



The North Carolina Bulletin

The Newsletter of the North Carolina Board of Examiners for Engineers and Surveyors

November 2005

FALL ISSUE

View from the Chair—What It Means To Be a Board Member

by J. Glenn Haynes, PLS



Having served on the Board for several years, I have developed a lot of respect for all other Board members who serve on the many Boards in North Carolina.

The decisions that you make as a member of the Board of Examiners for Engineers and Surveyors can and often do affect every engineer and surveyor in the state. Each Board member shoulders that responsibility. As a Board member, you are charged with serious tasks that impact many individuals' lives. Reviewing applications, granting new licenses and evaluating complaints filed against licensees may lead to difficult decisions. But those tough decisions yield the satisfaction of knowing that the safety of the public is being protected.

Since many new technologies are evolving, the Board must determine how those technological advances will impact engineers and surveyors. The Board must decide if a rule change or change of Board policy is necessary to accommodate new technologies. For example, the newly-enacted Surveyors' Education Bill is important to the profession because surveyors in the future will be able to keep up with the ever-changing technology that is developing at such a rapid rate. It will be the Board's task to help guide the profession to an understanding of this bill's implications.

Over the last few years the Board has worked to establish better relationships with the professional societies (NCSS and PENC). The Executive Directors of the societies have been working well with the Board's Executive Director to present pertinent issues to the Board so that they might be resolved. This year there were several bills sent to the State Senate which would have affected engineers and surveyors. Due to these positive relationships, the Board and the societies worked together to ensure that no adverse bills would be passed.

During the year Board members must spend a lot of time involved with Board activities. We have our regular Board meetings (that may last two days), Review Committee meetings, Settlement Conferences and other gatherings that pertain to Board functions. The Board is a member of NCEES (National Council of Examiners of Engineering and Surveying). Each year Board members attend a Southern

Zone meeting and a National meeting under the auspices of the Council. Several Board members (and staff members) work on committees during the year for NCEES. So a considerable amount of time is spent away from our families and our jobs so that we must play "catch-up" when we get back home.

One of the hardest things a Board member must do is to evaluate complaints against licensees. You must review all the information gathered by the investigators, who do a great job of obtaining and organizing all the facts about each case. Then it must be determined if charges against the licensee are valid. If there is no validity to the charges, the case is dropped. But if it is determined that there is just cause for the complaint, then the appropriate penalty for the particular violation must be chosen. Reprimand, civil penalty, suspension and revocation are just some of the possible choices. Assessing the appropriate penalty can be hard because frequently more than just a single individual is affected. So each case is meticulously reviewed to produce the fairest and best decision.

But all of a Board member's time is not spent making difficult decisions. One of the most enjoyable things for a Board Chair and Secretary is signing all the certificates for new licensees since each one is the emblem of the final step in the professional licensing procedure.

When you have served on the Board for several years, you become great friends with the other Board members and their families. Each Board member takes a lot of pride in serving on the Board. The Executive Director works diligently to make sure the Board functions properly and without any problems so that the Board members can devote their time to Board issues. The entire staff works year-round to make sure all the needs of the Board are met. I for one want to thank them.

The time served as a Board member is invaluable to say the least. The education and experience you gain while serving on the Board is worth all the hard work you must do and the time commitment you must make. It is such an honor to serve on the Board and to have been elected Board Chair this year by my fellow Board members. I feel blessed to be a part of such an elite group and to serve as a member of the North Carolina Board of Examiners for Engineers and Surveyors.

The North Carolina Bulletin

Published to provide news and information regarding statutory and regulatory changes and to promote a better understanding of the practices of engineering and land surveying in the State of North Carolina.

Board Office

4601 Six Forks Road
Suite 310
Raleigh, NC 27609

Telephone

(919) 791-2000

Facsimile

(919) 791-2012

Web Site

www.ncbels.org

Michael F. Easley
Governor

Board Members

J. Glenn Haynes, PLS *Chairman*

George E. Freeman, PE, PLS *Vice Chairman*

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Sheilah Barrett Design *Graphic Design*

BOARD MEMBER JOHNIE GARRASON HONORED BY NCSS AND THE STATE OF NORTH CAROLINA

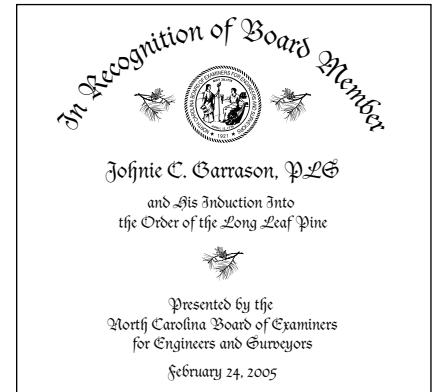
On Friday, February 4, 2005, Board member **Johnie C. Garrason** received special honors during the awards ceremony which followed the annual banquet of the North Carolina Society of Surveyors.

NCSS President Benjy Brown presented Mr. Garrason, a past president of NCSS, with a Lifetime Achievement Award. As the first recipient of this award, Mr. Garrason was recognized for his service and dedication to the surveying profession, his community and the Society itself.

In addition, Gary Thompson, surveying member of the Board of Examiners, inducted Mr. Garrason into the Order of the Long Leaf Pine and presented him a framed proclamation signed by Governor Michael Easley, naming Mr. Garrason a distinguished member of the Order. The Order of the Long Leaf Pine recognizes North Carolina citizens for exceptional service to their communities and the State of North Carolina; membership in the Order is the highest civilian honor bestowed by the Governor.

