mr. Ritter reported that the Board (1) has always gone to military bases, (2) meets routinely with the Corps of Engineers, (3) has never had anyone apply using military experience that was denied and (4) he recently discussed getting more surveyors in the mix with a member of the Society of American Military Engineers.
- Mr. Ritter stated a new process is now in effect, whereby an applicant for the PS or PE exam applies, sends their application fee to the Board and when approved the applicant pays the exam fee directly to NCEES. The revenue and expense stream will drop because the Board is no longer taking in exam fees.

12. Informational Items - Executive Director

- Mr. Stewart reported on the ACEC meeting. He stated Mr. Ritter gave a very thorough report on the Board that was very well received; he's articulate and makes the Board look good to the public and the different agencies we work with. Mr. Ritter stated members attending the meeting voiced concerns that an individual no longer has to become an Engineer Intern before becoming a Professional Engineer. Board members discussed and asked this be placed on the Planning Session agenda for discussion.

The Board adjourned at 2:10 p.m. The Board is next scheduled to meet on Wednesday, October 22, 2014.

Respectfully submitted,



Linda A. Thurman
Secretary

Approved by the Board in Session

Date October 22, 2014

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 22 and 23, 2014

Pittsboro, North Carolina

Board Chair Willy Stewart gaveled the North Carolina Board of Examiners into session at 1:25 p.m. on Wednesday, October 22, 2014 to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Stewart 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

Chair Stewart presented the Consent Agenda for approval. Mr. Benton 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 Requests for Board Authorized Case Openings; Comity Applications; Engineering Surveys Board Policy 1005-3 Rev.2; Firm Applications for 19 Professional Corporations, 12 Professional Limited Liability Companies, 5 Business Firms and 2 Chapter 87 Corporations; 2 Requests for company name change, 1 Request to be Resident for Multiple Companies, 2 Requests to Use Individual's Name in Company Title and 3 d/b/a Requests; Minutes; and Request for Retired Status.

3. Board Calendar for 2015 - Executive Director

Mr. Benton made a motion to approve the proposed 2015 Board calendar. Dr. Ratcliff seconded the motion. The Board voted and the motion was unanimously approved.

4. Board Secretary's Report - Board Secretary

Ms. Thurman reported on the August finances of the Board.

Election of Officers:

Mr. Pond nominated the following board members for 2015 officers: Mr. Joyner as Chair; Mr. Ellington as Vice Chair and Mr. Benton as Secretary. Mr. Zoutewelle seconded the motion. The motion passed by acclamation.

Chair Stewart passed the gavel to Vice Chair Ratcliff to lead the Planning Session.

5. Planning Session

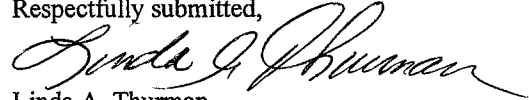
- The following topics were discussed:
 - a. EI/SI Fees under CBT;
 - b. Increase Surveyor penalty to \$5,000;
 - c. Unlicensed practice regulation;
 - d. Retirement status as it pertains to firm name
 - e. Re-certification of old surveys or reports
 - f. Staff Created Ethics Program for CPC Credit
 - g. CPC discussion – should we have sponsors;

The Board adjourned Wednesday, October 22, 2014 at 4:40 p.m. and reopened Thursday, October 23, 2014 at 8:20 a.m. Mr. Stewart was absent. The Board resumed the Planning Session.

- h. Decoupling for both Engineering and Surveying applicants;
- i. Electronic Signature and Seal Rules/Law Rewrite;

The Board formally adjourned on Thursday, October 23, 2014 at 11:00 a.m. The Board is next scheduled to meet on Wednesday, December 3, 2014.

Respectfully submitted,



Linda A. Thurman
Secretary

Approved by the Board in Session

Date December 3, 2014

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 3, 2014

Raleigh, North Carolina

Board Chair Willy E. Stewart gaveled the North Carolina Board of Examiners into session at 10:40 a.m. on Wednesday, December 3, 2014 to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Stewart 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. Ritter mentioned some items were pulled from the consent agenda and will be done line item in the CPC Committee Report.

2. Consent Agenda – Executive Director

Mr. Pond 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: Board Authorized Case Openings; Comity Applications; Firm Applications for 18 Professional Corporations, 10 Professional Limited Liability Companies, 3 Business Firms and 6 Chapter 87 Corporations and, 2 Company Name Change Requests, 2 Requests to Use Individual's Name in Company Title, and 2 d/b/a Requests; Minutes; Review Committees; and Retired Status Requests.

