

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 14, 2016

Raleigh, North Carolina

Board Chair Carl M. Ellington, Jr. gaveled the North Carolina Board of Examiners into session at 10:40 a.m. on Wednesday, December 14, 2016 to convene its regular order of business for the Board. Board members present were:

Present:

Carl M. Ellington, Jr., PE, Chair
Richard M. Benton, PLS, Vice Chair
Andrew G. Zoutewelle, PLS, Secretary
Jonathan S. Care, Public Member
David L. Pond, PE
Bobbie Shields, PE
Linda A. Thurman, Public Member
Stacey A. Smith, PE
John M. Logsdon, PLS

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Ellington 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. Smith stated a matter regarding his firm would come before the Board today and he would he would recuse himself at that time. No other conflicts or appearance of conflicts were noted.

2. Consent Agenda – Executive Director

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

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC Sponsors; Firm Applications for 7 Professional Corporations, 8 Professional Limited Liability Companies, 6 Business Firms, 1 Chapter 87 Corporation, 3 Company Name Change Requests, 2 Requests to Use Individual's Name in Company Title and 2 d/b/a Requests; Minutes; Requests for Retired Status; Review Committees; and Settlement Conferences.

3. Declaratory Ruling — Comfort Engineers and Mechanical Services, Inc.

At the board meeting on September 14, 2016 the Board denied the request of Comfort Mechanical Contractors, Inc. to use the name Comfort Engineers and Mechanical Services, Inc. In response to the denial, the company submitted documentation and requested a declaratory ruling from the Board. Ms. Thurman recused herself from all discussion and all voting on this matter. After discussion, Mr. Pond made a motion to allow the use of Comfort Engineers and Mechanical Services, Inc. Mr. Benton seconded the motion. After discussion, Mr. Pond made a motion to withdraw his previous motion. Mr. Shields seconded the motion. The Board voted and the motion was withdrawn.

Mr. Shields made a motion to confirm the denial of the use of the name requested and a declaratory ruling will not be granted. Mr. Care seconded the motion. After discussion, the Board voted. Mr. Shields voted in favor; all other board members opposed. Ms. Thurman was recused. The motion failed.

Mr. Logsdon made a motion to enter a Declaratory Ruling today disallowing the use of the name and denying a declaratory hearing. Mr. Smith seconded the motion. Mr. Care requested a brief discussion on some basic findings of fact that will supplement or amend Mr. Logsdon's motion prior to voting. Mr. Shields made a motion to table the motion until after lunch. Mr. Smith seconded the motion. The Board

tabled the motion until after lunch. Mr. Tuttle was requested to work on findings of fact over lunch that would supplement the ruling.

Mr. Pond made a motion to take the previous motion off the table. Mr. Smith seconded the motion. The Board voted unanimously to take the motion off the table.

After discussion, Mr. Logsdon withdrew his motion. The Board voted and unanimously agreed to withdraw the motion.

Mr. Benton made a motion that a letter be sent allowing the use of the name requested with the stipulations, that it has to be within the scope of the engineering offered; within the scope of the work for that company as Mr. Sigmund said he was going to do and should the company be without a Professional Engineer, the word "engineers or engineering" would not be allowed to be used and the firm would not be licensed by this Board, Mr. Zoutewelle seconded the motion. Mr. Mazanek will work with them to work out the details. The Board voted; two were in favor; seven were opposed. The motion died.

After additional discussion Mr. Smith made a motion that the Board approve the request for a declaratory hearing and the Board will make a declaratory ruling after the hearing. Mr. Care seconded the motion. The Board voted and the motion was unanimously approved. Mr. Care requested that Mr. Tuttle present a refresher on the statutes, rules and authority to make this decision. The hearing will be scheduled for the January board meeting.

4. Review Committee (12-1-2016 Shields)
Executive Director

The Board considered the recommendation of the Engineering Review Committee on eighteen (18) cases conducted on December 1, 2016 with Mr. Shields and Mr. Andrew T. Haldane, PE, Consultant for Item 4. Mr. Pond recused himself from discussion and voting of this agenda. Mr. Thurman made a motion to accept the recommendation of the Review Committee and Mr. Zoutewelle seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in four (4) close cases; four (4) reprimands; one reprimand and civil penalty of \$500; three (3) reprimands and civil penalty of \$1,000; one (1) reprimand and ethics course; one (1) reprimand, course and restriction of practice; two (2) notices of non-compliance, one (1) continue investigation; and one (1) suspension.

5. Committee Appointments
Vice Chair

Mr. Benton made the following appointments:

Engineering Committee – Bobbie Shields, Chair; Linda Thurman, Public Member; David Pond, PE; Carl Ellington, PE; and Stacey Smith, PE

Surveying Committee – Andy Zoutewelle, Chair; Jonathan Care, Public Member; Mike Benton, PLS; and John Logsdon, PLS

CPC Committee – Jonathan Care, Chair; John Logsdon, PLS; and David Pond, PE.

6. Committee Reports

Engineering Committee – Chair (Mr. Smith)

- Mr. Smith stated an individual from a past case requested guidance on behalf of a group of residential structural engineers. A draft letter will be prepared in response supporting conversations that David Tuttle has had with the individual regarding guidance on bracing.
- A letter will be drafted that the existing Foundation Repair Guidelines are still good. The request was for more allowance regarding the evaluation and recommendation of the foundation repair. The letter will be drafted and sent to Mr. Smith who will review and send out to the committee for their comments.
- Both the Engineering and Surveying Committees discussed in their committee meetings whether a PE can provide floodplain mapping services to clients in support of their flood

insurance/floodplain management requirements. After further discussion in the board meeting, Mr. Pond recommended that one representative of the Engineering Committee and the Surveying Committee meet with Gary Thompson to discuss the issues and report back to the Board in January. Mr. Benton will represent the Surveying Committee. Mr. Pond will represent the Engineering Committee. The firm asking this question can be licensed; however, a response to floodplain mapping question must be delayed.

Land Surveying Committee – Chair (Mr. Benton)

- Mr. Benton stated the Committee reviewed and revised the Easement Staking Policy. Mr. Benton made a motion to approve the revised Staking Policy. After discussion, Mr. Benton withdrew the motion. The Committee will make the changes discussed and bring back to the Board.

CPC Committee - Chair (Ms. Thurman)

- Ms. Thurman stated the sponsors were all on the Consent Agenda. The audit goal of 15 audits was met. Ms. Thurman stated that the CPC Committee has reviewed in great detail Mr. Royals request to be exempt from continuing education due to a personal situation for 2017 and the Committee agrees that it meets the requirements in the rules. She made a motion that Mr. Royals' continuing education for 2017 be waived. The Board voted and the motion passed unanimously.

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

- Mr. Ritter stated ABET has proposed revisions to EAC criteria and furnished a link to the changes. He told board members that NCEES has requested if there are any issues with the criteria to let the specific people at NCEES know.
- Mr. Benton will be attending the 2017 NCEES Board Presidents' Assembly in Atlanta.
- Messrs. Zoutewelle, Smith and Care will be the funded delegates to the Southern Zone Meeting.
- The Vice President and Assistant Vice President positions are open for the Southern Zone. Mr. Ritter furnished the information for the candidates in the board books.
- Bobbie Shields and Stacey Smith volunteered to be ABET observers.

8. Board Secretary Report and 2017 Budget
Executive Director and Board Secretary

- Mr. Zoutewelle reported on the October financials. The Finance Committee composed of Messrs. Zoutewelle, Smith and Ritter submitted the 2017 budget. Mr. Zoutewelle made a motion to approve the 2017 budget. The Board voted and the motion was unanimously approved.