On February 24, 2005, the Board of Examiners held its own recognition dinner and ceremony for Mr. Garrason at Sullivan's Steakhouse in downtown Raleigh. Mr. Garrason and his wife Glenda were joined by Board members and their spouses, Board Executive Director Andrew Ritter, members of the Board's staff and other guests and friends to celebrate the State's recognition of Mr. Garrason's exceptional achievements.

Mr. Garrason was presented with an original plaque commissioned by the Board to commemorate his induction into the Order of the Long Leaf Pine.



BOARD DIRECTORY

Main Number: (919) 791-2000

Name		Extension
Laura Parham	<i>Receptionist</i>	100
Andrew L. Ritter	<i>Executive Director</i>	101
Linda Peace	<i>Supervisor of Firm Licensure/CPC</i>	102
Jan Vaughan	<i>Administrative Assistant and Renewals</i>	103
Carrie Fisher	<i>Administrative Assistant</i>	104
Laverne Smith	<i>Surveying and Student Applications</i>	105
Lou Ann Buck	<i>Director of Administration</i>	106
Sylvia Harrell	<i>Engineering Applications</i>	107
David S. Tuttle	<i>Board Counsel</i>	111
Audrey Thomas	<i>Investigations Support</i>	112
David Evans	<i>Assistant Executive Director</i>	113
Will Casey	<i>Board Investigator</i>	114
Cathy Kirk	<i>Board Investigator</i>	115
Mark Mazanek	<i>Board Investigator</i>	116

Examination Dates

National examinations are to be conducted on the following dates:

April 21 & 22, 2006

October 27 & 28, 2006

The **deadline for submitting completed applications is January 2nd** for the spring examination and **August 2nd for the fall examination**. The Board administers national licensure examinations as offered by the National Council of Examiners for Engineering and Surveying (NCEES). For additional information about the exams or application process, please contact the Board office at (919) 791-2000.

BOARD MEETINGS

The N. C. Board of Examiners has the remaining Board meeting for 2005:

December 8 & 9

All meetings of the Board are open to the general public. The Board meetings are conducted at the Board office located at 4601 Six Forks Rd., Suite 310, Raleigh, North Carolina (unless otherwise noted). Persons wishing to be placed on the Board agenda should submit a written request to the Board address at least two weeks in advance of the next regularly scheduled Board meeting. These requests should be sent to the Executive Director and should contain information concerning the nature of the business that you would like to discuss with the Board.

BOARD OFFICERS

The Board officers for the 2005 calendar year are:

Chairman: J. Glenn Haynes, PLS

Vice Chairman: George E. Freeman, PE, PLS

Secretary: Dr. Joseph Monroe, Public

Engineering Committee Chairman: Henry V. Liles, Jr., PE

Surveying Committee Chairman: Gary W. Thompson, PLS

SURVEYING EDUCATION BILL NOW LAW

The surveying education bill sponsored by the North Carolina Society of Surveyors was signed on August 22nd by Governor Easley and is now law.

The law dramatically changes the minimum education requirements to become a surveyor in North Carolina. In the short term the most important part of this new law is that it goes into effect in the year 2013. Current applicants have until 2013 to pass the Fundamentals of Land Surveying (FLS) exam under the current law. After 2013 the new law will be in effect. The summary of the old and new requirements is as follows:

CURRENT EXPERIENCE

Requirement	FLS	PLS
High School diploma	5(4with pls)	7(6)
AA	0	4(3)
Bachelor's degree	0	2(1)

NEW LAW EFFECTIVE 2013:

Requirement	FLS	PLS
High School diploma	10(6)	16(9)
AA	4(2)	8(4)
Bachelor's degree	0	2(2)

A link to the full text can be found here:

<http://www.ncga.state.nc.us/sessions/2005/bills/house/html/h810v3.html>

If you have any questions contact the Board office.

April Exam Results Received

The results from the April 2005 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

<i>Fundamentals of Engineering</i>	64% pass rate
<i>Principles & Practice of Engineering</i>	56% pass rate
<i>Fundamentals of Land Surveying</i>	32% pass rate
<i>Principles & Practice of Land Surveying</i>	
Part A:	58% pass rate
Part B:	83% pass rate
Part C:	74% pass rate

BOARD AND STAFF NAMED TO COMMITTEES

The following Board members and Board staff have been named to National Council of Examiners for Engineering and Surveying committees:

David Evans – Chairman of the Law Enforcement Committee

Henry Liles – Uniform Procedures and Legislative Guidelines

Gary Thompson – Committee on Examinations for Professional Surveyors

Caroline Guzniczak – Subcommittee (Industrial) on Examinations for Professional Engineers

In addition **Gary Thompson** and **Andrew Ritter** were named to the Advisory Board for the newly developed Geomatics Program at North Carolina A & T which is chaired by Board member Dr. Joseph Monroe.

HURRICANE KATRINA AFFECTS LICENSEES

In its own small way the Board of Examiners would like to help the Professional Engineers and Surveyors who were affected by Hurricane Katrina. For those licensees affected by Katrina, the Board will:

- replace wall license certificates at no charge;
- waive the 2006 late renewal fee;
- waive the 2006 renewal year CPC requirements.

Please contact the Board office if you have any questions.

Staff News

OOPS !!! This information was omitted from the Board NewsBulletin published in December 2004:

The Board hired **Will Casey** as a Board Investigator in October 2003. Will was previously employed as an officer with the Clayton Police Department.

