

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

November 15, 2017

Raleigh, North Carolina

Board Chair Richard M. Benton called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, November 15, 2017. Board members on the conference call were:

Board Members on Teleconference Call:

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

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. 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 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 Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC Sponsor Applications; Request for Firm Applications for 14 Professional Corporations, 8 Professional Limited Liability Companies, 6 Business Firms and 2 Chapter 87 Corporations; 3 Name Change Requests; 1 Request to Use Individual's Name in Company Title and 1 Summary of d/b/a Request; Minutes; Review Committees; and Settlement Conferences.

Mr. Shields made a motion to adjourn. Mr. Smith seconded the motion.

The Board formally adjourned Wednesday, November 15, 2017 at 7:32 a.m. The Board is next scheduled to meet Wednesday, December 13, 2017.

Respectfully submitted,

Stacey A. Smith, PE
Secretary

Approved by the Board in Session

Date: December 13, 2017

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 11 and 12, 2017

Winston-Salem, North Carolina

Chair Richard M. Benton gaveled the North Carolina Board of Examiners into session at 1:10 p.m. on Wednesday, October 11, 2017 to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

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To initiate the meeting, 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 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 Benton presented the Consent Agenda for approval. Mr. Zoutewelle made a motion to approve the consent agenda. Mr. Pond 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; a CPC sponsor, Firm Applications for 16 Professional Corporations, 9 Professional Limited Liability Companies and 1 Chapter 87 Corporation; 1 Request to Use Individual's Name in Company Title and 1 d/b/a Request; Minutes; Requests for Retired Status; a Review Committee and Settlement Conferences.

3. Adoption of 2018 Board Calendar
Executive Director & Vice-Chair

Mr. Ritter presented the 2018 board calendar. Mr. Pond made a motion to approve the 2018 board calendar. Mr. Zoutewelle seconded the motion. The Board voted and the motion was unanimously approved.

4. New Business
Executive Director

- Mr. Ritter briefed board members regarding an upcoming hearing. Messrs. Smith, Shields and Care will not be included in the hearing.

5. Old Business
Executive Director

- None

6. Election of 2018 Board Officers

Chair

Chair Benton opened the floor for nomination.

Mr. Pond nominated Mr. Zoutewelle for Vice Chair. There being no further nominations, the nominations were closed.

Mr. Zoutewelle nominated Mr. Care for Secretary / Treasurer. There being no further nominations, the nominations were closed.

Mr. Smith nominated Ms. Thurman for Chair. There being no further nominations, the nominations were closed.

Chair Benton asked Mr. Zoutewelle, Mr. Care and Ms. Thurman if they accept the nomination. They each responded in the affirmative.

Mr. Pond made a motion to accept the slate of officers by acclamation. Mr. Care seconded the motion.

The Board voted and the individuals nominated for officers were selected unanimously by acclamation.

7. Planning Session

Vice Chair

The following topics were discussed:

- ❖ Firms
- ❖ Proactive Enforcement
- ❖ Professional Organization meetings
- ❖ Professional society annual meetings
- ❖ References
- ❖ Revisit producing board publication
- ❖ Seal Task Force
- ❖ Statute and Rule Changes
- ❖ Streamlining CPC Audit Process
- ❖ Committee to discuss CPC grants
- ❖ EI Certification
- ❖ Stacey to recap action items – plan future items
(ran out of time – Executive Director and his Assistant will do)

The Board adjourned Wednesday, October 11, 2017 at 5:00 p.m. and reopened Thursday, October 12, 2017 at 8:10 a.m. The Board resumed the Planning Session.

The Board formally adjourned on Thursday, October 12, 2017 at 12:05 p.m. The Board is next scheduled to meet on Wednesday, December 13, 2017.

Respectfully submitted,

Stacey A. Smith
Secretary

Approved by the Board in Session

Date November 15, 2017

October 11 and 12, 2017

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 13, 2017

Raleigh, North Carolina

Board Chair Richard M. Benton gavelled the North Carolina Board of Examiners into session at 10:35 a.m. on Wednesday, September 13, 2017 to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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 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. Ms. Thurman seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; a CPC sponsor application; Firm Applications for 16 Professional Corporations, 16 Professional Limited Liability Companies and 6 Business Firms; 4 Name Change Requests, 1 Request to be Resident for Multiple Companies and 4 Requests to Use Individual's Name in Company Title; Minutes; a Request for Retired Status; Review Committees; and Settlement Conferences.

Mr. Ritter introduced Nicole Scarborough, who began on August 15th and is training to replace Lou Ann Buck who is retiring.

3. Committee Reports

Engineering Committee – Chair (Mr. Shields)

- Mr. Shields reported the Committee reviewed three comity applications and two new applicant applications.
- The Committee discussed code enforcement and how much an engineer or architect can say is code compliant. NCDOI (NC Department of Insurance) made a statement about what is acceptable. The NC Board of Architecture issued a policy statement as to specific clarification regarding the components that can be approved by an architect or engineer and how much the professional can say about the components. The Engineering Committee deferred to the December meeting to consider if a policy similar to Architecture Board is needed by this Board.
- An individual expressed concern for work zone safety particularly as it relates to ADA (Americans with Disabilities Act) accessibility requirements when there are temporary traffic control measures. The concern is that engineers may not be doing everything required to assure ADA or anyone else can feel safe around construction work in work areas. The Engineering Committee feels this should be referred to a task force that has been formed by the NC DOT (NC Department of Transportation). A letter will be sent to the individual advising him of this task force that

would be the proper initial procedure, and to give the individual the process for making complaints.

- A request came from NC DOT regarding signing and sealing a design/build request for proposals. Certain aspects have design concepts and in some cases, design drawings that are being sent to the perspective sign/seal team. If they have included in their request for proposal actual design documents, those and the request for proposal must be signed and sealed if they are submitting that as a design package. If they are not, there needs to be a statement to simply state this is a request for proposals not for construction and not for design.
- The Committee concluded more time is needed to look at the engineer's suitability letter based on third party information and use of photos.
- Mr. Shields presented and made a motion to approve the Spill Prevention Control and Counter Measure Plans (BP-1709-2) that is a restatement of a Policy letter by the Board on March 2, 2010. The Board voted and the motion was unanimously approved.
- After discussion regarding a proposed Revised Stream Restoration Services Board Policy, board members decided to discuss briefly at the Planning Session.
- Mr. Pond updated the Board on a meeting with Dam Safety.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- Mr. Zoutewelle reported the Surveying Committee met with the GICC (Geographic Information Coordinating Council) regarding the definition of surveying. The discussion will continue in November.
- Mr. Zoutewelle made a motion to repeal Board Policies BP-1003 and BP-1303 and to approve a new policy, "Easement Policy for Existing and New Easements" as the replacement. The Board voted and the motion was unanimously approved.
- The geomatics program at NC A&T is now ABET accredited.
- In some fields that are not common for PEs, instead of requiring 3 of the 5 references to be PEs, the Board has waived the requirement and accepted references from the applicant's direct supervisors. The Surveying Committee is considering the same for surveyors but would require one of the references to be a licensee even when the waiver is granted.
- The Committee continues to be interested in the State Specific Surveying Exam to be handled by Castle at a cost of 50 to 60 thousand dollars.