9. Violations Activity - Assistant Executive Director

- Mr. Evans stated there were 100 open cases as of December 7, 2016. Approximately one half of the cases are still in the investigators' hands. One hundred seven (107) cases were opened during the fiscal year (ending November 30). One hundred eight (108) cases were closed for the fiscal year. Forty-nine (49) per cent of the PE closed cases for 2016 resulted in a formal action by the Board; thirty-six (36) percent of the PLS closed cases for 2016 resulted in a formal action. Thirty-six (36) per cent of the engineering firm cases resulted in disciplinary action and twenty-five (25%) of the surveying firm cases resulted in disciplinary action. Numerous presentations have been given by staff around the state.

10. Applications
Special Agenda Items for Board Approval

- Mr. Smith recused himself from discussion and voting on this item. Smith Gardner, Inc. requested licensure as a Business Corporation. Mr. Shields made a motion to approve. Mr. Care seconded the motion. The Board voted and the motion was unanimously approved.

11. Old Business - Executive Director

- Ms. Patricia Shields talked with the Board about review committees.
- Mr. Ritter furnished board members with the final letter from First American Title accepting the Board's Declaratory Ruling, as required by the Board's Declaratory Ruling.

- Mr. Ritter placed in the Board books letters of endorsement for Mr. Ellington's re-appointment.
- Mr. Ritter stated that Mr. Charlie Brown is retiring. He has been the Board Liaison with NC Department of Transportation for several years. The Board will need another liaison.

12. New Business - Executive Director

- Mr. Ritter stated the Charlotte certificate ceremony will be January 18, 2017.
- Because of decoupling, it will be difficult to have certificate ceremonies in the future. It was decided not to plan annual certificate ceremonies in the future (after this round).
- Mr. Ritter provided the list of civil penalties the Board received for the fiscal year 2016. The Board has sent \$32,000 received for civil penalties to the State of North Carolina that goes in the general fund that is routed back to the county in which the offense occurred which is routed to their education system.
- Mr. Ritter furnished the required information to Board members regarding their ethics and SEI requirements.
- Mr. Ritter updated the Board on construction in the new office.
- The Board is scheduled for a hearing on February 8th. Messrs. Care and Logsdon will be recused. Ms. Thurman will not be present.
- Mr. Ritter presented two potential statute changes.
 - A. He stated the statute requires the Board to mail renewals. Ninety percent of renewals are done online; however, only 5% have opted out of paper renewals. It is costing \$35,000 now. Board members agreed to look at a statute change coming up with a different word other than mail. It was requested a licensee should be notified by mail if their renewal is not received within a certain period of time.
 - B. A disciplinary complaint filed with the Board now must be a "sworn to" complaint; a notary public must notarize the complaint. It accomplishes that the Board does not accept anonymous complaints. The State of North Carolina has asked Boards to go to an online complaint system making it hard to do the "sworn to" part with a notary. Staff is requesting to remove the notary public intent of that language. Staff suggests to replace with "attest". The Board does not want to open itself to anonymous complaints. If board members have suggestions, let Messrs. Ritter or Tuttle know. Staff will prepare draft language for a statute change.

13. Informational Items – Executive Director

- None

Mr. Ellington passed the gavel to Mr. Benton. Mr. Care made a motion for the Board to go into closed session for a personnel matter. Ms. Thurman seconded the motion. The Board adjourned at 3:30p.m. The Board is next scheduled to meet on January 11, 2017.

Respectfully submitted,

Stacey A. Smith, PE
Secretary

Approved by the Board in Session

Date January 11, 2017

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

November 16, 2016

Raleigh, North Carolina

Board Chair Carl M. Ellington, Jr. called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, November 16, 2016. Board members on the conference call were:

Board Members on Teleconference Call:

Carl M. Ellington, Jr., PE, Chair
Richard M. Benton, PLS, Vice Chair
Andrew G. Zoutewelle, PLS, Secretary
Jonathan S. Care, Public Member
John M. Logsdon, PLS
David L. Pond, PE
Bobbie Shields, PE
Stacey A. Smith, PE
Linda A. Thurman, Public Member

Absent:

Staff on Teleconference Call:

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

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

To initiate the meeting, Mr. Ellington 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. None were noted.

2. Consent Agenda – Chair

Mr. Benton made a motion to approve the consent agenda as presented. Mr. Smith seconded the motion. The consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; Request for Firm Applications for 17 Professional Corporations, 15 Professional Limited Liability Companies, 2 Business Firms and 2 Chapter 87 Corporations; 2 Name Change Requests and 1 d/b/a Request; Minutes; and a Settlement Conference.

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

The Board formally adjourned Wednesday, November 16, 2016 at 7:31 a.m. The Board is next scheduled to meet Wednesday, December 14, 2016.

Respectfully submitted,



Andrew G. Zoutewelle, PLS
Secretary

Approved by the Board in Session

Date December 14, 2016

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 19 and 20, 2016

Pittsboro, North Carolina

Vice Chair Richard M. Benton gaveled the North Carolina Board of Examiners into session at 1:25 p.m. on Wednesday, October 19, 2016 to convene its regular order of business for the Board. Board members present were:

Present:

Carl M. Ellington, Jr., PE, Chair
Richard M. Benton, PLS, Vice Chair
Andrew G. Zoutewelle, PLS, Secretary
David L. Pond, PE
Linda A. Thurman, Public Member
Stacey A. Smith, PE
Jonathan S. Care, Public Member
Bobbie Shields, PE
John M. Logsdon, PLS

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Vice Chair Benton 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 Vice 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

Vice Chair Benton presented the Consent Agenda for approval. Mr. Shields pointed out two typos in the minutes. Mr. Pond made a motion to approve the consent agenda with the corrections requested by Mr. Shields to the minutes. 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; Firm Applications for 11 Professional Corporations, 15 Professional Limited Liability Companies and 3 Business Firms; 1 Request for company name change, 2 Requests to Use Individual's Name in Company Title and 2 d/b/a Requests; Minutes; Requests for Retired Status; and Settlement Conferences.

3. Adoption of 2017 Board Calendar
Executive Director & Vice-Chair

Mr. Ritter presented the proposed 2017 Board calendar. Mr. Ellington made a motion to approve the calendar as presented. Mr. Shields seconded the motion. The Board voted and the motion was unanimously approved.

4. New Business
Executive Director

- None.

5. Old Business
Executive Director

- None

6. Election of 2017 Board Officers
Vice Chair

Mr. Shields made a motion to nominate a slate of officers as follows: Mr. Benton for Chair; Mr. Zoutewelle for Vice Chair and Mr. Smith for Secretary. Mr. Logsdon nominated Ms. Thurman for Vice Chair. Mr. Care made a motion to close the nominations. Mr. Shields seconded the motion. The Board members voted with a written ballot for Vice Chair. Mr. Ritter announced that Ms. Thurman had the most votes. The Board voted on Chair and Secretary collectively. Mr. Benton was unanimously elected Chair and Mr. Smith was unanimously elected Secretary.

7. Planning Session
Vice Chair

The following topics were discussed:

- ❖ Using board funds for CPC programs.
- ❖ Using board funds for attending affiliated Societies/Organizations conferences
- ❖ Potential rule and/or statute changes including unlicensed practice provision, model law adjustments and surveying license classifications (i.e. Mapping Sciences Surveyor)
- ❖ Handling of files to be destroyed.
- ❖ Staff recommendation for best approach for how review committees and/or settlement conferences are submitted to the Board.
- ❖ Discuss and send to NCEES suggestions to make the PE exam more practice based.
- ❖ Picture of Board members on website
- ❖ Board input regarding UPLG's 10 charges for 2016-2017
- ❖ Name change for Board NCBELS to NCBEES
- ❖ SE (Structural Engineer) designation
- ❖ UAVs (unlicensed practice and air safety)
- ❖ Multiple seals on documents

The Board adjourned Wednesday, October 19, 2016 at 5:00 p.m. and reopened Thursday, October 20, 2016 at 8:25 a.m. The Board resumed the Planning Session.