SPEAKERS

Board members and staff are available to speak at meetings of professional and technical societies as well as community-based organizations. Requests for speakers should be made as far in advance as possible and should be made in writing to the Executive Director at:

4601 Six Forks Rd.
Suite 310
Raleigh, NC 27609

PHARMACEUTICAL ENGINEERING SERVICES FOR VALIDATION AND COMMISSIONING

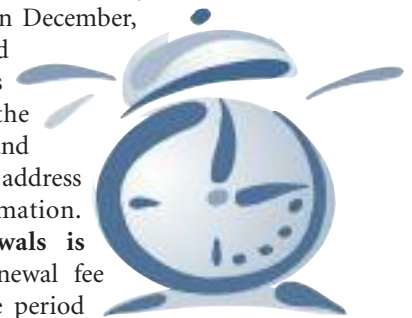
At the Board's July 14th meeting, the Board clarified its policy on engineering services for validation and commissioning. For the full policy, contact Board Counsel David Tuttle at the Board office.

Renewal Time

It is renewal time again! Renewals will be mailed the last week in November. If you do not receive your renewal by the last week in December, please contact the Board office. Per the statute, it is the responsibility of the licensee to renew on time and notify the Board of any address change information.

The deadline for renewals is December 31st. The renewal fee remains at \$50. The grace period for renewing without having to pay the late renewal fee extends to January 31, 2006. After January 31, the late fee for renewing is an additional \$100.

The Board highly encourages you to renew online at **www.ncbels.org**. It is the easiest way to renew and takes less than five minutes. Remember to print out the receipt at the end of your online transaction; it will serve as your proof of renewal.



DISCIPLINARY ACTIONS

The following summaries represent disciplinary actions taken by the Board from October 14, 2004 to September 21, 2005. Penalties vary, depending upon the specific circumstances of each case. Space limitations preclude full reporting of all circumstances. Questions or requests for information concerning specific cases should be directed to the Board Counsel at Ext. 111.

CASE NO. V99-025, 026, 033

C. Phil Wagoner, PLS No. L-2416
Mount Airy, NC

VIOLATION: Guilty of gross negligence and misconduct in the practice of his profession on numerous charges.

BOARD ACTION: Three-month suspension and Civil Penalty of \$1,000. (Appealed to Superior Court).

SUPERIOR COURT ACTION: Affirmed action of Board. (Appealed to Court of Appeals).

COURT OF APPEALS ACTION: Affirmed action of Board.

CASE NO. V03-003

David R. Day, PE No. 15984
Asheville, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)]; failed to exercise sufficient control and coordination of the project [.0701(c)(3)]; and practiced outside his area of competence [.0701(c)(3)].

BOARD ACTION: Reprimand, Civil Penalty of \$1000, and furnish proof of passing the Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism of Texas Tech University within six months of date of Decision and Order. Course hours do not count toward annual mandatory CPC requirements.

CASE NO. V03-018

W. Hillman Ray, Jr., PLS No. L-2569
Goldsboro, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)] and failed to cooperate fully with the Board in the course of an investigation [G. S. 89C-20].

BOARD ACTION: Reprimand and Civil Penalty of \$2000.

CASE NO. V03-042

Augustus Neville III, PE No. 5114
Chapel Hill, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)] and failed to include address on documents [.1103(a)(6)].

BOARD ACTION: Reprimand and Civil Penalty of \$1500.

CASE NO. V03-045

Brooke T. Carpenter, PE No. 23249
Gibsonville, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand and Civil Penalty of \$1000.

CASE NO. V03-057

Ernest R. Harrington, PE No. 21357
Jamestown, NC

VIOLATION: Failed to include address on each sheet of engineering drawings [.1103(a)(6)]; affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; affixed seal to deficient design documents, failing to protect the public [.0701(b)]; and performed services outside area of competence [.0701(c)(3)] by performing electrical, mechanical, plumbing and structural engineering.

BOARD ACTION: Suspended license for three months continuing until proof of passing the Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism, Texas Tech University is furnished to the Board; restricted license to the practice of civil engineering and restricted from providing building floor plans, elevations, electrical, mechanical and plumbing plans; and Civil Penalty of \$5,000. Course hours will not count toward mandatory annual CPC requirements.

CASE NO. V03-083

Lloyd's Register Serentec, Inc., unlicensed
Raleigh, NC

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering until such time as the company is properly licensed with the Board.

CASE NO. V03-084

Biomatic, Inc., unlicensed
Franklin, MA

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Issued a letter to cause respondent to cease and desist offering to practice or practicing engineering until such time as the company is properly licensed with the Board.

CASE NO. V03-085

cGMP Validation LLC, unlicensed
Mission, KS

VIOLATION: Limited Liability Company practiced or offered to practice engineering in violation of G. S. 89C-24, 57C and 55B.

BOARD ACTION: Issued a letter to cause respondent to cease and desist offering to practice or practicing engineering until such time as the company is properly licensed with the Board.

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CASE NO. V03-096

David E. Miller, PE No. 15845
Raleigh, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand, Civil Penalty of \$2,500 and required to successfully complete the PDH-40 Ethics Course offered through the Murdough Center for Engineering Professionalism, Texas Tech University within six months of Decision and Order. Course hours do not apply toward annual CPC requirements.

CASE NO. V03-106

Millennium Validation Services, Inc., unlicensed
Newark, DE

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Issued a letter to cause respondent to cease and desist offering to practice or practicing engineering until such time as the company is properly licensed with the Board.