CPC Committee - Chair (Mr. Care)

- Mr. Care reported there was one application that was approved on the Consent Agenda. Ms. Thurman inquired about the criteria for grants. Mr. Care stated that Mr. Tuttle was requested prior to the October Planning Session to obtain criteria and get further clarification in the language of the statute from the Attorney General's office regarding grants that may be awarded to CPC sponsors to be used to make specific courses that may be used as course requirements for licensees receiving disciplinary actions by the Board.

4. NCEES Activities (National Council of Examiners for Engineering and Surveying)

Executive Director

- Mr. Ritter furnished a joint letter from Jerry Carter, Chief Executive Officer for National Council of Examiners for Engineering and Surveying (NCEES), Joel Albizo, Chief Executive Officer, Council of Landscape Architecture Boards (CLARB) and Michael J. Armstrong, Chief Executive Officer, National Council of Architectural Registration Boards (NCARB). This is a collaborative effort to work on overlap areas between the three organizations.
- Mr. Ritter stated that North Carolina State University was one of the winners of the 2017 NCEES Engineering Education Award. NCEES has requested the Board to make the award on behalf of NCEES. Messrs. Benton and Smith volunteered to make the award.
- Board members decided they would like to put the NC Board's name in the running to host the 2020 mega NCEES zone meeting in Charlotte, if selected. Mr. Ritter will put in the Board's name and update the Board.
- Mr. Pond reported on the Engineering Forum as follows:
 - (a) A plea was made for ABET program evaluators.
 - (b) The electronic seal (signature) as an alternate for sealing documents with a digital signature was voted down. The Board Seal (Signature) Task Force will need to discuss if this Board wants to follow Model Law or deviate from Model Law.

- (c) A model law engineer no longer has to update their record annually with NCEES; however, the record must be updated if the engineer ever needs to send their record to another state. NCEES is looking at the engineer being able to update their record online on a regular basis; hopefully to be implemented this year.
- Mr. Shields asked Mr. Tuttle about the immunity clause for board members as the UP&LG (Uniform Procedures and Legislative Guidelines) Committee is considering for Model Law. Mr. Tuttle stated there is no immunity in GS89C; however, immunity is addressed under GS93B and the Board carries insurance on board members. Mr. Ritter added that the information is in the Board Member Handbook that they receive as a new appointee.

5. Board Secretary Report

Executive Director and Board Secretary

- Messrs. Smith and Ritter reported on the July financials.

The Board recessed at 12:00 noon for 5 minutes. The Board reconvened at 12:05 p.m.

Staff joined board members while recessed. Chair Benton thanked Lou Ann Buck for her years of service with the Board and presented her with a recognition plaque and a gift from the Board. A lunch was served in honor of Lou Ann with several former board members and guests present.

The Board recessed for lunch at 12:15 p.m. The Board reconvened at 1:30 p.m.

6. Violations Activity - Assistant Executive Director

- Mr. Evans reported that 69 cases were opened as of the end of August. Eighty-four cases are on the open sheet. Messrs. Pond and Zoutewelle are scheduled for review committees in October. Eighteen of the respondents of the cases opened had a total of 41 prior cases. Eighty-two (82) cases have been closed this fiscal year. There have been almost 100 firm inquiries this fiscal year and 58 proactive enforcement contacts have been made this fiscal year.

7. Applications

- **FSC II, LLC** is requesting licensure as a Chapter 87 entity to provide limited land surveying and wishes to use the dba Fred Smith Company. Fred Smith Company is a separately incorporated entity that was licensed with this Board from June 2002 until July 2007 to provide limited land surveying. The entity of FSC II, LLC now wishes to dba its name to that of the non-licensed and separate entity, Fred Smith Company, and has provided why they feel this would not be misleading. FSC II, LLC dba Fred Smith Company is licensed with the NC Board of General Contractors. Mr. Brent Wood, Vice President of Legal Affairs, answered questions from board members.

After discussion, Mr. Pond made a motion to approve the request to operate as a Chapter 87 with the stipulation that all the work product that is put out has FSC II, LLC dba Fred Smith Company. Mr. Smith seconded the motion. Mr. Wood answered additional questions. Mr. Care encouraged that the motion be tabled and taken up at a later date. After discussion, Messrs. Pond and Smith pulled the motion. Mr. Mazanek stated that they were requesting the dba but the application meets the requirements for getting licensed. He asked if the Board was okay with continuing the application under the legal name of FSC II, LLC to get them licensed to begin practicing but not allow them to use the dba at this point. It was just the issue of the dba coming before the Board today.

Mr. Pond made a motion to approve FSC, II, LLC so Mr. Mazanek can continue with the application process. Ms. Thurman seconded the motion. The Board voted and the motion passed unanimously.

Mr. Care made a motion to defer the request for FSC II, LLC dba Fred Smith Company until the December 13th board meeting. Mr. Zoutewelle seconded the motion. The Board voted and motion passed. Mr. Pond opposed.

Mr. Benton requested that Mr. Mazanek and Mr. Wood work together to furnish board members information to clarify the issues.

- **PT&C Forensic Consulting Services, P.A. (C-2837)** is requesting the Board to allow it to use the dba of Envista Forensic Consulting.

PT&C Forensic, Inc. is a Georgia entity that operates in North Carolina providing non-engineering services. This entity is converting to a Georgia LLC and renaming to Envista Forensics, LLC. The group of companies are “re-branding” themselves as Envista Forensics. The firms want to use the dba Envista Forensic Consulting as a dba for the licensed entity and has agreed to make sure that this dba is clearly noted as being the licensed entity while they use the dba Envista Forensics for the non-licensed entity.

The firm has agreed to work with staff and revise the web site and other marketing to make clear that Envista Forensic, LLC (dba Envista Forensic) is different from PT&C Forensic Consulting Services, P.A. (dba Envista Forensic Consulting). The firm feels this will not be misleading to the public and is asking the Board for permission to use the dba.

Ms. Thurman made a motion to approve PT&C Forensic Consulting Services, P.A. dba Envista Forensic Consulting. Mr. Shields seconded the motion. The motion was unanimously approved. (A typo was administratively corrected to Envista Forensics Consulting)

- **Attorney Stephen P Safran on Behalf of Engineering Companies for North Carolina** is requesting the Board to allow the firm to file Articles with the NC Secretary of State using “engineering” in the name of the company. Mr. Safran advises this will not be an engineering company and that it is being formed to be a non-profit organization engaging in activities permitted under §501(c)(4) of the Internal Revenue Code with the purpose of promoting the social welfare including advocating for improved infrastructure in North Carolina and for stable funding sources for improvement to infrastructure and to enhance economic development in North Carolina,

This is for lobbying for ACEC whereby companies can give money to lobby on behalf of engineering companies.

Mr. Logsdon made a motion to deny the request. Mr. Zoutewelle seconded the motion. The Board voted and the motion failed. Messrs. Logsdon, Zoutewelle and Care voted in favor of denying the request. Messrs. Pond, Smith, Shields, Ellington and Thurman opposed.

