



The North Carolina Bulletin

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

September 2009 Fall Issue



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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.

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Board Members - 2009

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Henry V. Liles, Jr., PE
David L. Pond, PE
Gary W. Thompson, PLS
John S. Tunstall, PE
Elizabeth W. Riley, Public

Committee Chairs - 2009

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J. Glenn Haynes, PLS, *Surveying*
Gary W. Thompson, PLS, *CPC*

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April 2008 Exam Statistics

The results from the April 2008 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

Fundamentals of Engineering (FE)	66% pass rate
Principles & Practice of Engineering (PE)	59% pass rate
Fundamentals of Land Surveying (FLS)	57% pass rate
Principles & Practice of Land Surveying (PLS)	
Part A:	56% pass rate
Part B:	66% pass rate
Part C:	64% pass rate

October 2008 Exam Statistics

The results from the October 2008 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

Fundamentals of Engineering (FE)	68% pass rate
Principles & Practice of Engineering (PE)	55% pass rate
Fundamentals of Land Surveying (FLS)	57% pass rate
Principles & Practice of Land Surveying (PLS)	
Part A:	49% pass rate
Part B:	58% pass rate
Part C:	18% pass rate

April 2009 Exam Statistics

The results from the April 2009 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

Fundamentals of Engineering (FE)	67% pass rate
Principles & Practice of Engineering (PE)	61% pass rate
Fundamentals of Land Surveying (FLS)	61% pass rate
Principles & Practice of Land Surveying (PLS)	
Part A:	68% pass rate
Part B:	89% pass rate
Part C:	71% pass rate

2009-10 Examination Dates

National examinations are to be conducted on the following dates:

October 23 & 24, 2009 Application deadline: August 1, 2009
April 16 & 17, 2010 Application deadline: January 4, 2010
October 29 & 30, 2010 Application deadline: August 2, 2010

The Board administers national licensure examinations as offered by the National Council of Examiners for Engineers and Surveyors (NCEES). For additional information about the exams or application process, please visit the Board's website at www.ncbels.org or contact the Board office at (919) 791-2000.

Examination dates for Out - of - State Surveying Applicants

The Board of Examiners has added two additional exam dates for Out-of-State Surveying Applicants ONLY. The usual April and October examination periods also apply.

January 26, 2010 Application deadline: November 1, 2009
July 19, 2010 Application deadline: May 1, 2010



View from the Chair

Nils W. Joyner, Jr., PLS



A tremendous amount of data is available via the Internet. Licensees may be tempted to use this inexpensive and sometimes even free data, but must be very careful when applying such data to your signed and sealed drawings and maps. On the surface it would appear to be a great way to reduce costs. However, this cost-cutting method is more likely to cause trouble for the professional licensee.

A good test that I personally put myself through as a Professional Land Surveyor is to imagine that I am on a witness stand and have been directed to explain to a judge or jury why I have taken a particular action. If I have a hard time explaining to myself why I have made certain choices, I will rethink my plan of action.

Board charges that may result from using unsubstantiated information may range from:

- The drawing or map is not **clear and factual**: only the professional will know the impact to the design of the use of unsubstantiated data. The use of a disclaimer to hide the fact that the design may reflect potential inadequacies will protect neither the public nor the professional.
- Failure to follow **standards of the profession**: the professional should not put the public and the environment at risk by offering cost-cutting alternatives to the client that go against years of engineering and surveying practice. The public does not understand the risk involved. How will you defend your actions if an attorney asks: "Did you not know that this information taken from the Internet had flaws?" You are the professional and are held to a higher standard.
- **Unethical and unprofessional**: Most professionals explain that they are cutting corners to save money for the client. In the real world we all believe that these people are either undercutting the competition or have decided that more money could be made by using this risky data. Either strategy

points to unethical behavior on the part of the professional.

- **Responsible charge**: This term has been defined and explained many times by my predecessors on the Board. The short version: if you did not directly supervise the information on your plat, you must have a signed seal drawing from someone who did. This requirement is not negotiable. It is not sufficient to say, "The e-file was sent to me from another engineer and I thought it was okay to use." All the information used for the design or map must be under your responsible charge. You don't want to hang your career on the ghosts and goblins that exist within the stream of "0s and 1s" that abound on the Internet.

The use of a disclaimer on the design drawing or map will not protect the professional from being disciplined by the Board. The professional should realize that the public does not understand these disclaimers. There are many examples but my favorite is when I heard that professionals are using topographic data generated for the NC Flood Study (using the LIDAR technology) to produce final site plans, subdivision plans or an erosion control plan. After a complaint is filed, the professional admits and regrets the use of this inexpensive information. A disclaimer will not protect you from the Board's scrutiny or from being held liable. Who is the professional? It is widely known that this kind of information is not accurate enough for a finished signed and sealed plan.

Everyone knows that this kind of information is not accurate enough for a finished signed and sealed plan.

I must mention another pet project item that I hear about that partly fits in with the Internet information comments above. For more than a year, the Board has agreed and ultimately voted that the location and mapping of wetlands and streams is Land Surveying. Therefore it is a violation to depict wetlands and stream buffers on the final design drawings or maps that were not performed under the responsible charge of a Land Surveyor. This information must be clear and factual. Home buyers, developers, environmentalists and other design professionals rely upon this information and accept it as shown. Wetlands and stream buffers must comply with the *Standards of Practice*.

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Board Staff Directory

Name	Title	Email	Extension
Stephanie Bryant	Administrative Assistant	sbryant@ncbels.org	100
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Laura Parham	Processor: Professional Engineer Applications	lparham@ncbels.org	107
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Clyde Alston	Board Investigator	calston@ncbels.org	114
John Stone	Information Technology Systems Specialist	jstone@ncbels.org	115
Chimene Link	Renewals	clink@ncbels.org	116

Board Meetings

The NC Board of Examiners' Board meetings are open to the public. Meetings are conducted at the Board office at 4601 Six Forks Road, Suite 310, Raleigh, NC 27609 (unless otherwise noted). Persons wishing to be placed on the agenda should submit a written request to the Board address as follows: ATTN: Andrew Ritter, Executive Director, at least two weeks in advance of the next regularly scheduled Board meeting. These requests should contain information concerning the nature of the business that you would like to discuss with the Board.