CASE NO. V03-114

J. Randy Herron, PLS No. L-3202
Waynesville, NC

VIOLATION: Performed inaccurate or substandard surveys failing to protect the public [.0701(b)]; failed to provide adequate tie [.1602(g), .1604(e)(9)]; failed to properly monument or show monuments for inaccessible points [.1602(e)]; failed to describe monuments as set or found [.1602(f)]; failed to properly certify documents by not noting revision [.1103(a)(7), .1604(c)]; failed to provide a legend that depicts nomenclature not otherwise labeled [.1604(e)(11)]; and failed to properly reference north arrow [.1604(e)(1)].

BOARD ACTION: Reprimand, Civil Penalty of \$2,000, required to furnish proof of successfully completing the section {to be determined by the Board} of the NC Society of Surveyors Institute in the spring of 2005, and required to furnish proof of passing, within 90 days of the date of Decision and Order, the Professional Ethics Course offered by New Mexico State University. Course hours do not count toward annual mandatory CPC requirements (combined with Case No. V04-020). (License suspended from 05/06/05 to 05/26/05 for noncompliance.)

CASE NO. V03-116

ERM NC, PC, C-2206
Charlotte, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)] and failed to comply with requirements of G. S. 89C & G. S. 55B.

BOARD ACTION: Reprimand and Civil Penalty of \$2500.

CASE NO. V03-119

James S. Ballinger, PLS No. L-2880
Ellenboro, NC

VIOLATION:

Map 1

Failed to report if NAD 27 or NAD 83 coordinate system was utilized [.1602(g), .1604 (d), G. S. 47-30(f)(1)]; failed to monument or show monuments for an inaccessible point [.1602(e)]; and failed to report right-of-ways [.1602(b), .1604(e)(8), G. S. 47-30(f)(8)].

Map 2

Failed to monument or show monuments for inaccessible points [.1602(e)] and failed to report right-of-way [.1602(b), .1604(e)(8), G. S. 47-30(f)(8)].

Map 3

Failed to report the width of road and right-of-way [.1602(b), .1604(e)(8), G. S. 47-30(f)(8)] and failed to properly reference north arrow [.1604(e)(1)].

Map 4

Failed to provide an adequate legend [.1604(e)(11)] by not indicating designation for unsurveyed lines and creek; failed to provide adequate certification and other information required [.1607(b)]; and failed to label line in a clear and factual manner [.1602(f)] to reflect the deed line being the creek.

Map 5

Failed to report the results of survey in a clear and factual manner [.1602(f)] with respect to acreage; failed to properly reference north arrow [.1604(e)(1)]; and failed to list the coordinates [.1602(g)].

Map 6

Failed to monument or show monuments for an inaccessible point [.1602(e)].

BOARD ACTION: Reprimand.

CASE NO. V03-121

Gary L. Burgess, unlicensed
Charlotte, NC

VIOLATION: Falsely claimed to be licensed under G. S. 89C [G. S. 89C-23] and practiced or offered to practice engineering without a license as required by G. S. 89C.

BOARD ACTION: Closed case based upon final action taken by Attorney General's office to issue a formal notice to cease and desist using the title "Professional Engineer" and the term "IProengineer" as a company name unless and until the company is licensed with the Board. Failure to do so will result in the Attorney General's office filing a Court action seeking injunctive and other proper relief.

CASE NO. V03-130

Bob M. Jones, Jr., PLS No. L-2977
Rocky Point, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)] by not showing changes in easement and the reference source for all easements and by not indicating reference source for proposed lots.

BOARD ACTION: Reprimand.

(continued on page 7)

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CASE NO. V03-134

Jorge E. Fierro, PLS No. L-4128
High Point, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)] and failed to perform services in an ethical and lawful manner [.0701(g)] in obtaining Professional Development Hours.

BOARD ACTION: Reprimand; furnish within three months of date of Decision and Order proof of passing the Professional Ethics Course offered by New Mexico State University; CPC audit for the renewal years 2006, 2007, and 2008; and an additional 7.5 hours (22.5 total minimum) of CPC for 2006 renewal.

CASE NO. V03-136

Eric P. Morgan, PLS No. L-3058
Greensboro, NC

VIOLATION: Map A, B, C

Failed to report the results of a survey in a clear and factual manner [.1602(f)] regarding setbacks; performed an inaccurate or substandard survey regarding setbacks, failing to protect the public [.0701(b)]; operated a firm that is practicing or offering to practice land surveying without a license as required by G. S. 89C-24; affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; failed to be completely objective and truthful in professional statements regarding setbacks [.0701(d)(1)]; and failed to provide adequate tie [.1602(g), .1604(e)(9)].

Map A

Certified to an actual survey of lines not surveyed without adequate investigation [.1602(a)] and failed to report the results of a survey in a clear and factual manner [.1602(f)] by incorrectly designating monuments as found or set.

Map B

Failed to note and date revisions [.1107(a)(7), .1604(c)]; certified to an actual survey of lines not surveyed without adequate investigation [.1602(a)]; and failed to report the results of a survey in a clear and factual manner [.1602(f)] by incorrectly designating monuments as found or set.

Map C

Failed to note and date revisions [.1107(a)(7), .1604(c)].

BOARD ACTION: Reprimand, Civil Penalty of \$2000 and furnish proof of passing, within 90 days of the date of Decision and Order, the Professional Ethics Course offered by New Mexico State University. Course hours do not count toward annual mandatory CPC requirements.

CASE NO. V03-141

J. Scott Thompson, PE No. 23449
Raleigh, NC

VIOLATION: Failed to include address on documents [.1103(a)(6)]; failed to certify a document [.1103]; and indiscriminately criticized another engineer's work in public [.0701(d)(4)].