Mr. Zoutewelle made a motion to approve the request with the condition that they not provide engineering services. Mr. Pond seconded the motion. The motion was unanimously approved.

The Board recessed for a ten-minute break at 1:50 p.m. The Board reconvened at 2:00 p.m.

8. Old Business - Executive Director

None

9. New Business - Executive Director

- Mr. Ritter furnished G.93B-15.1 stating the application fee for military applicants will be waived by NC occupational licensing boards. This will be posted to the board website. The federal government will reimburse military applicants for their exam fees. This information is on the board website.
- Mr. Ritter stated that Mr. Benton’s appointment is through the end of this year. Mr. Ritter requested that Mr. Benton pass the gavel to Ms. Thurman and recuse himself, which he did. Mr. Zoutewelle made a motion for the Executive Director to write a letter to the Governor in support of the Mr. Benton’s reappointment to the Board for another term. Mr. Ellington seconded the motion. The Board voted and the motion was unanimously approved. Ms. Thurman passed the gavel back to Mr. Benton.

- Mr. Ritter stated that since the last meeting that he and Messrs. Pond and Shields attended the ACEC Meeting and Mr. Shields was the funded delegate. Mr. Shields reported it was a very good meeting and a great time for networking and engaging with members regarding activities of the Board. He stated that Mr. Ritter gave a breakfast presentation and recognized the board members present so ACEC attendees could direct questions to board members. Mr. Pond stated there were questions regarding early test taking and electronic seals (signatures).
- Mr. Ritter stated the Board has switched to ShareFile as Backpack is no longer being supported. An app can be downloaded for iPads.
- Mr. Ritter and Ms. Thurman gave details for the planning session.
- Mr. Shields will be giving a presentation before NC ASCE at UNC Charlotte. He may be calling on staff to help with materials for the presentation.

10. Informational Items – Executive Director
None

Ms. Thurman made a motion to adjourn. Mr. Smith seconded the motion. The Board adjourned at 2:50p.m. The Board is next scheduled to meet on October 11 and 12, 2017.

Respectfully submitted,

Stacey A. Smith, PE
Secretary

Approved by the Board in Session

Date October 11, 2017

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 19, 2017

Raleigh, North Carolina

Board Chair Richard M. Benton, PLS gaveled the North Carolina Board of Examiners into session at 10:15 a.m. on Wednesday, July 19, 2017 to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

Linda A. Thurman, Public Member, Vice Chair
Carl M. Ellington, Jr., PE

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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

The consent agenda included: Comity Applications; CPC Sponsors; Firm Applications for 14 Professional Corporations, 19 Professional Limited Liability Companies, 2 Business Firms, 1 Chapter 87 Corporation, 1 Company Name Change Request, 2 Requests to Use Individual's Name in Company Title and 2 d/b/a Requests; Minutes; Requests for Board Authorized Cases, Retired Status Requests and Review Committee.

3. Review Committee – Executive Director

Engineering (06-13-17 Ellington)

The Board considered the recommendation of the Engineering Review Committee on fourteen (14) cases conducted on June 13, 2017 with Mr. Ellington. Mr. Shields made a motion to accept the recommendations of the Review Committee and Mr. Pond seconded the motion. Mr. Smith recused himself from discussion and voting. The Review Committee recommendations resulted in two (2) reprimands; one (1) reprimand and civil penalty of \$1,500; one (1) reprimand, civil penalty of \$1,000 and audit for next three (3) years licensee renews current; one (1) revocation; one (1) notice of evidence of noncompliance and eight (8) closed cases.

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

- Mr. Ritter presented information in the board books regarding individuals seeking the office for Southern Zone Secretary-Treasurer and NCEES Treasurer. He summarized for Board members motions that will be presented at the 2017 Annual Meeting and furnished feedback from the MBAs by providing a MBA Summary of Motions.

5. Board Secretary Report - Executive Director and Board Secretary

- Mr. Ritter stated at the May Board meeting, the Board approved the Finance Committee meeting with the auditors after the Board meeting so the audit could be sent to state agencies by the required time frame. The audit was 100% clean. The only recommendation, which is standard at this point is when the Board attempts to replace Lou Ann Buck, which is coming up, the Board should attempt to get a CPA. The auditors acknowledge that an organization of this size normally does not get a CPA.

Mr. Smith made a motion on behalf of the Finance Committee to increase unrestricted net assets for litigation from \$150,000 to \$250,000. After discussion, the Board voted and the motion was

unanimously approved. Messrs. Smith and Ritter reported on the May financials. Mr. Shields requested that “year to date” be added to the budget item “% of Budget” if possible.

6. Committee Reports

Engineering Committee – Chair (Mr. Shields)

- The Committee received an Interior Design Bill as information and something the Committee will watch and be aware of.
- The Committee received information regarding the roofs in the State of California regarding the engineer of record. for precast and prestress drawings. California has very extensive rules. The Committee concluded the information was good to know but saw no need to pursue any action.
- The Committee requested David Tuttle, Board Counsel draft a policy based on a previous letter for the Committee to review for SPCC (Spill Prevention Control and Counter Measure) Plans.
- Mr. Tuttle updated the Board on the On-Site-Wastewater Draft Rules. They hope to have a final draft ready to approve the fiscal note in August. The Rules could then move forward for public comment by being published in the NC Registry at which time Board members can be furnished a copy. They hope to have the On-Site Wastewater Rules effective January 1, 2018.
- Mr. Pond attended the PENC (Professional Engineers of NC) Annual Meeting as board delegate. He stated it was a good meeting with a lot of people attending. The biggest discussion that involved the Board was the misunderstanding of the role of the Board – why does the Board sit back and not take any legislative action on issues such as the dam issue and inundation mapping. Mr. Pond explained the Board is here to enforce GS 89C and we cannot advocate, PENC can. It is only if the Board is asked by a legislator to advocate, that the Board can. Mr. Ritter is going to put together a flow chart showing the role of the Board that can be given to the professional societies.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- Mr. Zoutewelle updated the Board on the status of the GICC (NC Geography Information Coordinating Council) use cases. Several areas need more clarification; no conclusions or decisions were made. The Committee would like to invite the GICC Working Group to a Surveying Committee meeting on Tuesday before the September board meeting to discuss the inclusions and exclusions being questioned. Other members of the Board may attend.
- The Committee did an education analysis of an applicant’s transcript.
- Castle’s proposal for the state specific exam is approximately \$50,000 over two years. The exam would be administered by Castle, a local firm in the Research Triangle Park. As the proposal is a year old, an updated proposal should be available for the September meeting and a decision can be made. Much of the cost would be incurred in the first year.
- The Chair asked Kristy Davis with NCSS (NC Society of Surveyors) to report on legislative successes this year. She reported: (1) GS 47-30 was rewritten; (2) NC DOT Highway Plan Legislation - House Bill 501 will declutter DOT maps and make them more likely to be recordable and (3) House Bill 740 - the County Boundary Dispute legislation will enable the State Surveyor or the State Geodetic Surveyor to settle any county boundaries after one year.

The Board recessed for lunch at 12:25 noon. The Board went back into session at 1:00 p.m.