Need a Speaker?

Board members and staff are available to speak at meetings of professional and technical societies, as well as community-based organizations. Requests for speaking should be made as far in advance as possible to Andrew Ritter, Executive Director, at the Board office: 4601 Six Forks Road, Suite 310, Raleigh, NC 27609.

Board Member News

Board Member Appointments



Elizabeth W. (Liz) Riley was appointed by Governor Easley on January 9, 2009 to fill the Board vacancy created by the completion of the second term of Public Member Dr. Joseph Monroe. Her term expires in December 2013.

Ms. Riley graduated from UNC-Chapel Hill in 2003 with a B.A. in both Journalism and Spanish. She was awarded her law degree from UNC School of Law in 2006. She served as Deputy Legal Counsel to Governor Easley before being chosen to serve as counsel to Governor Perdue's Office of Economic Recovery & Investment.

She resides in Charlotte with her husband Michael.



In December 2008, Board member David L. Pond, PE was reappointed by Governor Easley to his first full five-year term. His term expiration date is now December 2013.



Also in December 2008, Board member Gary W. Thompson, PLS was reappointed by Governor Easley to his second five-year term. His term expiration date is now also December 2013.



The February 2008 *NewsBulletin* included information about the appointment of Board Member John S. Tunstall, PE but his picture was unavailable when that *NewsBulletin* was published. Mr. Tunstall's picture appears with this article.

Board Staff: New Faces

08/01/08: Clyde Alston joined the staff as a Board Investigator headquartered in Raleigh. Clyde came to the Board with ten years of experience at the NC Department of Community Corrections in the field of Probation and Parole and a year of experience at Wake County Human Services.

Clyde lives in Raleigh with his wife and two daughters.

09/01/08: Eric Purvis became a member of the staff as the Board Investigator for the Western Region. Eric had worked for the NC Department of Corrections for seven years and the Department of Juvenile Justice for ten years before coming to the Board.

Eric lives in Kannapolis with his wife, son and twin daughters.

11/24/08: Shirley Ditt joined the staff as Administrative Assistant assigned to the Executive Director and Board Counsel. Shirley, a Certified Paralegal, came to the Board with 15+ years in the Title Insurance industry.

Shirley and her husband Tom live in Raleigh.

Board says farewell to Dr. Monroe



On April 15, 2009, the Board held a Farewell Dinner for outgoing Public Member Dr. Joseph Monroe. He had been appointed in 1999 by Governor Hunt and reappointed in 2004; Dr. Monroe served until his replacement was appointed on January 9, 2009. During his ten years on the Board, Dr. Monroe served as Board Secretary in 2005, 2006 and 2008. He also chaired the Continuing Professional Competency Committee from 2000 through 2006.

Those in attendance at the festivities at a downtown Raleigh restaurant included all nine Board members, Emeritus Board members George Freeman and Frank Tyndall, several Board spouses and several staff members. Dr. Monroe escorted his lovely wife Sally.

There were remarks and reminiscences by Board members Dr. Teresa H. Ratcliff and Henry V. Liles, Jr. Emeritus Board member Frank Tyndall also spoke briefly. Dr. Monroe talked warmly about his tenure and his memories. Executive Director Andrew Ritter presented several small gifts to Dr. Monroe.

Stories were swapped, hugs were exchanged, good fellowship and good food were enjoyed. All agreed that Dr. Monroe's unflinching smile and keen insights would be greatly missed.

View from the Chair continued

Unsealed data that is obtained from the Internet or other unnamed sources can be a valuable tool for planning and preliminary drawing. In today's work environment, a lot of preliminary work and evaluation can be done before doing the groundwork.

Don't forget to do the groundwork.

Don't forget you are held to a higher standard.

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Audrey Thomas Honored – 25 Year Tenure

Audrey Thomas, veteran employee with 25 years of service, was honored by the Board members and Staff at the July 16, 2009 Board meeting. Executive Director Andrew Ritter presented Audrey with a plaque for her service.

Montgomery T. Speir was the Executive Secretary at the time Audrey was hired full-time in July 1984. She started her career in the early 80s as Administrative Support for the Investigations Department under Jerry T. Carter, Investigations Supervisor. Audrey is responsible for support and management of the Violations database among many other administrative duties. She is also full support for the investigators, coordinating calls and transcribing reports. Audrey is a dedicated employee - conscientious and loyal - as she continues her career in the Investigations Department under Dave Evans, Assistant Executive Director.

A beautifully decorated red velvet cake commemorating Audrey's 25 years of service was the main attraction for dessert at the celebratory barbecue lunch. The cake was designed by Edible Art of Raleigh.



Successful Business Firm Renewal Season

The 2009-2010 Business Firm Renewal season has come to a close. In past years, Business Firm Renewals were mailed to all firms. This year a new process was launched in which postcards were mailed to all firms with instructions on how to log onto the Board website and print a copy of the firm renewal forms. The actual renewal cannot be done online due to the required staff review of the renewals for compliance with NC licensing laws. However, this new way for firms to obtain copies of their firm renewals proved to be successful.

At the end of May 2010, postcards will once again be mailed out to all licensed firms, reminding them of the June 30th renewal deadline.

Board Revises Rules

The Board has completed the most recent process of revising the Board Rules (NC Administrative Code Title 21, Chapter 56). After a public hearing, public comment period and final approval by the Board, the revisions were submitted for review and approved by the Rules Review Commission. The revisions have effective dates of May 1 and July 1, 2009.

A summary of revisions is on the website at <http://www.ncbels.org/RulesRev.html>. There is a link on the website to the official copy of the Board Rules at the Office of Administrative Hearings. The Rules can be viewed by individual rule or consolidation of all rules in one document in either pdf or Word format. Copies can also be obtained by request to the Board office.

An increase in the annual renewal fees for individuals and firms from \$50 to \$60 was approved by the Board and the Rules Review Commission and is effective for the upcoming 2010 license renewals.