The Board formally adjourned on Thursday, October 20, 2016 at 11:20 a.m. The Board is next scheduled to meet on Wednesday, December 14, 2016.

Respectfully submitted,



Andrew G. Zoutewelle
Secretary

Approved by the Board in Session

Date November 16, 2016

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 14, 2016

Raleigh, North Carolina

Board Chair Carl M. Ellington, Jr. gaveled the North Carolina Board of Examiners into session at ~~11:00~~ 10:00 a.m. on Wednesday, ~~July 13, 2016~~ September 14, 2016 (corrected September 26, 2017) to convene its regular order of business for the Board. Board members present were:

Present:

Carl M. Ellington, Jr., PE, Chair
Richard M. Benton, PLS, Vice Chair
Andrew G. Zoutewelle, PLS, Secretary
Jonathan S. Care, Public Member
David L. Pond, PE
Linda A. Thurman, Public Member
Stacey A. Smith, PE
John M. Logsdon, PLS

Absent:

Bobbie Shields, PE

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Ellington 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. Mr. Ritter disclosed that three board members, Mike Benton, Andy Zoutewelle and John Logsdon are members of NCSS (North Carolina Society of Surveyors) that will be presenting to the Board today. It is the position of the Ethics Board that as long as a board member is not in a position on the Board of the participating entity, not active on the committees of the participating entity nor did they participate in the decision to come here today, then it is okay for them to participate. Messrs. Benton, Zoutewelle and Logsdon are not in positions to remove themselves from discussion.

2. Consent Agenda – Executive Director

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

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC Sponsors; Firm Applications for 20 Professional Corporations, 23 Professional Limited Liability Companies, 4 Business Firm, 1 Chapter 87 Corporations, 2 Company Name Change Requests, 1 Request to be Resident for Multiple Companies, 2 Requests to Use Individual's Name in Company Title and 4 d/b/a Requests; Minutes; Requests for Retired Status; and Review Committees.

3. Declaratory Ruling – First American Title Insurance Company – Board Counsel

Mr. Tuttle presented and explained the Board's options to the First American request for a Declaratory Ruling. First American provided new information by agreeing to only use ExpressMap internally and that they would agree to a further condition that it not be sold to non-First American entities and their agents.

After discussion, Mr. Pond made a motion to allow ExpressMap to be used internally to facilitate underwriting decisions, conditional upon the fact that ExpressMap not be provided to the public, customer, other non-First American entities and their agents. Mr. Smith seconded the motion. Mr. Smith requested that the letter be sent to Board members for review before sending out.

The motion was amended to add "issue Declaratory Ruling that allows ExpressMap" to be used internally to facilitate underwriting decisions, conditional upon the fact that Express Map not be provided to the public, customer, other non-First American entities and their agents.

The motion was further amended to say "ExpressMap or similar product".

Mr. Pond restated the motion with all amendments as follows: **“Declaratory Ruling that allows ExpressMap or similar product to be used internally to facilitate underwriting decisions, conditional upon the fact that Express Map not be provided to the public, customer, other non-First American entities and their agents.”** The Board voted and the motion unanimously passed.

4. Jim Davis, NCSS Education Committee Chair
Proposal for funding instructor fees at the Otis A. Jones Institute

Christy Davis, Executive Director of NCSS and Tim Bowes, PLS presented to the Board the request for funding for the Otis A. Jones Educational Institute to be held November 2 – 4. Ms. Davis stated the Institute will be three days of education with sections on (1) Boundary Retracement, (2) Business Practices & Survey Application and (3) Emerging Issues. Messrs. Benton and Logsdon stated that they will be speakers for the Institute but will not be compensated. After discussion, board members decided to discuss this request further at the Planning Session in October. Suggestions for discussion include what type of requests the Board would consider for contributions; what is the charge; budget discussion and how the Board can make an impact to have a deliverable.

5. Committee Reports

Engineering Committee – Chair (Mr. Smith)

- Nancy Deal and Patricia M. Angoli, PE, Environmental Engineer with the NC Department of Health and Services, Division of Public Health, On-site Water Protection gave a presentation regarding an engineered option permit. The Committee will provide comments back to them.
- The Committee has a series of questions on wetland mapping mitigation plans and flood proofing which also crossed over to the Surveying Committee.
- Mr. Smith made a motion to approve revisions to the Roofing Systems Policy that was a collaboration of input from a number of agencies. The Board voted and the motion was unanimously approved.

Land Surveying Committee – Chair (Mr. Benton)

- Messrs. Benton, Zoutewelle and Ritter met with Dan Edwards, Chairman of the Forestry Board. The meeting was prompted by one complaint and one follow-up inquiry into some practices by a couple of foresters that lapped over into the surveying realm. Upon review of the materials, Mr. Edwards agreed the actions taken by this Board were appropriate. Since the two professions can overlap, the participants decided it would be good to meet on a bi-annual basis.
- The Committee is going to clarify the Easement Staking Policy regarding when new easements are created.
- The Committee reviewed the request of Mr. Jim Buck. The Surveying Committee said the PE cannot oversee the collection of wetland data unless it is under his project i.e. engineering survey. The Engineering Committee also reviewed. Mr. Pond stated that Mr. Buck feels he can do this as an engineering survey. Mr. Pond stated the PE cannot oversee the collection of wetland data unless it is his project. The Engineering Committee determined that Mr. Buck's is not doing engineering survey. He is doing actual location of wetlands using GPS.
- Mr. Zoutewelle gave an update on GICC (Geographic Information Coordinating Council) issues.

CPC Committee - Chair (Ms. Thurman)

- The Committee had two sponsors on the consent agenda. Sponsor audits are on target and on time.

6. Retention Report - Executive Director

- Mr. Tuttle presented an updated Program Records Retention and Disposition Schedule with State Archives which states how long the Board retains records. If there is a computer record, the paper copy does not have to be kept. Policy is also set for destruction of electronic records. Mr. Pond made a motion to approve proposed revisions to the Retention Schedule. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved. The Agreement will be finalized for signing by the Board.

- Mr. Ellington stated he would like to give licensees an option to receive their paper licensee file. Mr. Ritter stated there would need to be a cost for manpower associated with this. Mr. Tuttle said
- we may have to check with Archives before we do that as the licensee file is not being destroyed. Mr. Ellington appointed a Task Force of Messrs. Benton and Smith to come back to the Board with a recommendation on how to handle this.

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

- Mr. Ritter presented an invitation from NCEES to attend a board meeting to discuss the services they offer. The Board is familiar with NCEES services and declined the offer.
- Mr. Ritter presented the biannual exam statistics and exam statistics from NC State.
- Mr. Ritter provided the NCEES Motion and Amendment Schedule from the national meeting.

The Board recessed for lunch at 12:30. The Board went back into session at 12:50 p.m.

8. Board Secretary Report - Executive Director and Board Secretary

- Mr. Zoutewelle reported on the July financials.

9. Violations Activity - Assistant Executive Director

- Mr. Evans reported that as of the date of the report 69 cases have been opened for the fiscal year 2016. Fourteen (14) new cases were authorized this morning. Messrs. Ritter, Tuttle and Evans have done several speaking engagements since July. Out of the 69 cases open, 19 respondents have had a total of 34 prior cases and 10 of the 69 have had 15 prior actions. Seventy-eight (78) cases are open. About half are in the investigators' hands. Eighty-three (83) cases have been closed this fiscal year.

10. Applications

Special Agenda Items for Board Approval

- ENVIRON Engineers of North Carolina, Professional Corporation (C-3085) is requesting the Board to allow the firm to change its name to Ramboll Engineers, P.C. This professional corporation was originally licensed in August 2008 to do engineering on North Carolina projects because the parent entity of ENVIRON could not get licensed due to N.C.G.S 558. Dr. Rambøll was never a licensed professional engineer. He had an engineering background from his university and also became a professor. He never worked in the USA but worked in countries like Denmark, Norway, Sweden, Libya and Tunisia. He was also never part of this domestic North Carolina entity. The firm is requesting the Board grant the name change in spite of it not meeting the Board Rule (.0902).