7. Violations Activity - Executive Director

- Mr. Ritter reported briefly on violations in the absence of Mr. Evans. He presented a bar chart showing that 60 cases have been opened this fiscal year; there are a total of 90 open cases and 67 cases have been closed. Messrs. Pond and Zoutewelle will have review committees in October.

8. Applications

- Brown & Gay Engineers, Inc. (C-4397) is requesting the Board to allow to use the dba of BGE or BGE, Inc. There is a related entity registered in the State of Texas called BGE, Inc. This entity is not licensed with this Board and was set up in the State of Texas set up by the same owners of Brown & Gay Engineers, Inc. to prevent another firm from using the name “BGE”. Brown & Gay want to use dba as BGE or BGE, Inc. for branding purposes.

Mr. Smith made a motion to approve dba BGE, Inc. Mr. Pond seconded the motion. Messrs. Care and Logsdon requested Messrs. Smith and Pond to remove “Inc.” from their motion. Messrs.

Smith and Pond both agreed to a friendly amendment removing Inc. from the motion. The Board voted and motion passed unanimously to approve BGE.

- Bennett & Pless, Inc. (F-1105) is requesting the Board to allow it to use the dba of KingGuinn Associates. Bennett & Pless acquired the assets of KingGuinn Associates, Inc. in March 2017. Per Board Rule, NCAC Title 21, Chapter 56, Section .0902, A firm may include in its title the name or names of one or more deceased or retired former members of the firm, provided that the firm submits a letter of request and explanation with its application to the Board, and that the Board finds as fact that the use of the name is not misleading.

Mr. Guinn continues to be an employee of the firm, however, Mr. King is deceased and has never been part of Bennett & Pless, so the Board Rule has not been met. Bennett & Pless is asking for the Board to grant permission for use based on the fact they do not believe it to be misleading to use KingGuinn Associates as a dba of Bennet & Pless.

Mr. Zoutewelle made a motion to approve the request to approve Bennett & Pless, Inc. to use the dba of KingGuinn Associates. Mr. Pond seconded the motion. The Board voted and the motion was unanimously approved.

9. Old Business - Executive Director

- Mr. Pond gave a combined report for the Board Electronic Task Force Report (composed of Messrs. Zoutewelle, Ellington and Pond) and the NCEES Technology Committee. Below are the four charges of the Board Task Force, some decisions of the Board Task Force along with his report from NCEES Technology Task Force.

A. Digital vs electronic seal:

The NCEES Task Force feels digital or electronic should be the licensee's choice. The original motion from the 2015-16 Technology Task Force stated, "A licensee may seal and sign engineering/surveying documents by one of the following methods:

- a. A physical placement of a seal and a handwritten signature in permanent ink containing the name of person who applied it, or
- b. An electronic or digital placement of a seal and handwritten, electronic, or digital signature containing the name of the person who applied it."

At the Annual Meeting (2015-16) "b", above was modified to remove "electronic. At the upcoming NCEES Annual Meeting, the National Task Force will recommend putting electronic back in; thereby, eliminating the validation process which was the intent of the Task Force. Mr. Pond stated the real debate will be if validation is required. Mr. Tuttle suggested both electronic and digital be defined as it is in the Draft BIM Guidelines. Additional information will be available for the Board to consider after this year's NCEES Annual Meeting.

B. BIM (Building Information Modeling) in the BIM environment:

Mr. Pond presented the Technology Task Force Draft Guidelines for BIM. If this is approved both electronic and digital signatures will be approved for BIM projects. Once the Guidelines are approved, it would go to the Board of Architecture as it affects them as well and then develop Model Law that both the Architecture Board and the Engineering Board can agree upon. Probably a Task Force will work with the Board of Architecture. Mr. Pond would anticipate that once this is approved, it would replace the Guidelines our Board has on a state level.

C. What to seal (emails, etc.) The Task Force has not reached a conclusion.

D. NC DOT and a lot of regulatory agencies require electronic open CAD files; (not PDFs).
The mechanism of delivering open electronic open CAD files through the validation process has been resolved.

- Mr. Ritter reported the first round of 175 new licensees came through the system using the online short form application that the Board database developer developed. Forty-nine percent of the applicants used the online form and 51% still used paper. Some editing changes have been made. Comity applications are averaging 30 a month and are being tracked as well. This is a major change in how business is being done.
- Mr. Benton asked about the status of the files (licensee jackets). Mr. Ritter stated there had been a recent meeting with Archives and there will be a new retention schedule by the end of the year.

The files, that include licensee jackets are in storage at Iron Mountain. The Retention Schedule will include emails, texts and things we are responsible for keeping and for storing.

10. New Business - Executive Director

- Mr. Ritter presented early test taking statistics results for the April PE exam. Normally there are about 350 PE exam test takers per cycle. The first exam under early test taking had 656 applicants; only 130 of the 350 were early test takers. Over 200 had 5+ years of experience. The pass rate was the highest at 3 years; second highest at 4 years and last 2 years and the 5+ years were in a statistical tie. The pass rate as a whole was 10 points higher than normal.

11. Informational Items – Executive Director

Mr. Smith made a motion to adjourn. Mr. Pond seconded the motion. The Board adjourned at 2:10p.m. The Board is next scheduled to meet on Wednesday, September 13, 2017.

Respectfully submitted,

Stacey A. Smith, PE
Secretary

Approved by the Board in Session

Date September 13, 2017

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 14, 2017

Raleigh, North Carolina

Board Chair Richard M. Benton called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 8:30 a.m. on Wednesday, June 14, 2017. Board members on the conference call were:

Board Members on Teleconference Call:

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

Absent:

Participants on Teleconference Call:

Douglas W. Hanna, Outside Counsel
Andrew L. Ritter, Executive Director
David S. Tuttle, Board Counsel
David J. Evans, Assistant Executive Director
Shirley U. Ditt, Assistant

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

To initiate the meeting, Mr. 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 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. Zoutewelle 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: Comity Applications; a CPC Application; Request for Firm Applications for 9 Professional Corporations, 11 Professional Limited Liability Companies and 3 Business Firm; 1 Name Change Request; 1 Request to Use Individual's Name in Company Title; 2 Requests to Use Individual's Name in Company Title; 3 Summary of d/b/a Requests; Minutes; and Requests for Retired Status.

3. Declaratory Ruling – Foundation Repair Association of NC, Inc.

Mr. Benton asked if there was discussion regarding the Draft Decision Denying the Request for a Declaratory Hearing which had been provided to board members to review and for comments. Mr. Tuttle responded to a comment that Mr. Care had expressed via email. Mr. Care made a motion to approve the Draft Decision Denying Request for a Declaratory Ruling. Mr. Shields seconded the motion. A vote was taken and the motion was unanimously passed.

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

The Board formally adjourned Wednesday, June 14, 2017 at 8:34 a.m. The Board is next scheduled to meet Wednesday, July 19, 2017.