Changes to the NCEES Exams and Supporting Materials

03/24/09 - Effective with the April 2011 exam administration, NCEES will offer a new 16-hour Structural exam. The existing NCEES Structural I and Structural II exams will be offered for the last time with the October 2010 exam administration. The purpose of this early notice is to provide Member Boards and testing services as much notice as possible; so the transition from the existing Structural I and Structural II format to the new 16-hour Structural exam format may proceed in a seamless and straightforward manner. The one-year notice required by NCEES Exam Development Policy (EDP) 8 in the Manual of Policy and Position Statements will still be given in April 2010.

Renewal Reminder

Renewal notices for individual licenses will be mailed the last week in November to the current address on record in the Board files. An email notification will be sent on December 1 with a direct link to the online renewal section of the Board's website. **Licensees should review individual registrant pages of the Board's website to make sure the Board has all current mailing and email address information.**

Renewals are completed most efficiently online but may also be sent through the mail. If the paper renewal notice has not been received by mid-December, affected licensees may contact the Board office for confirmation of renewal requirements if necessary.

Beginning with the 2010 renewal year, the annual renewal fee has been **increased from \$50 to \$60** by Board action and approval of the Rules Review Commission.

Deadline for receipt of the appropriate renewal fees is **January 31**.

2008 Surveyor's Exam-Writing Session

On October 30, 2008 the Board of Examiners held an exam-writing session to compile new questions for the North Carolina state-specific surveyor's examination. Outdated questions must be replaced with new ones to incorporate the most up-to-date technology in surveying procedures.

The state-specific examination is two hours in duration and must be passed to obtain NC licensure. The Board is responsible for a question "bank" which covers Board Statutes and Rules, drainage, roadway design and other issues that are specific to surveying in North Carolina.

Charles W. Rutland, a test expert from NCEES, gave a presentation on "How to Write Surveying Questions and Answers" that are exam-appropriate. There were approximately one hundred questions written. Participants broke out into groups of five to review each other's questions for comments or corrections.

Fifteen surveyors came from across the state. Asheville, Boone, Charlotte, Raleigh, Southern Pines, Rocky Mount, and the Southern Shores (Nags Head) were towns represented - just to mention a few. One participant in the group traveled from Virginia Beach, Virginia. Surveyors earned PDH credits for questions they had written which were accepted by the Board. A catered lunch was provided.

Another session is taking shape for October 2009.

For information on participating in a future exam-writing workshop, please contact:

Laverne Smith, lsmith@ncbels.org



In Memory of

Johnie Carr Garrason

February 28, 1939 – August 24, 2009

Former Board Member Johnie C. Garrason passed away in Wilmington on August 24, 2009 after a long illness.

Mr. Garrason had been appointed to the NC Board of Examiners by Governor Easley in March 2001. He held the position of chairman of the Land Surveying Committee in 2002. After a debilitating stroke in August of that year, he continued to serve but did not seek reappointment after his term expired in December 2005.

Johnie Garrason became a Land Surveyor in January 1972 and went into private practice in 1973. He was significantly involved in the NC Society of Surveyors, serving as President in 1994. NCSS recognized him as Surveyor of the Year in 1992. In 1993, Mr. Garrason was chosen the Surveyor of the Year by the National Society of Professional Surveyors (NSPS).

On February 4, 2005, at the annual banquet of NCSS, Mr. Garrason was awarded membership in the Order of the Long Leaf Pine, the highest civilian honor in the state of North Carolina. On February 24, 2005, Mr. Garrason was honored by the Board of Examiners with a recognition dinner and ceremony where Board members, guests and friends also celebrated that honor, in addition to his exceptional achievements in the surveying community and significant contributions to the surveying profession.

Funeral services with full military honors were held in Hampstead NC on August 27, 2009.



Board Hosts July Certificate Ceremonies

Since 1984, the Board of Examiners has been a participant in the biannual Certificate Ceremonies. These ceremonies are where newly-licensed Professional Engineers and Professional Land Surveyors receive their wall certificates in person at formal events held in Raleigh and Charlotte. Exam score letters have included invitations to the ceremonies and Board members have presented the certificates to new licensees in front of family, friends, employers, co-workers and guests. For the past 20 years the professional societies were the primary sponsors but this year the Board elected to become the sole host of the events.

On July 15, the Raleigh ceremony was held at The State Club on the campus of NC State University. Board Vice-Chair Teresa H. Helmlinger, PhD, PE addressed brief remarks to 27 newly-minted Professional Engineers and 4 new Professional Land Surveyors who were accompanied by approximately 120 guests. Eight Board members presented certificates, yearbooks and congratulations to the new licensees. A sundae bar followed the presentations.

Special guests at the Raleigh ceremony included Montgomery T. Speir and his wife Jo Ann. Mr. Speir had served as Executive Secretary of the Board from November 1976 until his retirement in December 1991. Emeritus Board member Frank Tyndall also attended.

On July 30, the Charlotte ceremony was held on the campus of UNC-Charlotte in the Halton Arena, located in the William States Lee College of Engineering. The welcome was given by Dr. Robert E. Johnson, Dean of the College of Engineering at UNC-Charlotte. The speaker was Jerry T. Carter, Executive Director of NCEES and former Executive Director of the Board of Examiners. Three Board members recognized 18 new Professional Engineers and 3 new Professional Land Surveyors who were joined by approximately 60 guests. Emeritus Board member David Peeler was a special guest. A dessert bar was enjoyed by the attendees after the ceremony. Planning for the festivities was expertly handled by Linda A. Thurman, MA, Faculty Associate for Student Professional Development and Employer Relations at UNC-Charlotte.

The Board looks forward to hosting the next ceremonies in Winter 2010 – after the October 23 exam results have been processed.

Disciplinary Actions

The following summaries represent disciplinary actions taken by the Board. 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 David S. Tuttle, Board Counsel, at (919) 791-2000, extension 111 or via email to dstuttle@ncbels.org.