Mr. Care made a motion to deny the request. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved to deny the request.

- Comfort Mechanical Contractors, Inc. Engineers and Mechanical Services, Inc. 2016. D-0375 is requesting to use the name Comfort Engineers and Mechanical Services, Inc. Mr. Sigmon incorporated this entity in September 2016. In October 1997, the entity of Comfort Engineers, Inc. (D-0108) was licensed with this Board as a Chapter 87 Corporation. At the time of application, this entity was never required by Board staff to nor did they obtain permission to use the word "engineers" in the firm name. The exception in N.C.G.S. 55B-15 (Professional Corporation Act) that allows entities that do contracting work under one of the Articles of Chapter 87 Mechanical, Electrical, Plumbing, Fire Sprinkler, General Contractor) does not allow the entity to hold out engineering services. The exception only allows the entity to do the limited professional service in conjunction with their design/build/install contract. Since Mr. Sigmon is forming this entity to 'take over' the work of Comfort Engineers, Inc., he is requesting to be allowed to continue using the word "engineer" in this new firm name.

Ms. Thurman recused herself from discussion and voting. Mr. Care made a motion to deny the request. Mr. Logsdon seconded the motion. The Board voted and the motion was unanimously approved.

11. Old Business - Executive Director

12. New Business - Executive Director

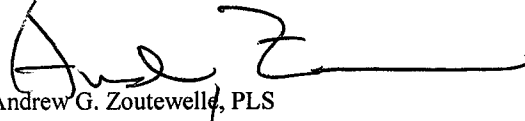
Mr. Ritter presented a graphic showing that the Board for the first time has over 31,000 licensees (PEs, PLSs and Firms).

13. Informational Items – Executive Director

- Mr. Ritter requested that the Board Chair pass the gavel to the Vice Chair Benton. Mr. Ellington passed the gavel to Vice Chair Benton. Mr. Ritter stated that Mr. Ellington is up for reappointment at the year. Ms. Thurman made a motion to send a letter of support on behalf of Mr. Ellington's reappointment to the Governor. Mr. Smith seconded the motion. The Board voted and the motion passed unanimously.

Mr. Benton made a motion to adjourn. Mr. Smith seconded the motion. The Board adjourned at 3:00p.m. The Board is next scheduled to meet on Wednesday, October 19 and 20, 2016.

Respectfully submitted,


Andrew G. Zoutewelle, PLS
Secretary

Approved by the Board in Session

Date October 19, 2016

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 13, 2016

Raleigh, North Carolina

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Richard M. Benton, PLS, Vice Chair
Andrew G. Zoutewelle, PLS, Secretary
David L. Pond, PE
Linda A. Thurman, Public Member
Stacey A. Smith, PE
Bobbie Shields, PE
John M. Logsdon, PLS

Absent:

Jonathan S. Care, Public Member

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Ellington 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 unanimously approved.

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3. Committee Reports

Engineering Committee – Chair (Mr. Smith)

- The Onsite Wastewater Rules have recently been revised. Messrs. Smith, Pond and Tuttle prepared and submitted comments regarding how the revised rules affect G.S. 89C. Nancy Deal will present comments received on the rules and ask for questions at the Engineering Committee for the September meeting.
- Legislation regarding zip lines did not pass this year. The board policy (Elevated Recreational Facilities Policy) remains in effect.
- The Committee has been monitoring the Roofing Systems Policy and sought input from various groups. The Committee will finalize and seek to complete the policy by the September meeting.

Land Surveying Committee – Chair (Mr. Benton)

- Mr. Benton announced the Surveying Committee met the previous day and cleaned off the agenda.
- The Committee is going to pursue a rule change which will incorporate a parts per million calculation for precision on boundary surveys which would include GPS calculations and conventional calculations.
- Messrs. Smith and Benton, members of the Board Drone Task Force will invite Mark Shaw, a licensed surveyor/Photogrammetrist, who is concerned if remote scanning falls under photogrammetry, and an expert in scanning to see where they might overlap. A licensee contacted the Board about attorneys writing legal descriptions that he considered as surveying. One was not surveying. The second was surveying because the attorney calculated area which gets into surveying. Mr. Tuttle will contact the licensee. The Task Force will report back to the Board.

- At the request of the NC State Board of Registration for Foresters, members of the Surveying Committee will meet with them to discuss their areas of concern.
- The Committee will incorporate the Model Rules into our Board Rules along with the inclusions and exclusions. The Committee will tweak some preliminary language that Mr. Tuttle has prepared for proposed rule changes.
- Mr. Benton made a motion as shown in quotes below:

“The Surveying Committee requests that the Board approve that the State Specific portion of the Principles and Practice of Land Surveying Exam be changed from a two-part exam (B & C) to one exam for the purpose of updating the exam and the process to transition to computer based test.”

The exam will continue to include State Specific Technical Surveying Methods and Practice including drainage, photogrammetry, GIS and Grid System. It will also include Board Rules, Statutes and Laws.

The Surveying Committee and the staff will continue to refine the contract proposal of Castle Worldwide, Inc. prior to bringing the contract to the “Board for approval to enter into a contract with Castle Worldwide, Inc.”

The Board voted and the motion was unanimously approved.

The Committee tasked Messrs. Ritter and Tuttle to bring a contract from Castle Worldwide, Inc. back to the Board for approval before proceeding to the next step.

CPC Committee - Chair (Ms. Thurman)

- Western Carolina University was approved as a sponsor on the consent agenda. The Committee has tabled one sponsor application to get additional information.

Seal Task Force – Chair (Mr. Pond)

- Mr. Pond stated there are two pending items. One matter is for the process NC DOT (North Carolina Department of Transportation) is using for electronic signatures with a revisit date of September, 2016. The hope was that by then the Board would have more information from the national Task Force (called Emerging Technologies Task Force). The Emerging Technologies Task Force did not cover everything and will continue for another year. For that reason, the Board needs to respond back to the NC DOT request that the date will be extended through December 2017 and NC DOT can continue operating in the same way by reissuing the previous letter and changing the date.

Also, policy guidelines were adopted for BIM with a sunset date of October 31, 2016 for the same reason. Mr. Pond made a motion to extend the Signing and Sealing Building Imaging Modeling/ Integrated Project Delivery (BIM/IPD) Project Guidelines through December, 2017. Mr. Smith seconded the motion. The Board voted and the motion was unanimously approved.

Mr. Pond was placed on the NCEES Emerging Technologies Task Force.

4. Review Committee (06/23/16 Shields) Executive Director

The Board considered the recommendation of the Review Committee-Engineering on (4) four cases conducted on June 23, 2016 with Mr. Shields. Chair Ellington and Messrs. Pond and Smith recused themselves from the discussion and voting of this item. Chair Ellington passed the gavel to Vice Chair Benton. Ms. Thurman made a motion to accept the recommendation of the Review Committee and Mr. Logsdon seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in three (3) close cases and one (1) reprimand. Vice Chair Benton passed the gavel back to Chair Ellington.

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

- Mr. Ritter stated the following 2016-2017 NCEES appointments were made: Mr. Ritter as a Consultant of the EPP (Examination Policy and Procedures) Committee; Mr. Pond on continuation of Technology Task Force; Mr. Benton to the Education Committee; Mr. Shields to the UPLG (Uniform Procedures and Legislative Guidelines) Committee; and Mr. Zoutewelle will continue on the EPS (Examinations for Professional Surveyors) Committee.

- Changes to exam criteria will be put on the website.
- NCEES has offered to visit every state's board meeting on a one-time basis to explain all the services NCEES offers. Board members requested to accept the offer.
- Mr. Ritter presented motions that would be presented at the Annual Meeting that would be of interest to board members.