Approved by the Board in Session

Date July 19, 2017

Respectfully submitted,

Stacey A. Smith, PE
Secretary

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

May 17, 2017

Raleigh, North Carolina

Board Chair Richard M. Benton gaveled the North Carolina Board of Examiners into session at 10:05 a.m. on Wednesday, May 17, 2017 to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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 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. Pond 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: Comity Applications; Firm Applications for 10 Professional Corporations, and 11 Professional Limited Liability Companies; 4 Name Change Requests, 1 Request to Use Individual's Name in Company Title and 3 d/b/a Requests; Minutes; Requests for Retired Status; Review Committees and a Settlement Conference.

3. Declaratory Ruling – Foundation Repair Association of NC, Inc.
Board Counsel

Mr. Tuttle presented the request received by the Board for a Declaratory Ruling for Foundation Repair Association of NC, Inc. After discussion, Ms. Thurman made a motion to go into closed session to seek legal advice of legal counsel. Ms. Thurman amended her motion to include Messrs. Tuttle and Hanna in the closed session. Mr. Care seconded the motion. The Board voted unanimously to go into closed session.

The Board went into closed session at 11:45 a.m.

The Board was called back into open session at 12:30 p.m. for a working lunch.

Mr. Zoutewelle made a motion to deny issuing a declaratory judgment ruling. Mr. Pond seconded the motion. The Board voted and the motion was unanimously approved. Mr. Hanna will draft a decision with reasons for good cause for not issuing a Declaratory Ruling to be circulated and discussed at the Board conference call in June. Mr. Pond made a motion to refer the Guidelines to the Engineering Committee for review. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved.

4. Review Committees:
Executive Director

Surveying (03/14/17 Zoutewelle)

The Board considered the recommendation of the Surveying Review Committee on one (1) case conducted on March 14, 2017 with Mr. Zoutewelle. Chair Benton recused himself from discussion and voting of this item and passed the gavel to Vice Chair Thurman. Mr. Zoutewelle

made a motion to accept the recommendation of the Review Committee. Mr. Smith seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in one reprimand and civil penalty of \$500.

Surveying (05/08/17 Zoutewelle)

The Board considered the recommendation of the Surveying Review Committee on one (1) case conducted on May 8, 2017 with Mr. Zoutewelle. Mr. Benton continued to recuse himself from discussion and voting. Mr. Pond made a motion to approve the Review Committee. Mr. Shields seconded the motion. The Board voted and the motion was unanimously approved. The Review Committee resulted in one closed case. Vice Chair Thurman passed the gavel back to Chair Benton.

Settlement Conferences:

Engineering (03/21/17 at 2:00 p.m. Shields, Thurman & Consultant)

The Board considered the recommendation of the Settlement Conference Committee on one (1) case conducted on March 21, 2017 at 2:00 p.m. with Mr. Shields, Ms. Thurman and a Consultant. Mr. Pond recused himself from discussion and voting. Ms. Thurman made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Care seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand, civil penalty of \$2,500 and ethics course requirement.

Surveying (03/22/17 at 10:30 a.m. Zoutewelle & Thurman)

The Board considered the recommendation of the Settlement Conference Committee on one (1) case conducted on March 22, 2017 at 10:30 a.m. with Mr. Zoutewelle and Ms. Thurman. Mr. Logsdon was recused from discussion and voting. Mr. Ellington made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Care seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Committee recommendation resulted in a revocation.

Engineering (03/21/17 at 11:30 a.m. Shields & Thurman)

The Board considered the recommendation of the Settlement Conference Committee on one (1) case conducted on March 21, 2017 at 11:30 a.m. with Mr. Shields and Ms. Thurman. Mr. Ritter stated this case was on the Board agenda because of the nature of the case. Mr. Care made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Smith seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Committee recommendation resulted in suspension for the duration of the licensee's criminal probation provided the licensee does not violate any of the terms of probation or violate any of the Board statutes or rules and is current with license renewal and continuing education.

5. NCEES Activities
Executive Director

- Board members discussed matters coming out of the recent Southern Zone meeting.
- Mr. Ritter furnished board members information on the upcoming NCEES Annual Meeting.

6. Board Secretary Report
Executive Director and Board Secretary

- Messrs. Smith and Ritter presented the Profit and Loss Budget Performance year to date through April 2017.
- Mr. Ritter stated the Finance Committee could not meet until after today's meeting to review the audit and the audit is required by state agencies by the end of March. He requested authority to send the audit to state agencies as the audit was clean, except the usual statement that Lou Ann Buck's position should a CPA. Revised materials could be sent later if needed. Mr. Pond made a motion allowing staff to send the audit financial reports to state agencies. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved. The Board will review the audit in July.

7. Committee Reports

Engineering Committee – Chair (Mr. Shields)

- Mr. Shields stated the committee reviewed 17 policies; five of which will need to be reviewed by the Surveying Committee. The Committee is recommending changes and deletions which will be brought back to the Board for approval. Mr. Shields gave a brief overview of the proposed changes. The Committee requested staff to remove any references to the originating individuals by name in the policies.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- Mr. Zoutewelle stated that Mr. Ritter requested the Committee consider reaching a staff guideline that no approval would be needed by the Surveying Committee for individuals with a four-year civil engineering degree to apply for the SIT (Surveyor in Training). This would be in lieu of an Associates Surveying two-year degree. The Committee will continue to look at this matter.
- Mr. Zoutewelle updated the Board with a cost estimate for the proposed state specific surveying exam that would incorporate parts B and C for computer based testing in several testing locations. The Committee will have a further update in July.
- Messrs. Tuttle and Logsdon are working together to combine the Easement Staking Board Policy 1003-2-Rev.2 and Easement Policy for Existing Easements Board Policy 1303-1.

CPC Committee - Chair (Mr. Care)

- Mr. Care presented the sponsor application for Engineered Corrosion Solutions, LLC. The Board voted and the motion was unanimously approved.
- Mr. Logsdon presented the sponsor application for Carolina Ecosystems, Inc. Messrs., Care and Smith recused themselves from discussion or voting. The Board voted and the motion was unanimously approved.
- Mr. Care made a motion to remove from the CPC Reporting Logs the brief explanation of how the CPC activity will maintain, improve or expand the skills and knowledge relevant to the licensee's field of practice. The Board voted and the motion was unanimously approved.
- Staff was directed to work with IT so licensees will receive an automatic receipt for information submitted.

8. Violations Activity - Assistant Executive Director

- Mr. Evans reported 44 cases have been opened year to date. As of May 9, there were 109 cases on the open sheet. Mr. Logsdon has eight cases pending review for June; Mr. Ellington has fourteen cases pending review for June. Thirty-four (34) cases have been closed this fiscal year. Mr. Mazanek has made 92 inquiries relating to unlicensed and licensed firms.

9. Old Business - Executive Director

- Mr. Ritter presented the newsletter from the NC State Ethics Commission.

10. New Business - Executive Director

- Mr. Ritter presented Request for Board Authorized Cases. Chair Benton recused himself from discussion and voting and passed the gavel to Vice Chair Thurman. Mr. Smith made a motion to approve the Request for Board Authorized Cases. Mr. Pond seconded the motion. The Board voted and the motion was unanimously approved. Vice Chair Thurman passed the gavel back to Chair Benton.