BOARD ACTION: Reprimand.

CASE NO. V03-147

JDH Capital LLC
Charlotte, NC

VIOLATION: Limited Liability Company offered to practice or practiced engineering in violation of G. S. 89C-24, 57C and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering until such time as the company is properly licensed with the Board.

CASE NO. V04-008

Corle Building Systems, unlicensed
Imler, PA

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering, including structural design, until such time as the company becomes properly licensed with Board.

CASE NO. V04-013

James L. Robinson, unlicensed
New York, NY

VIOLATION: Practiced or offered to practice engineering without a license as required by G. S. 89C and his corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Closed case based upon final action by NC Board of Architecture to enter into a Consent Agreement with Mr. Robinson by which he agreed to a reprimand, a Civil Penalty of \$500 and to not seal engineering plans for any future projects for which he is engaged to provide architectural services until such time as he is appropriately licensed with the NC Board of Examiners for Engineers and Surveyors.

CASE NO. V04-014

Mark Herman, unlicensed
Durham, NC

VIOLATION: Practiced or offered to practice engineering without a license as required by G. S. 89C.

BOARD ACTION: Closed case based upon final action by Attorney General's office which issued respondent a formal letter to cease and desist offering to practice or practicing engineering until licensed with the Board as required by G. S. 89C. Failure to do so will result in the Attorney General's office filing a court action seeking injunctive and other proper relief.

CASE NO. V04-017

John A. McRae, PE No. 20081
Apex, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)] and failed to sign and seal drawing not marked "preliminary" [.1103(a)].

BOARD ACTION: Reprimand and Civil Penalty of \$1,000.

(continued on page 8)

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CASE NO. V04-018

Grier Surveying, Business Firm No. F-0619
Statesville, NC

VIOLATION: Practiced on an expired certificate [G. S. 89C-16, 23].

BOARD ACTION: Revocation.

CASE NO. V04-020

J. Randy Herron, PLS No. L-3202
Waynesville, NC

VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)] and aided or abetted another person to evade or attempt to evade the provisions of G. S. 89C [G. S. 89C-16].

BOARD ACTION: Reprimand; Civil Penalty of \$2,000; required to furnish proof of successfully completing the section (to be determined by the Board) of the NC Society of Surveyors Institute in the spring of 2005, and required to furnish proof of passing, within 90 days of the date of Decision and Order, the Professional Ethics Course offered by New Mexico State University. Course hours do not count toward annual mandatory CPC requirements (combined with Case No. V03-114). (License suspended from 05/06/05 to 05/26/05 for noncompliance).

CASE NO. V04-028

John D. Campbell, PLS No. L-1390
Charlotte, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand and successful completion of the NC Society of Surveyors Institute FEMA course as determined by the Board no later than the Institute Section FEMA course in the spring of 2005.

CASE NO. V04-034

Roy R. Smith, PLS No. L-3071
New Bern, NC

VIOLATION: Failed to designate corners as found or set [.1602(f)]; failed to provide adequate legend by not designating line depictions [.1604(e)(11)]; failed to make adequate investigation [.1602(a)]; failed to report and show lappage [.1602(a)&(f)]; and failed to sign and seal survey that does not have statement allowed in Board Rules [.1103(c)].

BOARD ACTION: Reprimand and successful completion of the boundary retracement section, as determined by the Board, of the NC Society of Surveyors Institute in Spring 2005.

CASE NO. V04-036

J. Stephen Janowski, PE No. 12324
Greenville, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)]; failed to comply with state regulations applying to a project to protect the public [.0701(b)]; and failed to be completely objective and truthful in professional statements (certifications) [.0701(d)(1)].

BOARD ACTION: Reprimand and Civil Penalty of \$1000.

CASE NO. V04-037

J. Charles McGougan, PE No. 25942
Southern Pines, NC

VIOLATION: Failed to comply with state regulations applying to a project to protect the public [.0701(b)].

BOARD ACTION: Reprimand and Civil Penalty of \$500.

CASE NO. V04-038

Edward K. Medlock, PE No. 25950
Asheville, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand and Civil Penalty of \$1,000.

CASE NO. V04-042

Brian N. Hobbs, PLS No. L-3122
Wilmington, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to locate all apparent rights-of-way on boundary [.1604(e)(8)]; failed to identify all reference sources [.1602(f)]; failed to show names of adjacent land owners, lot designation, or legal reference [.1604(e)(7)]; failed to indicate title source [.1604(e)(11)]; failed to properly reference north arrow [.1604(e)(1)]; and failed to properly certify document [.1103].

BOARD ACTION: Reprimand, Civil Penalty of \$2000 and require proof of completion of section (to be determined by the Board) of the NC Society of Surveyors Institute in the spring of 2006. Course hours do not count toward annual mandatory CPC requirements.

CASE NO. V04-044

Gordon and Associates, Inc., unlicensed
d/b/a AEMT
Corvallis, OR

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Board issued letter to cause respondent to cease and desist offering to practice or practicing engineering in NC until such time as the company becomes properly licensed with the Board.

CASE NO. V04-053

Moustafa K. Karmous, PE No. 16707
Sneads Ferry, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)] and failed to include address on documents [.1103(a)(6),(b)(5)].

BOARD ACTION: Accepted the voluntary and permanent surrender of his professional engineering license.