3. Committee Reports

Engineering Committee – Chair (Mr. Pond)

- Mr. Pond stated that in response to a request from the Division of Aviation (DOA) for the definition of engineering, the Committee created a task force to look into this matter to bring back to the Board at the February meeting a policy for approval as well as a recommendation to DOA.
- Mr. Pond updated the Board that an individual who sent six complaints on engineers across the state challenging the red light formula, where the complaints were evaluated and determined unfounded by the Board, has now sent a letter to the Board implying that because of no action taken by the Board, a girl has been killed at a yellow light. No action is required.
- The Geology Board asked if certain things on a firm's website met the definition of engineering. The Committee said that items on the website do meet the definition of engineering and requested that Mr. Tuttle write a formal response.
- Mr. Pond made a motion to approve the Residential Buildings Wood Truss Plans Policy and the Commercial Buildings Wood Truss Plans Policy and to rescind the Wood Truss Placement Plans Disclaimers Policy (BP-0304-1). The Board unanimously approved the motion.
- The Committee reviewed Mr. Tuttle's edit of the Seal Brochure which he will take back to the Architecture Board to get in final form and bring back to the Committee for final approval so it can be printed and distributed.
- The Committee requested Mr. Ritter set up meetings within the first six months of 2015 with the Secretary of North Carolina Department of Transportation (NCDOT), Building Code Council, American Council of Engineering Companies (ACEC) and Professional Engineers of North

Carolina (PENC) in this order of priority. The Chair of the Engineering Committee and Mr. Ritter will attend and anyone else who can. Mr. Stewart will set up a meeting with Secretary Tata (NCDOT) and he will attend either as a board member or as an Emeritus member.

- In the next round of rule changes, it is recommended that the requirement for a PE reference be replaced with a character reference on the Engineer Intern (EI) reference form.
- The Committee will not pursue further legislative action on the Industrial Exemption at this time.

Land Surveying Committee – Chair (Mr. Benton)

- The Committee is working on a new policy for conservation easements that will be brought to the Board requiring that corners for conservation easements be monumented, and no longer treated the same as wetlands. The Wetlands Mapping Policy will be recommended for revision to delete reference to conservation easements.
- Surveyors are now classified as excavators under the new NC811 law. When requesting a DIG TICKET from NC811, surveyors should describe the work to be performed as “driving stakes for land surveying” in order to have the utilities marked within the required three working day response time. If work description is simply “land surveying” the call center will interpret this as a DESIGN TICKET which has a twelve working day response time. Setting offset irons to avoid the NC811 law is not an option. Monuments must be set at all corners unless inaccessible.
- The Committee is considering combining Parts B (state specific) and C (drainage) into one exam based on the fact that fewer surveyors are doing drainage calculations for subdivisions; now with new rules and regulations an engineering degree is needed. There would be basic drainage questions, but an applicant would not be required to be an expert. The GIS or photogrammetric person would never do drainage and could not pass C so the test would be a more true reflection of what is being done. Surveyors could still do drainage, but could be challenged on their area of competency.

CPC Committee – (Ms. Thurman)

- Ms. Thurman presented sponsor applications for board approval as follows:
 1. For the Smith Gardner, Inc. application, Mr. Stewart recused himself and passed the gavel to Dr. Ratcliff. Ms. Thurman made a motion to approve Smith Gardner, Inc. The Board voted and the motion was unanimously approved. Dr. Ratcliff passed the gavel back to Mr. Stewart.
 2. Ms. Thurman made a motion to approve EJ Solutions as a sponsor. The Board voted and the motion was unanimously approved.
 3. Ms. Thurman made a motion to approve Mark Faggion at Shepherdwise as a sponsor. The Board voted and the motion was unanimously approved.
 4. Ms. Thurman made a motion to approve @Home Prep – a division of Stauntzenberger College as a sponsor. The Board voted and the motion was unanimously approved.
 5. Mr. Joyner made a motion from the committee to approve Environmental Research and Education Foundation. Ms. Thurman recused herself. The Board voted and the motion was unanimously approved.
- The Committee was asked for a CPC interpretation rule request to clarify the number of PDHs that can be claimed for writing, publishing and presenting a paper. Mr. Pond was recused from discussion on this matter. The Committee informed the licensee that PDHs must accurately reflect the amount of time taken to write and publish the paper up to 10 PDHs. A licensee cannot claim PDHs for both writing and publishing and presenting the same paper.
- Based on feedback, the Sponsor Evaluation form has been updated to be more user friendly
- The Committee decided to look at the costs of the planning session item regarding launching a board rules audio and PowerPoint and prioritize with other financial objectives of the Board.

4. **ASCE Position on Decoupling**

Mr. David Peterson, PE, Region 4, Director ASCE

The meeting recessed at 12:00 noon for lunch. The meeting gaveled back in at 12:55 p.m.

5. **Review Committees** - Executive Director
(Engineering – Pond 11/19/2014)

The Board considered the recommendation of the Review Committee – Engineering on two (2) cases conducted on November 19, 2014 with Mr. Pond. Ms. Thurman recused herself from voting and discussion. Mr. Pond 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 1 cease and desist and 1 reprimand and \$2,500 civil penalty.

6. NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director

- Mr. Ritter asked board members if anyone would like to attend the 2015 NCEES Board Presidents' Assembly in Mr. Joyner's place. Mr. Zoutewelle will notify Mr. Ritter if he can attend.

Ms. Thurman made a motion to go into closed session to discuss a personnel issue. Mr. Zoutewelle seconded the motion. The Board went into closed session at 12:00 noon to discuss a personnel issue. The Board was called back into session at 1:47 p.m.