The Board recessed for lunch at 12:10. The Board went back into session at 12:55 p.m.

6. Board Secretary Report - Executive Director and Board Secretary
 - Mr. Zoutewelle and Mr. Ritter reported on the audit for the board fiscal year 2015 and the April and May financials. Mr. Zoutewelle made a motion to accept the audit for the board fiscal year 2015. Mr. Pond seconded the motion. The Board voted and the motion was unanimously approved.
7. Emeritus Members Update
 - Mr. Ritter presented the annual updated list of Emeritus Members. Mr. Benton made a motion to approve the Emeritus Members as presented. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved.
8. Violations Activity - Assistant Executive Director
 - Mr. Evans reported that 46 cases have been opened this fiscal year. Non-licensed cases are down a little; the ten-year average is 22%. Staff has given ten presentations since May 3, 2016. As of July 5, 2016, Mr. Mazanek had done 123 firm informal inquiries. The investigators have made 78 visits to Register of Deeds, Planning Departments and other government agencies. Sixteen of the forty-six respondents have had twenty-five prior cases. Sixty-three (63) cases are open; twenty-eight (28) are in the investigators' hands; fourteen (14) are pending review and twenty-one (21) cases are in process. Eighty-two (82) cases have been closed this fiscal year.
9. Old Business - Executive Director
 - Mr. Ritter updated the Board on the office lease update. When the lease expires in September, the Board will continue on a month to month lease until the new space is ready. The plan is to be in the renovated board space for the December meeting. Mr. Tuttle is working with State Archives of NC to update the Board Retention Schedule that will be brought as a recommendation to the Board for approval at the September board meeting. State Archives can store 100 linear feet of paper files for no charge and encourages destroying paper files after ten years.
 - Messrs. Ritter, Smith (funded) and Pond (non-funded) attended the PENC (Professional Engineers of North Carolina) meeting. Mr. Ritter gave a board report at the meeting and Mr. Tuttle did a case studies presentation. Messrs. Ritter Shields (funded) and Pond (non-funded) will attend the ACEC (American Council of Engineering Companies) Meeting in August.
 - The Board has been requested by GICC (Geographic Information Coordinating Council) to attend a meeting on August 10th about the Board regulating non-licensees involved in GIS activities. Messrs. Ritter and Zoutewelle will attend.

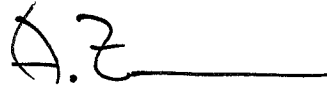
Messrs. Zoutewelle and Smith have been appointed to a Reference Committee of the GICC Committee. Mr. Ritter asked for their expenses to be paid as they will be attending as board representatives. Mr. Pond made a motion to reimburse the expenses for Messrs. Smith and Zoutewelle. Mr. Benton seconded the motion. The Board voted and the motion passed unanimously.
10. New Business - Executive Director
 - Mr. Ritter presented a Board Authorized Case Opening. Mr. Zoutewelle made a motion to approve the Board Authorized Case Opening. Mr. Pond recused himself from discussion and voting. Mr. Smith seconded the motion. The Board voted and the motion passed unanimously.
 - House Bill 742 has passed. The Governor has not signed yet; he has 30 days to sign or it automatically becomes law. There is no indication the Governor is not going to sign. The effective date of the bill is October 31, 2016 which is past the fall exams; it would be effective for the spring exam. This will transform the application process. The Board is recommending that individuals take the exam first before applying to the Board. Forms will be changed and placed on the website.

- Mr. Ellington suggested that a topic for the Planning Session should be suggestions for NCEES to make the PE exam more practice based.

11. Informational Items – Executive Director

Ms. Thurman made a motion to adjourn. Mr. Benton seconded the motion. The Board adjourned at 3:00p.m. The Board is next scheduled to meet on Wednesday, September 14, 2016.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Z.', followed by a horizontal line.

Andrew G. Zoutewelle, PLS
Secretary

Approved by the Board in Session

Date September 14, 2016

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 15, 2016

Raleigh, North Carolina

Board Vice Chair Richard M. Benton gaveled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, June 15, 2016 to conduct a Hearing in the matter of Brooke T. Carpenter, PE– Case No. V2014-108.

Board Members

Present:

Richard M. Benton, Presiding
Jonathan S. Care
John M. Logsdon
David L. Pond
Bobbie Shields
Stacey A. Smith
Andrew G. Zoutewelle

Recused and Absent:

Carl M. Ellington, Jr.
Linda A. Thurman

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Vice Chair Benton 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 Vice 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. Zoutewelle made a motion to approve the consent agenda as presented. Mr. Smith seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings, Comity Applications; a CPC Sponsor; Firm Applications for 18 Professional Corporations, 12 Professional Limited Liability Companies, 3 Business Firms and 2 Chapter 87 Corporations, 1 Company Name Change Request, 1 Request to be Resident Professional for Multiple Companies, and 4 d/b/a Requests; Minutes; Requests for Retired Status; Review Committees; and a Settlement Conference.

3. Board Hearing: Brooke T. Carpenter, PE

Richard M. Benton, Presiding
Jonathan S. Care
John M. Logsdon
David L. Pond
Bobbie Shields
Stacey A. Smith
Andrew G. Zoutewelle

Recused:

Carl M. Ellington, Jr.
Linda A. Thurman

Respondent's Counsel: Robert O. Crawford, III, Crawford & Crawford

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

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

The Hearing was concluded at 6:30 and the Board, upon motion, went into closed session to deliberate the results of the disciplinary hearing. The decision of the Board will be announced in writing. The Board reconvened into open session at 9:30 p.m. and adjourned the meeting at 9:30 p.m.

The Board is next scheduled to meet on Wednesday, July 13, 2016.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'A. Zoutewelle', with a long horizontal line extending to the right.

Andrew G. Zoutewelle
Secretary

Approved by the Board in Session

Date July 13, 2016

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

May 11, 2016

Raleigh, North Carolina

Board Chair Carl M. Ellington, Jr. gavelled the North Carolina Board of Examiners into session at 10:35 a.m. on Wednesday, May 11, 2016 to convene its regular order of business for the Board. Board members present were:

Present:

Carl M. Ellington, Jr., PE, Chair
Richard M. Benton, PLS, Vice Chair
Andrew G. Zoutewelle, PLS, Secretary
David L. Pond, PE
Linda A. Thurman, Public Member
Stacey A. Smith, PE
Jonathan S. Care, Public Member
Bobbie Shields, PE
John M. Logsdon, PLS

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Ellington 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

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

The consent agenda included: Board Authorized Case Openings; Comity Applications; a CPC Sponsor; Firm Applications for 14 Professional Corporations, 4 Professional Limited Liability Companies, 1 Business Firm and one Chapter 87 Corporation, 2 Company Name Change Requests and 3 d/b/a Requests; Minutes; a Request for Retired Status; Review Committees; and Settlement Conferences.

3. Committee Reports

Engineering Committee – Chair (Mr. Smith)

- NCDEQ (NC Department of Environmental Quality) has requested that Board staff do audits within various agencies of NCDEQ in an effort to be proactive. This was highlighted in the recent newsletter.
- The Committee is revisiting the Roofing Systems Policy and getting additional comments from stakeholders in the roofing industry.
- The Committee is monitoring proposed legislation for increased engineer's involvement for the challenge courses in zip lines and how it would affect the current policy that says an engineer should be involved in the design of those zip lines.
- Mr. Smith will represent the Board at the PENC meeting. Mr. Shields will have first choice as the Board representative at the ACEC meeting and if not, Mr. Pond will fill that position.
- Mr. Smith explained a revision to the Design/Installation of Petroleum Storage Tanks Policy and made a motion to approve the updated policy. Mr. Shields mentioned that the language "small or simplistic" be deleted from paragraph 2, first sentence as it was moved to item (d). Mr. Smith amended his motion to include this change. The Board voted and the motion was unanimously passed to approve the updated policy.