11. Informational Items – Executive Director

None

- Messrs. Shields and Ritter will be attending the ACEC Annual Meeting; Messrs. Pond and Evans will be attending the PENC Meeting.
- Mr. Ritter stated a new board has been proposed for the interior design profession. The bill was titled "An Act to establish a framework for the voluntary registration of individuals in the profession of interior design and to allow registered professional interior designers to obtain permits from local governments." Mr. Ritter has received numerous inquiries from PENC asking if the interior design professionals can work on non-load bearing walls; who determines if the walls are load bearing. Interior decorators, licensed design professionals and attorneys would be exempt.

Ms. Thurman made a motion to adjourn. Mr. Smith seconded the motion. The Board adjourned at 2:00p.m. The Board is next scheduled to meet on July 19, 2017.

Respectfully submitted,

Stacey A. Smith, PE
Secretary

Approved by the Board in Session

Date June 14, 2017

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

April 19, 2017

Raleigh, North Carolina

Board Chair Richard M. Benton called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 8:03 a.m. on Wednesday, April 19, 2017. Board members on the conference call were:

Board Members on Teleconference Call:

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

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. 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 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. Care 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: Board Authorized Case Openings; Comity Applications; Request for Firm Applications for 24 Professional Corporations, 23 Professional Limited Liability Companies, 4 Business Firms and 4 Chapter 87 Corporations; 3 Name Change Requests; 5 Requests to Use Individual's Name in Company Title and 6 Summary of d/b/a Requests; Minutes; Requests for Retired Status; Review Committees and Settlement Conferences.

Mr. Shields made a motion to adjourn. Mr. Smith seconded the motion.

The Board formally adjourned Wednesday, April 19, 2017 at 8:07 a.m. The Board is next scheduled to meet Wednesday, May 17, 2017.

Respectfully submitted,

Stacey A. Smith, PE
Secretary

Approved by the Board in Session

Date: May 18, 2017

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 8, 2017

Raleigh, North Carolina

Board Chair Richard M. Benton gaveled the North Carolina Board of Examiners into session at 10:05 a.m. on Wednesday, March 8, 2017 to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

Carl M. Ellington, Jr., PE

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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 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: a Board Authorized Case Opening; Firm Applications for 5 Professional Corporations, 9 Professional Limited Liability Companies and 2 Business Firms; 3 Name Change Requests, 3 Requests to Use Individual's Name in Company Title and 2 d/b/a Requests; Minutes; and a Request for Retired Status.

3. Committee Reports

Engineering Committee – Chair (Mr. Shields)

- Mr. Shields stated a licensee had specific questions regarding the response that the Board had provided regarding a renovation project. The Committee asked staff to respond that the response already provided remains a good response.
- Messrs. Pond and Smith were asked to comment on proposed new legislation regarding inundation mapping tied to the coal ash fields that occurred about four years ago. They recommended a strong presence and involvement by PEs for high hazard dams and inundation mapping. The House Bill introduced is generic in nature. The Board will continue to monitor.
- Mr. Shields stated a case came from a previous case heard by the Engineering Committee dealing with when contract and payroll employees can be considered under the responsible charge of a Profession Engineer. Staff was asked to respond by referring them to previous articles published by this Board and to the Board Rules.
- The Committee reviewed four applications.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- Mr. Zoutewelle reported that in order to create a database, a county was taking existing surveying sealed elevation certificates and copying them word for word onto unsealed and unsigned elevation certificates which were being published by the county. This has been resolved by the county changing its practice.

- The Committee discussed the possibility of NCEES doing a new survey module to accompany the PS exam to cover the State requirements for surveying. In the meantime, the Board will continue to pursue contracting with Castle for development of the exam.
- The Committee received a question asking if a licensed surveyor can create the centerline for NCDOT highway interstate interchanges using NCDOT standards. The response was when design is involved, it is the practice of engineering; when the licensee is modeling the existing conditions before the design of the new project, it is surveying.
- Mr. Benton appointed the Surveying Committee as a Task Force to explore GIS licensing by the Board, to include the possibility of opening licensing back up to grandfathering. A statute change would be required for that.

CPC Committee - Chair (Mr. Care)

- Mr. Care reported the Committee approved one exemption based on medical issues.

4. NCEES Activities

Executive Director

- Mr. Ritter thanked Lou Ann Buck for all her help in driving the construction/move project for the new office. Mr. Ritter thanked Mr. Evans for taking on a great deal of responsibility for the move. Three hundred boxes went into storage that will slowly and over time be destroyed.
- Mr. Ritter presented and reported on the motions by the ACCA (Advisory Committee on Council Activities).
- Messrs. Ritter and Benton attended and reported on the Board President's Assembly. Mr. Ritter reported that the EPP Committee (Examination Policy and Procedures) had nothing consequential to this Board. Mr. Zoutewelle reported from the EPS Committee (Committee on Examinations for Professional Surveyors) that pass rates for both FS (Fundamentals of Surveying) and PS (Professional Surveyor) exams prior to CBT (computer based testing) and subsequent to CBT remain consistent. The Committee is engaged in a knowledge study and is tasked with updating the PS (Professional Surveyor) exam. Mr. Zoutewelle will Chair the PS Exam Development Committee this year.
- Mr. Shields reported the UPLG Committee (Committee on Uniform Procedures and Legislative Guidelines) reviewed a number of revisions to the Model Rules and Model Law and concurred with the exception of one small revision that was made; there will be a report at the Southern Zone. Mr. Shields also stated that there was a great deal of talk about discipline specific licensing at an ASCE (American Society of Civil Engineers) meeting in San Diego that he recently attended. He stated that civil engineering is becoming so broad that it is becoming difficult to manage all the components. He expects licensing boards to be approached about discipline specific licensing.

Technology (Electronic Seal & Signature, BIM & Drone) Task Force – (Mr. Pond) Member of NCEES Task Force and Chair of NCBELS Task Force

- Mr. Pond stated that at the last NCEES Annual Meeting, there was a vote dealing with whether digital (requires validation software) and electronic (PDF) signatures are okay. The Committee did not catch that the word “electronic” was inadvertently deleted on the floor when voted on so the recommendation had to return to the UPLG Committee to pull from the consent agenda and explain why “electronic” needs to be included. Recognizing a PDF on a drawing without validation software will be discussed at this year's National Meeting.

Regarding BIM, Mr. Pond said the Committee developed a Position Statement for working in BIM and is distributing the Position Statement for feedback so that the Model Rules can be rewritten next year. He stated that this Board should do nothing for now and decide if this Board wants to adopt Model Law and Model Rules after they are finalized and adopted by NCEES.

- Mr. Benton is a Consultant for the Education Committee, as the result of being on the Future of Surveying Task Force which had agreed to give ten awards each for \$10,000. The application process was refined for those applying for the award. The review process and the amounts of the awards still total \$100,000. Out of the \$25,000 administrative fee, the two grand prize winners will be funded to attend the national meeting.

5. Board Secretary Report Executive Director and Board Secretary

- Messrs. Smith and Ritter reported on the December 2016 and January 2017 financials. Mr. Zoutewelle made a motion to approve and adopt the new form, created by Mr. Smith and reviewed by Messrs. Benton and Zoutewelle, designed to bring consistency for the annual evaluation of the Executive Director. Ms. Thurman seconded the motion. The Board voted and the motion passed unanimously.