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CASE NO. V04-058

William D. Enfinger, PLS No. L-1206
Lancaster, SC

VIOLATION: Failed to cooperate in an investigation [G. S. 89C-20], failed to timely claim mailed correspondence [.0701(g)(2)] and

Survey 1

Affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; failed to include address on document [.1103(a)(6)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to indicate title source [.1604(e)(11)]; failed to show names of adjacent land owners, lot designation, or legal reference [.1604(e)(7)]; failed to properly reference north arrow [.1604(e)(1)]; failed to properly monument or show monuments for inaccessible point [.1602(e)]; failed to describe monuments as set or found [.1602(f)]; failed to note date of signing [.1103(a)(4)]; and failed to note revisions [.1103(a)(7), .1604(c)].

Survey 2

Affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; failed to include address on document [.1103(a)(6)]; failed to properly reference north arrow [.1604(e)(1)]; failed to properly monument or show monuments for inaccessible point [.1602(e)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to note date of signing [.1103(a)(4)]; failed to indicate title source [.1604(e)(11)]; and failed to show names of adjacent land owners, lot designation or legal reference [.1604(e)(7)].

Survey 3

Affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; failed to include address on document [.1103(a)(6)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to indicate title source [.1604(e)(11)]; failed to show names of adjacent land owners, lot designation, or legal reference [.1604(e)(7)]; failed to properly reference north arrow [.1604(e)(1)]; failed to properly monument or show monuments for inaccessible points [.1602(e)]; failed to describe monuments as set or found [.1602(f)]; failed to note revisions [.1103(a)(7), .1604(c)]; failed to show adequate curve data [.1604(e)(4)]; and failed to provide adequate tie [.1602(g), .1604(e)(9)].

Survey 4

Affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; failed to include address on document [.1103(a)(6)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to properly reference north arrow [.1604(e)(1)]; and failed to properly monument or show monuments for inaccessible points [.1602(e)].

BOARD ACTION: Revocation.

CASE NO. V04-059

Paul J. Henriques, unlicensed
Kitty Hawk, NC

VIOLATION: Practiced or offered to practice engineering without a license as required by G. S. 89C-23.

BOARD ACTION: Letter issued to cause respondent to cease and desist offering or practicing engineering, including signing engineering letter reports, until such time as he becomes properly licensed with the NC Board.

CASE NO. V04-061

Mary E. Ayers, PLS No. L-3260
Chapel Hill, NC

VIOLATION: Failed to comply with annual CPC requirements [.1712] and submitted false information on renewal form [G. S. 89C-23].

BOARD ACTION: Reprimand and Civil Penalty of \$500.

CASE NO. V04-062

Christopher G. Dudek, PE No. 8624
East Berlin, PA

VIOLATION: Practiced or offered to practice engineering without a license as required by G. S. 89C.

BOARD ACTION: Reprimand and Civil Penalty of \$500.

CASE NO. V04-065

Joseph J. Corey, Jr. PE No. 9794
Cary, NC

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)]; failed to comply with annual CPC requirements [.1703]; and failed to maintain adequate records of CPC [.1706].

BOARD ACTION: Suspension of Certificate of Licensure until proof of obtaining 45 PDHs acceptable to the Board is furnished and will require audit of CPC for the subsequent three years of license renewal. The 45 PDHs do not carryover or count toward subsequent renewals. Failure to comply with the required audits will result in further suspension of the Certificate of Licensure until compliance is shown.

CASE NO. V04-066

Frank Meier, PE No. 16195
Osprey, FL

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)].

BOARD ACTION: Suspension of Certificate of License until such time as he satisfies all CPC requirements for 2004 renewal and subsequent renewals.

CASE NO. V04-067

Hal R. Sanders, PE No. 6926
Petersburg, TN

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)] and failed to cooperate with the Board in an investigation [G. S. 89C-20].

BOARD ACTION: Revocation.

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CASE NO. V04-068

Ralph H. Orr, PE No. 5273
Etowah, NC

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)]; failed to comply with annual CPC requirements [.1703]; failed to maintain adequate records of CPC [.1706]; failed to accept correspondence from the Board [.0701(g)(2)]; and failed to cooperate fully with the Board in an investigation [G. S. 89C-20].

BOARD ACTION: Suspension of Certificate of Licensure until proof of obtaining 45 PDHs acceptable to the Board is furnished and will require audit of CPC for the subsequent three years of license renewal. The 45 PDHs do not carryover or count toward subsequent renewals. Failure to comply with the required audits will result in further suspension of the Certificate of Licensure until compliance is shown.

CASE NO. V04-069

Robert J. Stewart, Jr. PE No. 19191
Powells Point, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public. [.0701(b)].

BOARD ACTION: Reprimand and Civil Penalty of \$2000.

CASE NO. V04-076

Gaskins Quality Services, Inc.
Wilmington, NC

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Letter issued to cause respondent to cease and desist offering to practice or practicing engineering, including telephone directory ads in NC, until such time as company is properly licensed with the Board.

CASE NO. V04-077

Orion Engineering, unlicensed
Dunn, NC

VIOLATION: Firm practiced or offered to practice engineering without a license as required by G. S. 89C-24 and used the word "engineering" in violation of licensing required by G. S. 89C-23.

BOARD ACTION: Letter issued to cause respondent to cease and desist offering to practice or practicing engineering and to cease and desist using the word "engineering" in the company name until such time as the company is properly licensed with the Board.

CASE NO. V04-081

Eric S. McAbee, PLS No. L-4095
Fairview, NC

VIOLATION: Failed to monument corners [.1602(d)]; failed to provide north arrow on each map [.1604(e)(1)]; failed to clearly indicate lines not actually surveyed [.1604(b)]; failed to be in responsible charge by not adequately supervising field crew [.0701(c)(3)]; failed to make adequate investigation of easements [.1602(c)]; and failed to be completely truthful in statements in response letter and survey certificate [.0701(d)(1)].