Land Surveying Committee – Chair (Mr. Benton)

- The Committee met with Charlie Brown, NCDOT (NC Department of Transportation) Board Liaison and representatives with NCDOT. Matters discussed include the following:
 1. Merging Parts B and C of the PS (Professional Surveying) Exam. The drainage test is not being eliminated. Instead of being two one hour tests, it will be one two hour test.

2. Details were worked out for the proposed NCDOT implementation of board requirements for signing, sealing and work product for surveyors. Final approval is needed by NCDOT. If approved, the standards of surveying will be standardized across all divisions of North Carolina.
- Upon request, the Committee is considering adding a parts per million to the accuracy standards of certification. Mr. Zoutewelle derived the proposed numbers. The Committee will verify these numbers are defensible with experts in the field.
- Mr. Benton voiced concerns that surveyors have regarding the use of UAVs (Unmanned Aerial Vehicle). Board members expressed this issue includes new technology, scanning and LIDAR. After discussion by Board members, Chair Ellington appointed a task force consisting of the Chair of the Engineering Committee, Mr. Smith, Chair of the Surveying Committee, Mr. Benton with Mr. Tuttle's help and whoever the Committee needs.

CPC Committee - Chair (Ms. Thurman)

- Ms. Thurman stated one item was approved on the consent agenda. Individual audits are being done now. When they are complete, sponsor audits will begin.

4. Review Committee (4/26/16 Shields)
Executive Director

The Board considered the recommendation of the Review Committee-Engineering on (5) five cases conducted on April 26, 2016 with Mr. Shields. Carolyn B. Langelotti, PE was used as a consultant on these cases. Chair Ellington and Messrs. Pond and Smith recused themselves from the discussion and voting of this item. Chair Ellington passed the gavel to Vice Chair Benton. Ms. Thurman made a motion to accept the recommendation of the Review Committee and Mr. Zoutewelle seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in two (2) close cases, one (1) reprimand and civil penalty of \$5,000, one (1) revocation and one (1) reprimand. Vice Chair Benton passed the gavel back to Chair Ellington.

Meeting recessed at 11:10 a.m. for break. Meeting gaveled back in at 11:20 a.m.

All board employees joined the members of the Board in the board room. Mr. Ritter announced Laverne Barbour will be retiring July 1, 2016 and gave her his best wishes. Mr. Benton expressed to Ms. Barbour what a great job she has done and presented her with a plaque on behalf of the Board for her dedication, hard work and years of service.

5. NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director
 - Mr. Ritter updated board members regarding the upcoming NCEES Annual Meeting.
6. Board Secretary Report - Executive Director and Board Secretary
 - Mr. Zoutewelle reported on the March financials.
 - Mr. Ritter reported that digitizing the Board's paper files would cost \$150,000 to \$200,000. A less expensive alternative is to store the records offsite with a company that can provide a climate controlled facility and can email files back to the Board within an hour for an unlimited number of files for \$5,000 per year.
 - Mr. Ritter stated the office lease is finalized.
7. Violations Activity - Assistant Executive Director
 - Mr. Evans reported that the report shows 27 cases have been opened this fiscal year and four cases have been opened since the date of the report. PE cases are higher than usual. There have been 118 non-compliant firm inquiries. Four presentations have been done by board staff since March 2, 2016. Of the 27 cases opened this year, there were 5 respondents with 6 prior cases and two respondents with two prior actions. Sixty (60) cases have been closed this fiscal year. Sixty-six

(66) cases are currently open, 25 of which are in the investigators' hands; all but two are 2016 cases. Sixteen (16) cases are pending review.

8. Applications - (none)

9. Old Business - Executive Director

- Mr. Ritter placed the Oklahoma Newsletter in the board books. Mr. Ritter and Emeritus Member Thompson presented the experience of the NC Board with the steps taken to include emerging technologies in the definition of surveying to the Oklahoma Board. Oklahoma is now running language to get incorporated in their statute that is similar to North Carolina's.
- Mr. Ritter thanked Messrs. Benton and Smith for writing newsletter articles.
- A hearing is scheduled for the June meeting.
- Messrs. Benton and Zoutewelle attended the Colonial States Meeting.

10. New Business - Executive Director

- Mr. Ritter briefed Board members regarding proposed legislation regarding how occupational licensing boards deal with unlicensed activity and other activities.
- Mr. Logsdon stated that licensees do not have sufficient information in the newsletter to determine what the basis for the discipline is and how the rules apply to a particular situation. He requested more facts that lead to the discipline be shown. Concerns were voiced about the finding of facts. Mr. Tuttle stated that based on Mr. Logdon's earlier request, a little more information has recently been added to the Review Committee agendas, but does not to go so far as to commit the Board without findings of fact. It is important for licensees not to think they have all the facts, but to contact the Board office for applicability to specific facts.

11. Informational Items – Executive Director

Ms. Thurman made a motion to adjourn. Mr. Benton seconded the motion. The Board adjourned at 2:15p.m. The Board is next scheduled to meet on Wednesday, June 15, 2016.

Respectfully submitted,



Andrew G. Zoutewelle, PLS
Secretary

Approved by the Board in Session

Date June 15, 2016

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

April 13, 2016

Raleigh, North Carolina

Board Chair Carl M. Ellington, Jr. called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, April 13, 2016. Board members on the conference call were:

Board Members on Teleconference Call:

Carl M. Ellington, Jr., PE, Chair
Richard M. Benton, PLS, Vice Chair
Andrew G. Zoutewelle, PLS, Secretary
Jonathan S. Care, Public Member
John M. Logsdon, PLS
Bobbie Shields, PE
Stacey A. Smith, PE
Linda A. Thurman, Public Member

Absent:

David L. Pond, PE

Staff on Teleconference Call:

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

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

To initiate the meeting, Mr. Ellington 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. None were noted.

2. Consent Agenda – Chair


Mr. Benton made a motion to approve the consent agenda as presented. Ms. Thurman seconded the motion. The consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; Request for Firm Applications for 14 Professional Corporations, 15 Professional Limited Liability Companies, 1 Business Firm and 1 Chapter 87 Corporation; 3 Name Change Requests, 1 Request to be Resident for Multiple Companies, and 3 Requests to Use Individual's Name in Company Title; Minutes; Requests for Retired Status; and Settlement Conferences.

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

The Board formally adjourned Wednesday, April 13, 2016 at 7:33 a.m. The Board is next scheduled to meet Wednesday, May 11, 2016.

Respectfully submitted,
Andrew G. Zoutewelle, PLS


Secretary

Approved by the Board in Session
Date May 11, 2016

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 9, 2016

Raleigh, North Carolina

Board Chair Carl M. Ellington, Jr. gaveled the North Carolina Board of Examiners into session at 11:05 a.m. on Wednesday, March 9, 2016 to convene its regular order of business for the Board. Board members present were:

Present:

Carl M. Ellington, Jr., PE, Chair
Richard M. Benton, PLS, Vice Chair
Andrew G. Zoutewelle, PLS, Secretary
David L. Pond, PE
Linda A. Thurman, Public Member
Stacey A. Smith, PE
Jonathan S. Care, Public Member
Bobbie Shields, PE
John M. Logsdon, PLS

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Ellington 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. Mr. Smith seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: a Board Authorized Case Opening; Comity Applications; a CPC Sponsor; Firm Applications for Professional Corporations, Professional Limited Liability Companies and a Chapter 87 Corporation, 3 Company Name Change Requests, 1 Request to be Resident for Multiple Companies, 1 Request to Use Individual's Name in Company Title and 1 Summary of d/b/a Request; Minutes; Requests for Retired Status; Review Committees; and a Settlement Conference.