2008

CASE NO. V02-039

PFS Corporation [F-0485]
Madison, WI

VIOLATION: Failed to have a resident licensed professional in responsible charge in each office [.0901] and failed to protect the public health, safety and welfare by allowing employees to offer to practice and practice engineering without being licensed [.0701(b)].

BOARD ACTION: Reprimand and civil penalty of \$2000.

CASE NO. V02-062

Earl F. McKinney, PE [8541]
Lexington, KY

VIOLATION: Had his license revoked by another jurisdiction, violating G.S. 89C and the Board Rules [.0701(h)].

BOARD ACTION: Accepted permanent surrender of Engineering Certificate of Licensure.

CASE NO. V03-039

Solar Guys, unlicensed
Asheville, NC

VIOLATION: Practiced or offered to practice engineering without a license [G.S. 89C-24].

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering, to include, but not be limited to, system design and wire sizing, until licensed with the Board and referred to Board of Examiners of Electrical Contractors, which resolved the matter by a warning.

CASE NO. V06-069

Stewart W. Gloor, PLS [L-3369]
Thomasville, NC

VIOLATION: Failed to report the results of surveys in a clear and factual manner [.1602(f)]; failed to make adequate investigation [.1602(a)]; failed to report and show lappages [.1602(a),(f)]; and failed to properly reference north arrows [.1604(e)(1)].

BOARD ACTION: Reprimand and require proof of successfully completing Section A, Boundary Retracement, of the NC Society of Surveyors Institute in November 2008.

CASE NO. V06-070

David E. Summey, PLS [L-2999]
Arden, NC

VIOLATION: Failed to tie to a geodetic monument within 2000 feet [.1602(g)] and failed to monument corners [.1602(d)].

BOARD ACTION: Reprimand and civil penalty of \$500.

CASE NO. V06-078

Brooke T. Carpenter, PE [23249]
Gibsonville, NC

VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)]; failed to include address on documents [.1103(a)(6)]; represented himself as being capable of providing architectural services or as an Architect [G.S. 83A, .0701(b)]; and performed services outside area of competence by producing building designs including floor plans, elevations, etc. [.0701(c)(3)].

BOARD ACTION: Reprimand; restricted practice of engineering to only civil and structural engineering until such time as evidence of competency is provided by passing the NCEES exam for each discipline of engineering; furnish proof within six months of the date of the Decision and Order of passing Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism, Texas Tech University; and require proof of obtaining 45 hours of civil/structural technical course work for continuing professional competency (CPC) requirements over the next three years (15 PDHs per year) to be audited by the Board.

CASE NO. V06-084

Merrick A. Dugal III, PE [22609]
Raleigh, NC

VIOLATION: Performed services outside his area of competence [.0701(c)(3)]; affixed his seal to inadequate design documents and specifications, failing to protect the public [.0701(b)]; and failed to comply with state regulations applying to a project to protect the public [.0701(b)].

BOARD ACTION: Reprimand and restriction from practicing waste treatment surface discharge system design until such time as he demonstrates to the satisfaction of the Board competency by education, experience or examination.

CASE NO. V06-094

Jasper D. Slate, PLS [L-2818]
King, NC

VIOLATION: Failed to show names of adjacent land owners, lot designation or legal reference [.1604(e)(7)]; failed to accurately locate a watercourse on the boundary [.1604(e)(8)]; and failed to conduct his practice so as to protect the public health, safety and welfare [.0701(b)].

BOARD ACTION: Reprimand.

CASE NO. V06-095

Joseph C. O'Keefe, PLS [L-3000]
Fletcher, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to properly certify a survey or mark it as preliminary [.1103]; and failed to protect the public [.0701(b)] by creating or proposing non-confirming lots.

BOARD ACTION: Reprimand, civil penalty of \$1000, furnish proof of successfully completing one class of Section B of the NC Society of Surveyors Institute "local government land development regulations" 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 with a minimum average of 70% on the homework and a minimum of 70% on the final exam for a minimum overall score of 70% for the course.

CASE NO. V06-098

Thomas R. Wilson, PE [13849]
Asheville, NC

VIOLATION: His firm practiced or offered to practice engineering without a license as required by G.S. 89C-24; performed services outside his area of competence [.0701(c)(3)]; affixed his seal to inadequate design documents, failing to protect the public [.0701(b)]; and affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)].

BOARD ACTION: Reprimand, civil penalty of \$5000 and restrict his practice to civil engineering until he evidences competency by passing the NCEES exams for other disciplines.

CASE NO. V06-099

K. Davis Fennell, PE [24908]
Belville, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)] and failed to comply with state regulations applying to a project to protect the public [.0701(b)].

BOARD ACTION: Reprimand, civil penalty of \$2500 and furnish proof of passing the Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism, Texas Tech University.

CASE NO. V06-100

Lawrence Weston Lyall, PE [27885]
Rocky Mount, NC

VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)]; aided or abetted another person to evade or attempt to evade the provisions of G.S. 89C [G.S. 89C-16]; failed to have a resident licensed professional in responsible charge in each office [.0901]; and knowingly associated with a person or firm engaging in practices of fraud or dishonesty and is not properly licensed [.0701(g)(1)].

BOARD ACTION: Reprimand, civil penalty of \$2500 and furnish proof of passing, within six months of Decision and Order, Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism, Texas Tech University.

CASE NO. V06-105

EarthData International, Inc., formerly
EarthData International, LLC, now
Furgo EarthData, Inc. [F-1086]
Frederick, MD

VIOLATION: Practiced or offered to practice land surveying in violation of G.S. 89C-24 and 55B; failed to notify Board of change of business address [.0804(c)]; failed to report reorganization and resident professional [.0901(d)]; failed to notify Board of change of name and gave false information in obtaining license renewal [G.S. 89C-23].

BOARD ACTION: Reprimand and civil penalty of \$2000.

CASE NO. V06-112

Survey America, Inc., unlicensed
Evansville, IN

VIOLATION: Practiced or offered to practice land surveying in violation of G.S. 89C-24 and 55B; and used the word "survey" in violation of licensing required by G. S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing land surveying to include the requirements of responsible charge such as client contact, financial control and control of work product and using the word "survey" in the company name in NC until such time as the company is licensed with the NC Board.