BOARD ACTION: Reprimand, Civil Penalty of \$2000, furnish proof of successful completion of section (to be determined by the Board) of the NC Society of Surveyors Institute in spring 2006, and furnish proof of passing, within 90 days of date of Decision and Order, the Professional Ethics course offered by New Mexico State University. Course hours do not count toward annual mandatory CPC requirements.

CASE NO. V04-084

Myler Church Building Systems of the Mideast, Inc., unlicensed
Crawfordsville, IN

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Letter issued to cause respondent to cease and desist offering to practice or practicing engineering in NC until such time as the company becomes properly licensed with the Board.

CASE NO. V04-085

Myler Church Building Systems Planners, Designers, Builders, Inc., unlicensed
Crawfordsville, IN

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Letter issued to cause respondent to cease and desist offering to practice or practicing engineering in NC until such time as the company becomes properly licensed with the Board.

CASE NO. V04-086

Hashim Naqui, unlicensed
Hyderabad INDIA

VIOLATION: Practiced or offered to practice engineering without a license as required by G. S. 89C.

BOARD ACTION: See Case No. V04-087 which follows.

CASE NO. V04-087

NCD Architects, unlicensed
Raleigh, NC

VIOLATION: Firm practiced or offered to practice engineering without a license as required by G. S. 89C-24.

BOARD ACTION: Closed cases based upon final action by NC Board of Architecture in that the Architecture Board issued a LETTER OF CAUTION directing respondent (Hashim Naqui) to: supply an accurate address, reflecting his current place of business, firm name and contact information on all documents associated with his work, specifically, title block information about his firm must not reflect a client address; maintain the security of his seal at all times and comply with the guidelines as set forth in 21 NCAC 02.0206; and comply with Board requirements for approval of firm names as set forth in 21 NCAC 02.0205.

CASE NO. V04-094

Forensic Fire Consultants, Inc., unlicensed
Raleigh, NC

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B and made use of the titles "engineer" or "engineering" in violation of licensing required by G. S. 89C-23.

BOARD ACTION: Letter issued to cause respondent to cease and desist offering to practice or practicing engineering until such time as company becomes properly licensed with the Board.

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CASE NO. V04-095

William S. Jones, Jr., PLS No. L-2532
Kill Devil Hills, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to indicate title source [.1604(e)(11)]; and failed to have bargraph [.1604(e)(11)].

BOARD ACTION: Reprimand.

CASE NO. V04-096

Sylvia E. Higdon, PLS No. L-4369
Bryson City, NC

VIOLATION: Issued an inaccurate survey creating an encroachment on the adjoining property [.1602(a),(f)] and failed to provide an adequate vicinity map [.1604(e)(10)].

BOARD ACTION: Reprimand.

CASE NO. V04-097

Chad A. Tyndall, unlicensed
Salemberg, NC

VIOLATION: Practiced or offered to practice land surveying without being licensed as required by G. S. 89C-23.

BOARD ACTION: Letter issued to cause respondent to cease and desist offering to practice or practicing land surveying until such time as he becomes properly licensed with the Board.

CASE NO. V04-100

John Y. Phelps, Jr., PLS No. L-1319
Raleigh, NC

VIOLATION: Failed to properly certify documents [.1103]; failed to accurately locate all apparent easements and watercourses on boundary [.1602(b), .1604(e)(8)]; failed to indicate title source [.1604(e)(11)]; and failed to indicate bargraph [.1604(e)(11)].

BOARD ACTION: Reprimand.

CASE NO. V04-102

LandAmerica Assessment Corporation, unlicensed
Richmond, VA

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering until licensed with the Board. Any engineering work in property condition assessments and environmental evaluations is to be properly subcontracted to a licensed engineering firm. This fact must be disclosed during the marketing and contracting process to the prospective client.

CASE NO. V04-107

James L. Powell, PLS No. L-1531
Beaufort, NC

VIOLATION:

Map 1

Failed to have an accurately positioned north arrow [.1604(e)(1)]; failed to indicate title source [.1604(e)(11)]; failed to accurately locate all apparent improvements on the boundary [.1604(e)(8)]; failed to describe monuments as set or found [.1602(f)]; failed to identify all references sources [.1602(f)]; failed to show an encroachment on survey [.1602(b),(f)]; failed to provide adequate tie [.1602(g), .1604(e)(9)]; failed to provide a legend [.1604(e)(11)]; failed to show names of adjacent land owners, lot designations, or legal references [.1604(e)(7)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to provide date of certification [.1103(a)(4)]; and failed to conduct practice in order to protect public health, safety and welfare by not disclosing potential discrepancies as to ownership [.0701(b)].

Map 2

Failed to report the results of a survey in a clear and factual manner [.1602(f)]; no revision notes [.1604(c)] or clarification as to date of certification [.1602(f)]; failed to show an encroachment and gap [.1602(a),(f)]; failed to indicate title source [.1604(e)(11)]; failed to describe all monuments as set or found [.1602(f)]; failed to provide a legend [.1604(e)(11)]; failed to identify all references sources [.1602(f)]; and failed to properly reference north arrow [.1604(e)(1)].