6. Violations Activity - Assistant Executive Director

- Mr. Evans reported that 23 cases have been opened for fiscal years 2017. The non-licensed cases are down slightly. The 10-year average is 22 to 23%. Eighty-nine (89) cases are on the open sheet as of the end of February. Mr. Benton has 15 cases pending review next week; Mr. Zoutewelle has one case; and Mr. Smith has 16 cases. Thirty-nine (39) cases are in the investigators' hands, twenty-seven (27) of which are 2016 cases. Thirty (30) cases have been closed this fiscal year.

The Board recessed for lunch at 12:00 noon. The Board went back into session at 12:45 p.m.

7. Old Business - Executive Director

- Mr. Ritter consulted with the NCEES travel agent, our auditor and Secretary Smith and drafted an updated travel policy to replace the existing outdated policy to present to the Board whereby Board members and staff are reimbursed for the amount of "main cabin extra". Mr. Logsdon suggested alternate language for the last sentence that the amount of reimbursement is the amount for main cabin extra, but if you want to pay for first class you can upgrade. It is not excluding reimbursement for first class. It is limiting the reimbursement to the amount of the main cabin extra. Mr. Care states "this excludes reimbursement for the additional cost."

Mr. Logsdon made a motion that board members and board staff may purchase tickets in the "main cabin". When flying Southwest Airlines, this includes "early bird boarding"; for American Airlines, this includes Main Cabin extra; for United Airlines, this includes Economy plus and for Delta Airlines this includes comfort plus. The Board member may purchase additional upgrades but will not be reimbursed for those upgrades. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved.

- Mr. Ritter reminded Board members to file their annual Statement of Economic Interest (SEI) with the NC State Ethics Commission.
- Mr. Ritter furnished amended minutes from the January meeting in the board books and requested that Messrs. Logsdon and Tuttle explain. Mr. Logsdon stated there are minor revisions for the three closed sessions in the minutes that have been corrected. Mr. Pond made a motion to adopt the corrected minutes. Mr. Logsdon seconded the motion. The Board voted and the motion was unanimously approved.
- Mr. Ritter reported that the Charlotte and Raleigh certificate ceremonies were both well attended. He would like to put on the Planning Agenda to discuss if it is feasible to continue the Certificate ceremonies in the future now that decoupling is implemented.
- NCEES is developing a national council record for new licensees. Our database programmer is designing a new form that will auto populate the Board database from the NCEES record. After discussion, the Board gave Mr. Ritter permission to pursue the relationship with NCEES whereby the initial applicant can use the NCEES system to apply for licensing and that the \$100 application fee can be paid to NCEES, assuming this meets with the auditor's approval.
- Mr. Pond requested that staff poll other states to see if they accept continuing education from a licensee's home state if they have a continuing education program, regardless of the number of hours. Mr. Shields added: "will other states accept the record licensees maintain with NCEES?" Mr. Evans stated that this Board has its own log with one question specific to North Carolina. The CPC Committee can revisit this.
- Mr. Benton requested a report on the status of placing board member pictures on the website. Mr. Ritter reported that a board member did not want to do so. Mr. Benton requested a vote. He asked all board members who would like their pictures on the website, as discussed at the Planning Session, to raise their hands. Mr. Care made a motion to adopt a policy that board member pictures be published on the website unless a board member requests their photo not to be published. Mr. Logsdon seconded the motion. Mr. Zoutewelle moved not to place pictures on the

website. Being no second, the motion failed. Members discussed a brief bio. Messrs. Care and Logsdon agreed to a friendly amendment to include "picture and designation". The motion passed. Mr. Zoutewelle opposed. All other board members in attendance supported. Mr. Logsdon made a motion to include a short biographical statement on the website under "Meet the Board." Ms. Thurman seconded the motion. The motion passed. Mr. Zoutewelle opposed. All other board members in attendance supported. Board members can contact Mr. Ritter to opt out of the picture and/or bio.

8. New Business - Executive Director

- Former Board Member Dr. Teresa Helmlinger Ratcliff has been hired as a consultant to the new Engineering School at Campbell University. The school has 84 students. The degree is a general engineering curriculum and the students can concentrate in mechanical or chemical. They are hoping to add civil within five years. Dr. Ratcliff would like to introduce surveying into the civil engineering program from the beginning. The Dean would like to make the FE a requirement for graduation.
- Mr. Ritter furnished the third generation of House Bill 142. This Bill would, in effect, do away with policies and guidelines. If interpretations that affect scope of practice are made, they would have to be done by Statute or Rule.
- Messrs. Benton, Zoutewelle and Ritter attended the NCSS Conference. Mr. Ritter was the lunchtime speaker. He stated that NCSS has started online education. Mr. Zoutewelle reported that Mr. Ritter gave a great presentation. There was a ceremony Friday night in recognition of the official State line with South Carolina. The legal description is now an official document adopted by the Council of State. Mr. Benton stated that NCSS has done a great job with the CPC program by scanning attendees in and out.
- Mr. Ritter received a request from Dr. Ratcliff to endorse her appointment on the Utilities Commission. Mr. Pond made a motion to endorse Dr. Ratcliff's appointment. Mr. Smith seconded the motion. Mr. Logsdon recused himself from discussion and voting as he does not know Dr. Ratcliff. The Board voted and the motion passed unanimously.
- Mr. Ritter requested that the July board meeting be changed from July 12th to July 19th. Board members concurred.
- As Chair of the Engineering Committee, Mr. Shields can attend ACEC and PENC as board representative or if he does not want to attend, someone else can go as the funded delegate.

The Board recessed for ten minutes at 1:50 p.m. and was called back into session at 2:00 p.m.

9. Informational Items – Executive Director
None

Mr. Smith made a motion to adjourn. Ms. Thurman seconded the motion. The Board adjourned at 2:50p.m. The Board is next scheduled to meet on May 17, 2017..

Respectfully submitted,

Stacey A. Smith, PE
Secretary

Approved by the Board in Session

Date April 19, 2017

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 8, 2017

Raleigh, North Carolina

Board Chair Richard M. Benton called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, February 8, 2017. Board members on the conference call were:

Board Members on Teleconference Call:

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

Absent:

David L. Pond, PE
Jonathan S. Care, 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. 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 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. Logsdon stated that that under Item 4 of the minutes regarding the declaratory ruling that a change is needed to add that the Board also went into closed session after the vote to consult with counsel. Mr. Ellington made a motion to approve the consent agenda with the aforementioned change to the minutes. Mr. Shields seconded the motion. The consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC; Request for Firm Applications for 16 Professional Corporations, 14 Professional Limited Liability Companies, 3 Business Firms and 1 Chapter 87 Corporations; 1 Name Change Request and 1 Request to Use Individual's Name in Company Title; Minutes; Requests for Retired Status; a Review Committee and a Settlement Conference.

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

The Board formally adjourned Wednesday, February 8, 2017 at 7:34 a.m. The Board is next scheduled to meet Wednesday, March 8, 2017.