CASE NO. V06-113

Mark B. Lail, unlicensed
Valdese, NC

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

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC, to include but not limited to, providing structural analysis or recommendations, until licensed with the NC Board and referred case to Home Inspector Licensure Board, which notified him to discontinue the use of the terms Structural Analysis and any references to Engineering along with the issuance of a Letter of Caution.

CASE NO. V06-115

Clark Environmental Services, P.C. [C-1419]
Wilmington, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand.

CASE NO. V06-123

Porter Scientific, Inc., d/b/a Porter Environmental, unlicensed
Pembroke, NC

VIOLATION: Practiced or offered to practice engineering and land surveying in violation of G.S. 89C.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC, to include Phase II site assessments and UST contamination and remediation projects and to cease and desist offering or practicing land surveying in NC, to include location data collection and performing GIS mapping until such time as the company becomes licensed with the NC Board.

CASE NO. V06-130

ProEngineering, PLLC [P-0454]
Apex, NC

VIOLATION: Failed to have a resident licensed professional in responsible charge in each office [.0901].

BOARD ACTION: Revocation.

CASE NO. V06-135

TEMO, Inc.
Clinton Twp., MI

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering, to include producing engineering plans, engineering inspections or locating boundaries or advertising any such services in NC, until such time as the company becomes licensed with the NC Board.

CASE NO. V06-136

Robert A. Walz, PE [14781]
Utica, MI

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)]; failed to be completely objective and truthful in professional reports and statements [.0701(d)(1)]; and made exaggerated, misleading, deceptive or false statements of qualifications or experience in advertising permit packages [.0702(a),(b)].

BOARD ACTION: Reprimand, civil penalty of \$5000 and furnish proof of passing, within six months of date of Decision and Order, the Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism, Texas Tech University.

CASE NO. V06-137

W. T. Nichols Mechanical Company, Inc., unlicensed
Matthews, NC

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering, including but not limited to preparing engineering plans that are then "reviewed" and sealed by a licensed PE, until such time as the company becomes licensed with the NC Board.

CASE NO. V06-139

Edward K. Medlock, PE [25950]
Asheville, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)] and failed to comply with state regulations applying to a project to protect the public [.0701(b)].

BOARD ACTION: Reprimand and civil penalty of \$3000.

CASE NO. V07-008

Andre Brooks Engineers & Associates, PC [C-2870]
Charlotte, NC

VIOLATION: Gave false evidence in obtaining certificate of licensure [G.S. 89C-23]; failed to have a resident licensed professional in responsible charge in each office [.0901]; practiced or offered to practice land surveying in violation of G.S. 89C-24 and 55B; and failed to timely respond to Board correspondence and to timely claim correspondence from U.S. Postal Service [.0701(g)(2)].

BOARD ACTION: Revocation.

CASE NO. V07-009

The Environmental Quality Company, unlicensed
Wayne, MI

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C.

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

CASE NO. V07-011

Joe Dennis Clay, PE [7292]
Lenoir, NC

VIOLATION: Performed work outside his area of competence [.0701(c)(3)].

BOARD ACTION: Reprimand and restrict his practice of engineering to only practice building structural design until such time as he evidences by proof of experience, education, training and/or examination competency in other areas of practice to the satisfaction of the Board.

CASE NO. V07-020

Robert K. Kochan, unlicensed
Raleigh, NC

VIOLATION: Practiced or offered to practice engineering without a license as required by G.S. 89C-23 and used the words "engineer" and "engineering" in violation of G. S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering and using the words "engineer" or "engineering" in NC until such time as he becomes licensed with the NC Board.

CASE NO. V07-025

Edward G. Aguirre, unlicensed
Raleigh, NC

VIOLATION: He and his corporation practiced or offered to practice engineering without a license as required by G.S. 89C.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering, to include but not limited to, structural recommendations, environmental assessments other than Phase I site assessments, or using the title "engineer" or referring to work as "engineering geology" until such time as he and his company become licensed with the NC Board and referred to Board for Licensing of Geologists.

CASE NO. V07-026

Michael F. Feldbusch, PLS [L-4451]
Evansville, IN

VIOLATION: Certified to a survey of lines not actually surveyed [.1602(a)]; failed to clearly indicate and note source of lines not surveyed [.1604(b)]; certified to a plat which does not comply with the requirements of G.S. 47-30; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to properly certify documents [.1103]; failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to properly reference north arrow [.1604(e)(1)]; and affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)].

BOARD ACTION: Reprimand, civil penalty of \$2000 and furnish proof of passing, within three months of the date of the Decision and Order, the Professional Ethics Course offered by New Mexico State University with a minimum average of 70% on the homework and a minimum of 70% on the final exam for a minimum overall score of 70% for the course.

CASE NO. V07-031

John D. Powers, Jr., PLS [L-3719]
Lumberton, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)]; produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)]; and affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)].

BOARD ACTION: Reprimand, civil penalty of \$2000 and furnish proof of passing, within three months of the date of the Decision and Order the Professional Ethics Course offered by New Mexico State University with a minimum average of 70% on the homework and a minimum of 70% on the final exam for a minimum overall score of 70% for the course.

CASE NO. V07-033

John M. Riley, PE [8233]
Winston-Salem, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)]; produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)]; and affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)].

BOARD ACTION: Reprimand and civil penalty of \$2500.

CASE NO. V07-041

JWH Engineering, unlicensed
Myrtle Beach, SC

VIOLATION: Practiced or offered to practice engineering and land surveying in NC without being licensed with the NC Board [G.S. 89C].

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering and land surveying in NC until licensed with the NC Board.

CASE NO. V07-043

Daniel H. Nielsen, PE [18149]
Wake Forest, NC

VIOLATION: Failed to properly certify documents, including drawings and letter with summary and recommendations [.1103].

BOARD ACTION: Reprimand.

CASE NO. V07-045

James C. Pate, PE [4480]
Fayetteville, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)]; failed to perform services in an ethical and lawful manner [.0701(g)]; and failed to be completely objective and truthful in professional reports and statements [.0701(d)(1)].