3. Board Member Appointments
Executive Director

Chair Ellington welcomed Mr. Bobbie Shields, PE and Mr. John M. Logsdon, PLS to the Board and he appointed Mr. Shields to the Engineering Committee and Mr. Logsdon to the Surveying Committee. He appointed each of the gentlemen to the CPC committee to serve with Ms. Thurman, previously designated as Chair. Mr. Ritter presented to the Board the official appointment documents by the Governor and the SEI Reports for each new board member.

4. Committee Reports

Engineering Committee – Chair (Mr. Smith)

- Messrs. Smith and Ritter met with DEMLR (NC Division of Energy, Mineral & Land Resources) regarding emergency action plans and inundation mapping. The Board and DEMLR were to work together on a report that discussed where engineering needed to occur. DEMLR has taken on some of the work associated with the report regarding inundation mapping. Based upon the bulk of DEMLR'S staff that reviewed the report are PEs, the Committee concluded they are okay with the way inundation mapping is being done at this time. If in the future DEMLR does not employ the bulk of professional engineers, this would need to be revisited.
- An update of the policy on Petroleum Storage Tanks was completed and will be updated on the website.
- The Seal Brochure is now ready for publication.

- A letter will be issued to NC DEQ (NC Department of Environmental Quality –formerly DENR) DEMLR as a reminder on how the Board can work with them to identify and review cases of poor engineering or individuals who are working out of their area of competence.

Land Surveying Committee – Chair (Mr. Benton)

- The Committee had a follow-up meeting with Charlie Brown and two staff members from NC DOT (Department of Transportation) regarding the certifications to comply with Board Rules for work that will be done by private licensees for DOT to comply with DOT’s mandate for 70% of their work to be done by the private licensees. The Committee will meet with DOT again in May.

CPC Committee - Chair (Ms. Thurman)

- Ms. Thurman stated one item was approved on the consent agenda. The Committee did not meet.

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

- Mr. Ritter reported from the NCEES MBA (Member Board Administrators) Conference that plans for NCEES to merge their three computer systems to one, which will include exams, enforcement and trying to take on paperless applications from the Boards, has been delayed. The expected launch date will be in June.

Now exams can be taken all twelve months of the year but only once per 12 week window. April, 2016 will be the last PS exam by paper and pencil. The first exam by computer will be October 3, 2016. The state exam will be given at the Board office four times a year. The transition of two computer based PE exams (chemical and nuclear) will begin in 2018. Other exams will follow – two to three per year until all have transitioned.

- Christopher P. Knotts, PE from Louisiana and Tim Lingerfelt, PLS from Tennessee are running for the NCEES Southern Zone Secretary-Treasurer position.
- Mr. Benton reported that attendees at the NCEES Future Surveying Forum developed a strategy to strengthen the future of the surveying profession that includes rebranding. Two year colleges and four year universities may apply for 10 national awards of \$10,000 each. A questionnaire about the institution’s surveying program and their promotion of licensure will be required and reviewed to select the winners.
- Mr. Ritter was requested to come up with five grand ideas with the basis of this Board leading and not being complacent to be presented at the March board meeting. Mr. Ritter stated Board leaders are well represented on NCEES committees; however, national politics is another level. This Board does not have anyone on the national or regional levels. Board members will look at upcoming positions and who might be interested in and well suited for a position.

6. Board Secretary Report - Executive Director and Board Secretary

- Mr. Ritter reported on January financials.

7. Violations Activity - Assistant Executive Director

- Mr. Evans reported that eighteen (18) new cases have been opened this fiscal year; fourteen (14) of which have been since the January meeting. Mr. Mazanek is in the process of auditing board records so the number of informal inquiries will increase for the May meeting. Seven (7) presentations have been done since January. Five (5) of the eighteen (18) respondents have had a total of six (6) prior cases. Two (2) of the eighteen (18) respondents have had two prior actions, one each, PLS & PE. Sixty-nine (69) cases are currently open. Seventy-five percent (75%) of complaints are from residential property owners. Forty-eight (48) cases have been closed this fiscal year.

8. Applications - (none)

The Board recessed for lunch at 12:15. The Board went back into session at 12:55 p.m.

9. Old Business - Executive Director

- Mr. Ritter reminded board members that SEI forms are due by April 15th.
- Mr. Ritter furnished the report issued by the Subcommittee on Oversight of Occupational Licensing Boards. The Committee is meeting biweekly and began after the Dental Board case was issued. There have been no recommendations coming out of the General Assembly at this time. Mr. Ritter stated he is receiving bi-weekly updates and will update the Board on any changes.

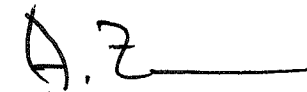
10. New Business - Executive Director

- Mr. Ritter listed seven initiatives coming out of his performance review in December that the Board has asked him to do for the year. Five of the seven initiatives are complete and he is working on the other two. After discussion regarding the initiative to "Contact Rep Arp regarding UAV and add information regarding UAV to web site" Mr. Benton volunteered to write an article about UAVs for the spring newsletter.
- Messrs. Ritter and Benton attended the NCSS (NC Society of Surveyors) annual meeting in Wilmington and both were luncheon speakers. Mr. Benton stated there was excellent attendance.
- Mr. Ritter stated there would be a hearing in June.
- In addition to the one initiative Mr. Ritter has already discussed, he wants to:
 - 2 Increase the Board's social media presence and improve electronic media: (Is there a better way to package for licensees and the public?)
 - 3 Convert to paperless applications;
 - 4 Develop robust State Surveying Exams to be in 100% defensible format and
 - 5 Wants the office to be green with no paper.

11. Informational Items – Executive Director

Ms. Thurman made a motion to adjourn. Mr. Zoutewelle seconded the motion. The Board adjourned at 2:10 p.m. The Board is next scheduled to meet on Wednesday, May 11, 2016.

Respectfully submitted,



Andrew G. Zoutewelle, PLS
Secretary

Approved by the Board in Session

Date April 13, 2016

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 10, 2016

Raleigh, North Carolina

Board Chair Carl M. Ellington, Jr. called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, February 10, 2016. Board members on the conference call were:

Board Members on Teleconference Call:

Carl M. Ellington, Jr., PE, Chair
Richard M. Benton, PLS, Vice Chair
Andrew G. Zoutewelle, PLS, Secretary
Jonathan S. Care, Public Member
Nils W. Joyner, Jr., PLS
David L. Pond, PE
Stacey A. Smith, PE
Linda A. Thurman, Public Member

Absent:

Teresa Helmlinger Ratcliff, PE, PhD

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. Ellington 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. None were noted.

2. Consent Agenda – Chair

Mr. Smith made a motion to approve the consent agenda as presented. Ms. Thurman seconded the motion. The consent agenda was unanimously approved.

The consent agenda included: Requests for Firm Applications for 4 Professional Corporations, 19 Professional Limited Liability Companies and 2 Chapter 87 Corporations; 3 Requests to be Resident for Multiple Companies, and 2 d/b/a Requests; Minutes; Requests for Retired Status; Review Committees; and a Settlement Conference.

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

The Board formally adjourned Wednesday, February 10, 2016 at 7:32 a.m. The Board is next scheduled to meet Wednesday, March 9, 2016.

Respectfully submitted,
Andrew G. Zoutewelle, PLS


Secretary

Approved by the Board in Session
Date March 9, 2016

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 13, 2016

Raleigh, North Carolina

Board Chair Carl M. Ellington, Jr. gavelled the North Carolina Board of Examiners into session at 10:05 a.m. on Wednesday, January 13, 2016 to convene its regular order of business for the Board. Board members present were:

Present:

Carl M. Ellington, Jr., PE, Chair
Richard M. Benton, PLS, Vice Chair
Andrew G. Zoutewelle, PLS, Secretary
Teresa Helmlinger Ratcliff, PE, PhD
David L. Pond, PE
Linda A. Thurman, Public Member
Stacey A. Smith, PE
Jonathan S. Care, Public Member

Absent:

Nils W. Joyner, Jr. PLS

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Ellington 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 unanimously approved.