Respectfully submitted,

Stacey A. Smith, PE
Secretary

Approved by the Board in Session

Date March 8, 2017

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 11, 2017

Raleigh, North Carolina

Board Chair Richard M. Benton gaveled the North Carolina Board of Examiners into session at 10:45 a.m. on Wednesday, January 11, 2017 to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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 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. Ms. Thurman stated she would recuse herself as she has previously done when the Comfort Engineers matter is discussed and voted on. No other conflicts or appearance of conflicts were noted.

2. Consent Agenda – Executive Director

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

The consent agenda included: Firm Applications for 7 Professional Corporations, 7 Professional Limited Liability Companies and 2 Chapter 87 Corporations, 1 Company Name Change Request and 1 Request to Use Individual's Name in Company Title; Minutes; Requests for Retired Status; and a Review Committee.

3. Notice of Reappointment – Carl Ellington

Mr. Ritter presented to the Board the reappointment letter from Governor McCrory for Carl Ellington for a second five year term. Mr. Benton thanked Mr. Ellington for serving as Chair.

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

Mr. Brent Sigmon, PE, and Mr. Alan Williams, PE, appeared before the Board for a declaratory hearing to request a Declaratory Ruling for Mr. Sigmon's request that was denied to allow Comfort Mechanical Contractors, Inc. to use the name Comfort Engineers and Mechanical Services, Inc. After presenting their case, Mr. Pond made a motion to allow the use of the name Comfort Engineers and Mechanical Services, Inc. The motion failed. After discussion, Mr. Shields made a motion to deny the request. Mr. Smith seconded the motion. At 2:40: p.m. Chair Benton requested that the Board go into closed session to consult with counsel; the Board reconvened in open session at 2:55 p.m. After discussion, the Board voted in favor of the motion to deny the request. Messrs. Shields, Smith, Ellington and Care voted in favor of the motion to deny and Messrs. Pond, Zoutewelle and Logsdon opposed. Ms. Thurman did not participate in any discussion or voting on this matter. Mr. Care made a motion for the Board to go into closed session to consult with counsel at 3:25 p.m. Mr. Smith seconded the motion. The Board was called back into session at 3:35 p.m.

5. NCEES Activities

Executive Director

- Mr. Ritter briefed board members about the upcoming NCEES Southern Zone meeting and placed in the board book an additional nomination for Southern Zone Vice President.

6. Committee Reports

Engineering Committee – Chair (Mr. Shields)

- Mr. Shields stated the committee received a request for audits by the Board from the On-site Water Protection, Environmental Health Section, Division of Public Health Department of Health and Human Services. The Committee stated that the Board cannot do audits, nor regulate the insurance that engineers carry. The compliance of documents that were presented may be in the engineer's purview. If there is a problem, there is already a process to report to the Board. The response to the State should be the Board cannot comply with their request – it is outside engineering purview of the Board.
- The Committee was presented with a surveying report whereby engineers are using their data to regulate water meters. A new firm proposed to do GIS activity and provided an example of what they want to do. The firm can do the example that was cited, since it is on the exclusions list. The PE was advised he could not analyze anything on the inclusion list, as it would have to be done by a PLS.
- A request was received to allow energy raters to be a qualified profession. Support for adding certified energy raters (residential only) that should be qualified to do this service would be included as a fourth category in the NC Energy Code. The Committee did not constitute this as engineering so it would not have to be restricted to Professional Engineers.
- The Engineering Committee was presented with a question regarding wetland delineation by Professional Engineers for design. The Engineering Committee stated that Professional Engineers can delineate wetlands by flagging in the field; if a map product is involved, it must be done by a PLS.

Ad Hoc Committee

Mr. Pond reported that the Committee will continue their discussion regarding removing the 20-year waiver that does not require taking the FE exam before taking the PE exam.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- Mr. Zoutewelle stated the Committee met with NCSS (NC Society of Surveyors) to discuss pursuing a proposed law change requiring a four-year degree to be licensed as a surveyor.
- Consultants may be needed to assist with requirements for sample plats submitted for applicants taking the Mapping Science Exam.
- The Committee discussed changing "PLS" to "PS" and "GIS Surveyor" to "Mapping Science Surveyor".
- Mr. Zoutewelle stated the Surveying Committee is in agreement with the Engineering Committee regarding wetland delineation by Professional Engineers for design. Messrs. Pond and Shields stated, if an engineer is taking two existing layers and comparing, that is okay. If an engineer is going further, the GIS inclusions and exclusions must be reviewed. Location of water lines and city boundaries are inclusions and must be done by a PLS. In this case, it appears that the determination is one of billing or clearly made based on the GIS data and location data is not being created or modified. Board members requested to advise that if he is not manipulating data to caution him that he is on the line.

Ad Hoc Task Force:

- The Task Force consisting of Messrs. Benton, Pond and Zoutewelle, Emeritus Member, Gary Thompson and two PEs working with Mr. Pond met to discuss the role of engineers and surveyors relating to "floodplain mapping services". After discussion, board members agreed that it is accepted nationally and in North Carolina for engineers to sign FEMA Flood Insurance Studies and flood maps; thus, it is best not to make changes to this process with the notation that engineers need to reference the PLS who did the survey work on the FEMA map. The response back to the PE, is the PE can provide the service but cannot do flood plain mapping.

CPC Committee - Chair (Mr. Care)

- Mr. Care stated the Committee would like to craft and design some educational offerings for the spring newsletter that this Board needs or would like to have that may be used as course requirements for licensees at settlement conferences. Areas of concentration that are needed will be requested from staff.
 - Mr. Care made a motion to approve two CPC exemption requests which the Committee had reviewed and approved for Jennifer L. Baker, PE and Richard O. Rafanovic, PE. The Board voted and the motion was unanimously approved.
7. Board Secretary Report and 2017 Budget
Executive Director and Board Secretary
- Mr. Smith reported on the fiscal year end 2016 budget and thanked Mr. Zoutewelle for his service as Secretary for 2016.
8. Violations Activity - Assistant Executive Director
- Mr. Evans stated eleven (11) cases have been opened this fiscal year. Ninety-five cases (95) are on the open sheet. Over one-half the cases are in the investigators' hands. Fourteen (14) cases have been closed this fiscal year.
9. Applications
- None
10. Old Business - Executive Director
- Mr. Ritter stated the UNC Certificate Ceremony will be January 18th. As a result of decoupling, this will be the last certificate ceremony. The Board requested that the decoupling article be run in the newsletter again.
 - Ms. Patricia Shields outlined possible changes to the review committee process when no formal receipt is received from the public with mark ups of the rule changes required if the new process is approved.

Mr. Care made a motion for the Board to go into closed session to discuss a personnel issue at 3:25 p.m. Mr. Smith seconded the motion. The Board was called back into session at 3:35 p.m.

11. New Business - Executive Director

None

12. Informational Items – Executive Director
- None

Mr. Zoutewelle made a motion to adjourn. Ms. Thurman seconded the motion. The Board adjourned at 4:00p.m. The Board is next scheduled to meet on March 8, 2017.

Respectfully submitted,

Stacey A. Smith, PE
Secretary

Approved by the Board in Session

Date March 8, 2017