BOARD ACTION: Reprimand and civil penalty of \$1000.

CASE NO. V07-047

William G. Jordan, PE [16216 – Archived]
Marietta, GA

VIOLATION: Had his license revoked by another jurisdiction in violation of G.S. 89C and the Board Rules [.0701(h)].

BOARD ACTION: Refused to renew Certificate of Licensure until proof of reinstatement in the State of Tennessee is provided.

CASE NO. V07-048

David F. Ramsey, PE [13448], PLS [L-3982]
Dunedin, FL

VIOLATION: Had his license revoked by another jurisdiction in violation of G.S. 89C and the Board Rules [.0701(h)].

BOARD ACTION: Suspended Certificate of Licensure for Engineering and Land Surveying until proof of reinstatement in the State of Tennessee is provided.

CASE NO. V07-050

Amicus Engineering, PC [C-2445]
Steubenville, OH

VIOLATION: Failed to inform the Board in application of a branch office [G.S. 55B-10, .0802, .0804] and failed to have a resident licensed professional in responsible charge in each office [.0901].

BOARD ACTION: Reprimand and civil penalty of \$5000.

CASE NO. V07-053

Dan E. Wright, d/b/a D. Wright & Associates, Inc.,
unlicensed
Waynesville, NC

VIOLATION: He and his corporation practiced or offered to practice engineering without a license in violation of G.S. 89C-23, 24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering, to include but not be limited to, advertising engineering services in NC until such time as he and his corporation become licensed with the NC Board.

CASE NO. V07-058

Millard T. Owen III, PLS [L-1498]
Clinton, 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)]; issued an inaccurate survey creating an encroachment on the adjoining property [.1602(a),(f)]; failed to show encroachment [.1602(b), (f)]; failed to identify all reference sources [.1602(f)]; failed to make adequate investigation [.1602(a)]; and failed to properly note and date a revision [.1103(a)(7), .1604(c)].

BOARD ACTION: Reprimand, civil penalty of \$500, show proof of successfully completing Section A Boundary Retracement of the NC Society of Surveyors Institute fall 2008 and furnish, within three months of date of Decision and Order, proof of passing Professional Ethics Course offered by New Mexico State University with a minimum average of 70% on the homework and a minimum of 70% on the final exam for a minimum overall score of 70% for the course.

CASE NO. V07-059

Carroll L. Rushing, PLS [L-1513]
Wingate, NC

VIOLATION: Failed to accurately locate all apparent watercourses on boundary [.1604(e)(8)]; failed to indicate ratio of precision [.1603]; failed to identify all reference sources [.1602(f)]; failed to provide adequate tie [.1602(g), .1604(e)(9)]; and failed to provide vicinity map [.1604(e)(10)].

BOARD ACTION: Reprimand.

CASE NO. V07-060

Charles Turquand "Turq" Brown, unlicensed
Salter Path, NC

VIOLATION: Practiced or offered to practice engineering in NC and used the "PE." and "engineering" designation in NC without being licensed with the NC Board [G.S. 89C-23].

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering in NC, including providing recommendations or analysis that utilize engineering education, training or experience, and to cease and desist using the "PE." or "engineering" designation in NC until licensed with the NC Board.

CASE NO. V07-064

James R. Hughes, PLS [L-3515]
Burnsville, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)] by not showing the reconciliation of a boundary line with the adjoining deed.

BOARD ACTION: Reprimand.

CASE NO. V07-065

Wayne M. Shelburne, unlicensed
Kennesaw, GA

VIOLATION: Practiced or offered to practice engineering and used the word "engineer" and the "PE." designation in NC without being licensed as required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC and from using the word "engineer" and the "PE." designation in NC until licensed with the NC Board.

CASE NO. V07-066

David A. Miller, unlicensed
Kennesaw, GA

VIOLATION: Practiced or offered to practice engineering and used the word "engineer" and the "PE." designation in NC without being licensed as required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC and from using the word "engineer" and the "PE." designation in NC until licensed with the NC Board.

CASE NO. V07-067

NOVA Engineering & Environmental, Inc. [C-2807]
Kennesaw, GA

VIOLATION: Failed to conduct its practice in order to protect the public health, safety and welfare [.0701(b)] and failed to properly certify documents [.1103].

BOARD ACTION: Reprimand.

CASE NO. V07-073

Randolph P. Nicholson, PLS [L-2740]
Hobgood, NC

VIOLATION: Certified a plat which does not comply with the requirements of G.S. 47-30 and failed to monument corners [.1602(d)].

BOARD ACTION: Reprimand and civil penalty of \$1000.

CASE NO. V07-074

Robert I. Chevel, PE [31409]
W. Palm Beach, FL

VIOLATION: Permanently surrendered his license in another jurisdiction in violation of G.S. 89C and the Board Rules [.0701(h)].

BOARD ACTION: Suspended his license until his license in West Virginia is reinstated or until a letter from the West Virginia Board states that he has satisfied the concerns documented in the Consent Order and would be eligible for reinstatement were it not for the permanent surrender of his license. Confirmation was received from West Virginia that the terms of the Consent Order have been met and were it not for the permanent surrender of license, application could be made for reinstatement. Therefore, no active suspension results from this Decision and Order.

CASE NO. V07-077

Donald J. Moore, PLS [L-3482]
Winston-Salem, NC

VIOLATION: Failed to be completely truthful in professional reports and statements [.0701(d)] and failed to inform Board in application of branch office [G.S. 55B-10, .0802].

BOARD ACTION: Reprimand, civil penalty of \$2000, furnish proof of passing, within three months of date of Decision and Order the Professional Ethics Course offered by New Mexico State University with a minimum average of 70% on the homework and a minimum of 70% on the final exam for a minimum overall score of 70% for the course. Action combined with Case Nos. V07-105 and V07-127.

CASE NO. V07-084

Bryan K. Jones, PE [30261]
Pikeville, NC

VIOLATION: Failed to be completely objective and truthful in a professional report [.0701(d)(1)].