The consent agenda included: a Board Authorized Case Opening; Comity Applications; a CPC Sponsor; Firm Applications for 5 Professional Corporations, 10 Professional Limited Liability Companies, 2 Company Name Change Requests and 2 Requests to Use Individual's Name in Company Title; Minutes and Requests for Retired Status.

3. 2016 Committee Appointments - Chair

Mr. Ellington appointed committees as follows:

Engineering Committee

Stacey A. Smith, PE, Chair
Carl M. Ellington, Jr., PE
David L. Pond, PE
Teresa Helmlinger Ratcliff, PE, PhD
Linda A. Thurman, Public Member

Surveying Committee

Richard M. Benton, PLS, Chair
Andrew G. Zoutewelle, PLS
Nils W. Joyner, Jr., PLS
Jonathan S. Care, Public Member

CPC Committee

Linda A. Thurman, Chair
Teresa Helmlinger Ratcliff, PE, PhD
Nils W. Joyner, Jr., PLS

4. Patricia Shields Presentation – Outside Board Counsel
Executive Director

Ms. Shields provided an ethics education presentation for board members focusing on when board members should recuse themselves, useful criteria they should use in making the decision to recuse or not to recuse and best practices to remain unbiased and impartial.

5. Committee Reports

Engineering Committee – Chair (Mr. Smith)

- As a result of a question from a fire marshal in Cherokee County regarding petroleum storage tanks, Mr. Smith reviewed the policy on the design/installation of petroleum storage tanks (from the 90s) and old minutes. He found that the current policy is still correct and the committee agreed. Staff was requested to update the format of the policy and bring it to the March Engineering Committee for review.
- The Committee received the following question from a surveyor: “Does the Impervious Certification and use of the impervious table meet the definition of engineering”? Mr. Smith made a motion from the committee that the answer to the aforementioned question is “Yes”. Mr. Zoutewelle made a motion to table the motion until after lunch. Mr. Smith seconded the motion. The Board voted and the motion to table the motion was unanimously approved.
- The Committee reviewed the draft Roofing System Policy prepared by Mr. Tuttle and recommended that the draft form be shared with the State Construction Office and a few stakeholders to look specifically at some consensual threshold exemptions such as percent change in load and bring it back to the Committee in March.

Land Surveying Committee – Chair (Mr. Benton)

- The Committee discussed questions regarding sealing wetland maps whereby an environmental company or the Corps of Engineers goes out and delineates the wetlands, does the flagging and the (non-surveying-licensed) consulting firm, by use of mapping grade GPS, does the location of the flags and provides that data to the surveyor. The question was if the surveyor can put that information on his map and go with it. The Committee responded that the PLS cannot just accept the data but must do whatever the PLS feels is necessary to own that data whether it requires the PLS to resurvey every single point or whether the PLS can satisfy himself by collecting enough data to satisfy oneself that it was done properly; regardless it is the licensee’s signature and seal on the map and the licensee owns the data. The PLS must do whatever is necessary to own the data.
- A firm was looking at using a UAV (unmanned area vehicle) in their mining operation and was told by a company selling UAVs that the company could piggy back off their exemption. The Committee was asked if they could use a UAV in surveying and piggy back off the seller’s exemption already obtained from the FAA. The Committee said it can be done as long as all the requirements of the FAA are met and they meet all surveying requirements (so far as accuracy, standards, etc.) Short of any of these requirements, one may be in violation of the standards of practice.
- The Committee is discussing adding a parts per million to the accuracy certification.
- The Committee is discussing doing away with Part C (drainage) of the PLS exam and adding some of the Part C questions back into Part B of the exam so there would be Part A and B only. Surveyors would need to have a general knowledge of storm drainage but not so specific about all the intricacies. The surveyors would be required to practice within their area of competency.

CPC Committee - Chair (Ms. Thurman)

- Ms. Thurman stated that one item was on the consent agenda. Fifteen sponsor audits were completed for 2015 and the same number will be the goal for 2016.

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

- Mr. Ritter updated board members on the plans for the Southern Zone Meeting in Nashville. Mr. Ritter recommended that Dr. Ratcliff and Mr. Joyner go ahead and make plans for the meeting and if their replacements are appointed before the meeting, they would go as emeritus members with the Board paying. Mr. Smith made a motion to this effect. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved.

7. Board Secretary Report - Executive Director and Board Secretary
 - Mr. Ritter reported on the end of the year financials.
8. Violations Activity - Assistant Executive Director
 - Mr. Evans stated four cases have been opened this year; twenty (20) cases have been closed. One presentation has been given since the last meeting. Eighty-two (82) cases are on the open sheet; 24 cases are pending review. Thirty (30) cases are under investigation at this time.

The Board recessed for lunch at 12:00 noon. The Board went back into session at 12:35 p.m.

9. Applications -
10. Old Business - Executive Director
 - Mr. Ritter stated the Charlotte Certificate Ceremony will be January 27, 2016 and the Raleigh Certificate Ceremony will be February 2, 2016.

Dr. Ratcliff made a motion to go into closed session to discuss a matter concerning real estate at 12:40 p.m. Mr. Zoutewelle made a motion to return to open session at 12:55 p.m.

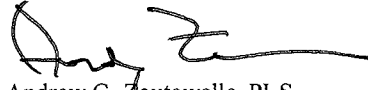
- Mr. Benton made a motion that empowers the Executive Director to pursue a lease with the landlord on the Landmark at North Hills. Mr. Zoutewelle seconded the motion. The Board voted and the motion was unanimously approved. The Chair requested Mr. Ritter to address matters of concern to board members, including parking and soundproofing. Mr. Ritter will involve the Chair in the lease negotiations. Mr. Ritter would like to be in the new space by the September 2016 board meeting. Messrs. Ellington and Smith will work with Mr. Ritter on the board room and conference rooms. Mr. Benton will be a backup if needed.
- Mr. Zoutewelle once again made other board members aware that he was on the Review Committee for the First American Express Maps and questioned if he should recuse himself. Mr. Joseph DeSalvo with First American was okay with Mr. Zoutewelle not recusing himself at the December meeting. Board members expressed Mr. Zoutewelle's reasoning would aid the entire Board; otherwise the discussion would be limited to the experience of one surveyor.

Mr. Benton made a motion on behalf of the Surveying Committee that the use of Express Maps be denied in North Carolina. After board discussion Mr. Care, on behalf of the Surveying Committee restated the motion to clarify the motion, the Surveying Committee determined that the Express Map, as submitted, is still the practice of surveying. Mr. Benton stated that is what he meant to say in his motion. The Board voted and the motion was unanimously approved.

11. New Business - Executive Director
 - The Board considered the recommendation of the Review Committee—Engineering on one (1) case conducted on January 13, 2016 with Mr. Pond. Ms. Thurman made a motion to accept the recommendation of the Review Committee and Mr. Pond seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in one (1) close case.
 - Mr. Zoutewelle made a motion to bring the tabled motion back to the Board. Mr. Benton seconded the motion. The Board voted and the motion was unanimously approved. Mr. Smith restated his motion: the calculation and certification of nutrient loading calculations are the practice of engineering and the calculation of impervious and pervious areas can be done within the practice of surveying. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved.
12. Informational Items – Executive Director
 - None

Mr. Benton made a motion to adjourn. Mr. Pond seconded the motion. The Board adjourned at 2:00 p.m. The Board is next scheduled to meet on Wednesday, March 9, 2016.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew Zoutewelle', with a long horizontal flourish extending to the right.

Andrew G. Zoutewelle, PLS
Secretary

Approved by the Board in Session

Date February 10, 2016