7. Secretary's Report – Secretary & Executive Director

- Ms. Thurman reported on the October finances of the Board. Mr. Ritter presented the 2015 budget. Ms. Thurman made a motion to approve the 2015 budget. Dr. Ratcliff seconded the motion. The Board voted and the 2015 budget was unanimously approved.

8. Violations Activity - Assistant Executive Director

- Mr. Evans reported 116 cases were opened for fiscal year 2014; 34% of which were authorized by the Board. The four year average for board authorized cases was 26%. Seventy-five cases are open; this time last year there were 55. There are 35 cases in the investigators' hands at this time; last year there were 23. Ninety-six cases have been closed this year; 118 cases were closed last year.
- Of the 116 cases opened this year, 39 of the respondents had prior cases. Of the 116 cases, 26 respondents had 48 prior disciplinary actions. Fifty-four percent of the PE cases resulted in disciplinary action. Thirty-seven percent of the PLS cases resulted in disciplinary action. Forty-three percent of the cases against licensed firms resulted in disciplinary action. Fifty percent of the cases against non-licensed businesses resulted in action. Mr. Mazanek has handled 95 firm inquiries. Numerous presentations have been given by board staff.

9. Applications

1. **Engineered Stem Cells Inc.** is requesting a non-objection letter to allow them to file Articles of Incorporation with the NC Secretary of State. The firm's attorney indicated in written correspondence that it will not be offering/providing services that will fall within the definition of engineering. Mr. Pond made a motion to approve issuing a non-objection letter. Mr. Zoutewelle seconded the motion. The Board voted and the motion was unanimously approved.
2. **WBM Group, PLLC** requests to use the initials of W B Moore who has never been part of this entity. They are asking for an exception. The attorney gave five reasons why they are saying it is not misleading. Mr. Pond made a motion to issue a non-objection letter. Mr. Benton seconded the motion. A vote was taken. Mr. Ellington voted no. The motion was approved.
3. **MGR Consulting, LLC** is requesting permission to convert from a domestic LLC to a domestic PLLC using the initials "MGR". Mr. Joyner made a motion to not approve the request. Mr. Benton seconded the motion. The motion passed not to approve the request; Ms. Thurman, Messrs. Zoutewelle, Ellington and Joyner voted in favor of the motion. Messrs. Pond and Benton opposed the motion. Dr. Ratcliff was out of the room.
4. **Attorney Natalie Crenshaw** is requesting Board staff to issue a non-objection letter that will allow a firm called ESP Acquisition, LLC to change its name to Engineered Steel Products, LLC

as the result of an acquisition of the assets of Engineered Steel Products, Inc. Mr. Benton made a motion to approve. Ms. Thurman seconded the motion. A vote was taken and the motion was unanimously approved.

10. Old Business – Executive Director

- Mr. Ritter stated that an administrative hearing for reinstatement will be held for Danny Taylor at the February meeting. Board members should set aside Wednesday and Thursday.
- The Electronic Seal Task Force met last week and will meet with staff.
- Mr. Ritter placed a summary of the planning session in the board books.
- The Juanita Jones case was dismissed; she can appeal.
- A status report from Jim Bartl on the Pilot Program was presented in the board books.
- Representative Dean Arp will be scheduled for a future meeting.
- The Board discussed decoupling at the November Planning Session and agreed to vote at the December board meeting. Mr. Pond made a motion in favor of decoupling. Mr. Joyner seconded the motion. After discussion the Board voted. Messrs. Joyner, Pond and Benton voted in favor of the motion. Dr. Ratcliff and Ms. Thurman opposed. Messrs. Ellington and Zoutewelle abstained. With a vote of three in favor, two opposing and two abstaining and the Chair did not vote, the questions arose how the abstained votes are counted and are a majority of the board members present required or a majority of the board members voting required for a motion to pass. As there was not a clear answer, Mr. Pond suggested since two members requested more time that a legal interpretation be obtained and requested staff to have a clear understanding of how Roberts' Rules of Order works for the future. Chair Stewart deemed the motion died as there was not a majority vote. A vote will be taken again in February.
- Mr. Ritter presented in the board books the presentation from Brooke T. Carpenter, PE.

11. New Business - Executive Director

- Messrs. Ritter and Stewart attended the NCEES 2014 Engineering Award for Connecting Profession Practice Ceremony at NC State College of Engineering (Biomedical). Mr. Stewart presented the award on behalf of NCEES.
- Dr. Ratcliff made a motion to approve Mr. Benton's expenses for the NCSS Cape Fear Chapter meeting on December 4, 2014. Mr. Pond seconded the motion. The motion was unanimously approved.
- Committee appointments will be made prior to the February meeting.

12. Informational Items - Executive Director

- Mr. Ritter included in the board books an article titled "Going Global" from the NSPE magazine regarding using the NCEES Exam in foreign countries.

Dr. Ratcliff made a motion to adjourn. Mr. Pond seconded the motion. The Board adjourned at 3:25 p.m. The Board is next scheduled to meet on Wednesday, February 11, 2015.

Respectfully submitted,



Linda A. Thurman
Secretary

Approved by the Board in Session

Date January 14, 2015