BOARD ACTION: Reprimand and civil penalty of \$1000.

CASE NO. V07-089

Joe T. Smith, Jr., PE [24916]
Goldsboro, NC

VIOLATION: Affixed seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)].

BOARD ACTION: Reprimand, civil penalty of \$5000 and furnish proof of passing, within six months of date of Decision and Order, Ethics Course PDH-40 offered by the Murdough Center for Engineering Professionalism, Texas Tech University.

CASE NO. V07-098

Dallas Holleman, d/b/a The Summit Group Co.,
unlicensed
Greensboro, NC

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

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

CASE NO. V07-101

Hood L. Richardson, PLS [L-2522]
Washington, NC

VIOLATION: Failed to avoid conflicts of interest by soliciting or accepting a land surveying contract from a governmental body on which a principal or officer of the licensee's organization serves as a member [.0701(e)(6)].

BOARD ACTION: Reprimand and furnish proof of passing, within three months of date of Decision and Order, the Professional Ethics Course offered by New Mexico State University with a minimum average of 70% on the homework and a minimum of 70% on the final exam for minimum overall score of 70% for the course.

CASE NO. V07-103

Sylvia E. Higdon, PLS [L-4369]
Bryson City, NC

VIOLATION:

Map 1:

Failed to provide adequate tie [.1602(g), .1604(e)(9)]; failed to monument or show monuments for inaccessible points [.1602(e)]; failed to clearly indicate and note source of lines not actually surveyed [.1604(b)]; failed to report and show lappage [.1602(a), (f)]; failed to make adequate investigation [.1602(a), (c)]; certified a plat which does not comply with the requirements of G.S. 47-30; and failed to accurately locate all apparent rights-of-way on boundary [.1602(b), .1604(e)(8)].

Map 2:

Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to provide adequate tie [.1602(g), .1604(e)(9)]; failed to report and show lappage [.1602(a), (f)]; failed to make adequate investigation [.1602(a), (c)];

of G. S. 47-30; failed to monument corners [.1602(d)]; and failed to accurately locate all apparent rights-of-way on boundary [.1604(e)(8)].

BOARD ACTION: Reprimand and furnish proof of successful completion of course on Boundary Retracement, Section A of the NC Society of Surveyors Institute in fall 2008.

CASE NO. V07-104

Hood L. Richardson, PLS [L-2522]

Washington, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to monument corners [.1602(d)]; failed to describe monuments as set or found [.1602(f)]; and performed an inaccurate or substandard survey, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand and furnish proof of successfully completing Stion A Boundary Retracement of the NC Society of Surveyors Institute in fall 2009.

CASE NO. V07-105

Donald J. Moore, PLS [L-3482]

Winston-Salem, NC

VIOLATION: Failed to be completely truthful in professional statements [.0701(d)].

BOARD ACTION: Reprimand, civil penalty of \$2000, furnish proof of passing, within three months of date of Decision and Order, the Professional Ethics Course offered by New Mexico State University with a minimum average of 70% on the homework and a minimum of 70% on the final exam for a minimum overall score of 70% for the course. Action combined with Case Nos. V07-077 and V07-127.

CASE NO. V07-107

H. Dean Bowen, unlicensed

Lowell, NC

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

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering, to include but not limited to, assessing structural conditions or providing "structural letters" in NC, until such time as he is licensed with the NC Board and referred case to Licensing Board for General Contractors, which dismissed the charges against the respondent; no probable cause found to conduct a disciplinary hearing.

CASE NO. V07-109

John W. Andrew, PE [7175]

Greensboro, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public [.0701(b)] and failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)].

BOARD ACTION: Reprimand and civil penalty of \$5000.

CASE NO. V07-111

Robert F. Montgomery, PE [6550]

Martinsburg, WV

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

BOARD ACTION: Suspended Certificate of Licensure until proof is furnished of 30 PDHs obtained within the prior 24 months and audit his CPC for the next three years that he renews as current.

CASE NO. V07-112

John T. Duncan, Jr., PE [8963]

Cary, NC

VIOLATION: Failed to comply with annual CPC requirements [.1712]; failed to maintain adequate CPC records [.1706]; submitted false information on renewal form [G.S. 89C-23].

BOARD ACTION: Suspended Certificate of Licensure until proof is furnished of 10 PDHs for the 2007 renewal and 15 PDHs for the 2008 renewal and audit CPC for the next three years that he renews as current.

CASE NO. V07-115

Stuart L. Williams, PE [27810]

Fayetteville, MO

VIOLATION: Failed to comply with annual CPC requirements [.1712]; submitted false information on renewal form [G.S. 89C-23]; and failed to maintain adequate CPC records [.1706].

BOARD ACTION: Reprimand and audit CPC for the next three years that he renews as current.

CASE NO. V07-118

Bayard Gunter, Jr., PLS [L-1196]

Kings Mountain, NC

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

BOARD ACTION: Suspended Surveying Certificate of Licensure until proof of 17 acceptable PDHs is furnished to reactivate 2008 license, otherwise 30 PDHs must be provided for reactivation in a later year.

CASE NO. V07-119

David L. Brott, PE [21907]

Mars Hill, NC

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

BOARD ACTION: Suspended Certificate of Licensure until proof of 6 satisfactory PDHs is furnished to the Board and must furnish up to 30 additional PDHs to renew, or reinstate, license as current.

CASE NO. V07-124

Smart Mobility, Inc., unlicensed
Norwich, VT

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering, to include traffic studies, in NC until such time as the company becomes licensed with the NC Board.

CASE NO. V07-125

Michael R. Deeker, PE [30315]
Morrisville, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare. [.0701(b)]; failed to perform services in an ethical and lawful manner [.0701(g)]; and failed to comply with state regulations applying to a project [.0701(b)].

BOARD ACTION: Revocation.

CASE NO. V07-126

Mapmaker Photogrammetric Services, unlicensed
St. Albans, VT

VIOLATION: Practiced or offered to practice land surveying in violation of G.S. 89C.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing land surveying in NC until licensed with the NC Board.