BOARD ACTION: Reprimand, furnish proof of successfully completing the G. S. 47-30/89C/Board Rules seminar offered by the NC Society of Surveyors Institute on December 9, 2005, and furnish proof of passing, within three months of the date of Decision and Order the Professional Ethics Course offered by New Mexico State University. Course hours do not count toward mandatory annual CPC requirements. Failure to comply with this Order will result in suspension of the Certificate of Licensure effective on the date of noncompliance and continuing until proof of compliance is shown.

CASE NO. V04-108

Robert B. Morris, unlicensed
Spartanburg, SC

VIOLATION: Practiced or offered to practice land surveying without being licensed as required by G. S. 89C-23 and his firm practiced or offered to practice land surveying without a license as required by G. S. 89C-24.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing land surveying until such time as he and his company become properly licensed with the Board.

CASE NO. V05-002

George W. Jensen, PE No. 10569
Jackson, SC

VIOLATION: PE license suspended by another jurisdiction, violating G. S. 89C and Board Rules [.0701(h)]; submitted false information on renewal form [G. S. 89C-23]; and failed to comply with annual CPC requirements [.1712].

BOARD ACTION: Reprimand, Civil Penalty of \$1500 and require audit of CPC hours for renewal years 2006, 2007, and 2008.

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CASE NO. V05-003

Paul C. Wash, unlicensed
Hodges, SC

VIOLATION: Practiced or offered to practice land surveying without being licensed as required by G. S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing land surveying in NC and refer to SC Board to advise of this action.

CASE NO. V05-004

Joe A. Smith PE, No. 13989
West Columbia, SC

VIOLATION: PE license suspended by another jurisdiction in violation of G. S. 89C and the Board Rules [.0701(h)] and failed to accept Board correspondence [.0701(g)(2)].

BOARD ACTION: Revocation.

CASE NO. V05-005

Brad L. Suitt, PLS No. L-3767
New Bern, NC

VIOLATION: Guilty of a crime involving moral turpitude by pleading guilty to misdemeanor assault on a female [G. S. 89C-21(a)(3)].

BOARD ACTION: Certificate of Licensure suspended for a period of six months, stayed as long as probation is satisfied in the criminal case. A violation of probation will activate the six-month license suspension. Upon termination of the criminal probation period without any future violations, this Decision and Order is satisfied and respondent is no longer subject to activation of the six-month suspension.

CASE NO. V05-006

Andrew A. Burg, PE No. 20425
Charlotte, NC

VIOLATION: Guilty of felony or crime involving moral turpitude [G. S. 89C-21(a)(3)].

BOARD ACTION: Certificate of Licensure suspended for a period of three months, stayed as long as probation is satisfied in the criminal case.

CASE NO. V05-011

IMS Environmental Services, Inc, unlicensed
Raleigh, NC

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering until such time as the company is properly licensed with the Board.

CASE NO. V05-018

Gerald M. Davis d/b/a Design Services, unlicensed
Surf City, NC

VIOLATION: Practiced or offered to practice engineering without a license [G. S. 89C-23] and his firm practiced or offered to practice engineering without a license [G. S. 89C-24, 55B].

BOARD ACTION: Issued letter to cause respondent and his firm to cease and desist offering or practicing engineering, including producing structural drawings, until such time as he and his company are licensed with the Board.

CASE NO. V05-020

William Donahue, unlicensed
Kill Devil Hills, NC

VIOLATION: Practiced or offered to practice engineering without a license and presented or attempted to use the certificate of licensure or seal of another [G. S. 89C-23].

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering until such time as he becomes licensed with the Board and advised respondent that the use of the seal of a PE by him is a violation of law under G. S. 89C-23.

CASE NO. V05-027

ECG Engineering, unlicensed
Nasr City, Cairo Egypt

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering until such time as the company becomes properly licensed with the Board.

CASE NO. V05-033

Ronald Lee Walker, Jr., unlicensed
d/b/a Design II Studio Incorporated
Graham, NC

VIOLATION: Practiced or offered to practice engineering without a license [G. S. 89C-23] and his corporation practiced or offered to practice engineering without a license [G. S. 89C-24, 55B].

BOARD ACTION: Issued letter to cause respondent and his company to cease and desist offering or practicing engineering, to include, but not limited to, structural, site plan, floor plan, site utilities and other work that requires engineering education, training or experience to properly perform, until such time as he and his company are licensed with the Board. Advised respondent a non-licensee cannot offer these services and then have a PE review and seal the work.

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CASE NO. V05-041

ESA Environmental Specialists, Inc., unlicensed
Charlotte, NC

VIOLATION: Corporation practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering, using terms "engineer," "engineering," or derivative of terms in all materials (including, but not limited to, business cards, stationery, brochures and web sites) in NC until such time as the company becomes licensed with the Board.

CASE NO. V05-049

William C. Smith, unlicensed
North Topsail Beach, NC

VIOLATION: Practiced or offered to practice engineering without a license and presented or attempted to use the certificate of licensure or seal of another [G. S. 89C-23].

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering, including, but not limited to, altering drawings done by a PE until such time as he becomes licensed with the Board.

CASE NO. V05-055

William L. Defibaugh, unlicensed
d/b/a Systems & Structural Engineering, Inc.
Bedford, PA

VIOLATION: Practiced or offered to practice engineering without a license [G. S. 89C-23] and his corporation practiced or offered to practice engineering without a license [G. S. 89C-24, 55B].

BOARD ACTION: Issued letter to cause respondent and his company to cease and desist offering or practicing engineering until licensed with the Board and blocked him from obtaining a NC Temporary Permit for any future projects.

**The North Carolina Board of Examiners
for Engineers and Surveyors**

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