CASE NO. V07-127

Donald J. Moore, PLS [L-3482]
Winston-Salem, NC

VIOLATION: Failed to be completely truthful in professional statements [.0701(d)].

BOARD ACTION: Reprimand, civil penalty of \$2000, furnish proof of passing, within three months of date of Decision and Order the Professional Ethics Course offered by New Mexico State University with a minimum average of 70% on the homework and a minimum of 70% on the final exam for a minimum overall score of 70% for the course. Action combined with Case Nos. V07-077 and V07-105.

CASE NO. V08-001

Willie T. Banks, d/b/a Independent Engineering, unlicensed
Bracey, VA

VIOLATION: He and his firm practiced or offered to practice engineering without a license in NC and used the word "engineering" in violation of licensing required by G. S. 89C [G.S. 89C-23, 24].

BOARD ACTION: Issued letter to cause respondent and his firm to cease and desist using the word "engineering" and to cease and desist practicing or offering to practice engineering in NC, to include "conceptual" plans, recommendations or analysis that utilize engineering education, training or experience, until licensed with the NC Board.

CASE NO. V08-002

David Bromley, unlicensed
Callao, VA

VIOLATION: Practiced or offered to practice engineering in NC without being licensed with the NC Board [G. S. 89C-23].

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering in NC, to include structural design that deviates from the prescriptive building code tables, until licensed with the NC Board.

CASE NO. V08-004

Rodney E. Farmer, PLS [L-3118]
Lillington, NC

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

BOARD ACTION: Reprimand.

CASE NO. V08-005

Steven W. Collins, PE [18331]
Crownsville, MD

VIOLATION: Failed to comply with annual CPC requirements [.1703]; failed to maintain adequate CPC records [.1706]; and submitted false information on the renewal form [G.S. 89C-23].

BOARD ACTION: Suspended Certificate of Licensure until he satisfies the Board he has obtained 22 PDHs plus up to an additional 30 PDHs to renew, or reinstate, as current and audit CPC for three years of renewing as current.

CASE NO. V08-008

George W. Midgette, Jr., PLS [L-2781]
Chesapeake, VA

VIOLATION:

Survey 1

Issued an inaccurate survey creating an encroachment on the adjoining property [.1602(a),(f)]; failed to make adequate investigation [.1602(a)]; and failed to report the results of a survey in a clear and factual manner [.1602(f)].

Survey 2

Failed to report and show lappage [.1602(a),(f)]; and failed to report the results of a survey in a clear and factual manner [.1602(f)].

Survey 3

Failed to report the results of a survey in a clear and factual manner [.1602(f)] and failed to note and date a revision [.1604(c), .1103(a)(7)].

BOARD ACTION: Reprimand.

CASE NO. V08-012

James H. Green, unlicensed
Calabash, NC

VIOLATION: Used the PE designation in NC without being licensed with the NC Board [G.S. 89C-23].

BOARD ACTION: Issued letter to cause respondent to cease and desist using the "PE" designation in NC until licensed with the NC Board.

CASE NO. V08-013

East Coast Engineering & Surveying, PC [C-3014]
Shallotte, NC

VIOLATION: Failed to conduct its practice in order to protect the public health, safety and welfare [.0701(b)] by not informing the appropriate regulatory agency of lack of permit and failed to comply with state regulations applying to a project to protect the public [.0701(b), .0701(e)(1)].

BOARD ACTION: Reprimand and civil penalty of \$5000.

CASE NO. V08-014

Donald R. Butler, PE [8948]
Wilmington, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)] by not informing the appropriate regulatory agency of lack of permit; failed to comply with state regulations applying to a project to protect the public [.0701(b)]; affixed his seal to inadequate design documents that failed to meet minimum design criteria, failing to protect the public [.0701(b)]; and failed to promptly inform reviewing agency of circumstances which could influence his judgment [.0701(e)(1)].

BOARD ACTION: Reprimand and civil penalty of \$2000.

CASE NO. V08-018

George F. Andrews, PE [11520 - Inactive]
Cedar Mountain, NC

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

BOARD ACTION: Reprimand.

CASE NO. V08-020

Chander P. Nangia, PE [7856]
Houston, TX

VIOLATION: Submitted false information on renewal form by not disclosing the surrender of his license in another jurisdiction [G.S. 89C-23, .0701(h)].

BOARD ACTION: Voluntary and permanent surrender of Engineering Certificate of Licensure.

CASE NO. V08-027

Mark S. Bissell, PE [01362]
Kitty Hawk, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)] by relying upon a survey by an unlicensed individual.

BOARD ACTION: Reprimand and civil penalty of \$1000.

CASE NO. V08-028

W. Stanton Massengill, PLS [L-2472]
Four Oaks, NC

VIOLATION: Performed inaccurate or substandard surveys, failing to protect the public [.0701(b)] and failed to report the results of a survey in a clear and factual manner [.1602(f)].

BOARD ACTION: Reprimand.

CASE NO. V08-030

John P. Norris, PE [11966]
Wilmington, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)].

BOARD ACTION: Reprimand and civil penalty of \$1500.

CASE NO. V08-031

Robert G. Boling, PE [5667]
Wichita, KS

VIOLATION: Had his license suspended and his practice restricted by another jurisdiction in violation of G.S. 89C and the Board Rules [.0701(h)].

BOARD ACTION: Accepted permanent surrender of Engineering Certificate of Licensure.

CASE NO. V08-032

Ronald E. Bourgault, PE [30217]
Denver, CO

VIOLATION: Reprimanded by another jurisdiction for failing to comply with CPC requirements in violation of G.S. 89C and the Board Rules [.0701(h)].

BOARD ACTION: Reprimand and require audit of CPC for the next three years that he renews as current.

CASE NO. V08-037

W. Hunter Traylor, PLS [L-3077]
Littleton, NC

VIOLATION: Failed to properly reference north arrow [.1604(e)(1)]; failed to indicate ratio of precision [.1603]; failed to identify all reference sources [.1602(f)]; failed to provide legend [.1604(e)(11)]; and failed to describe monuments as set or found [.1602(f)].

BOARD ACTION: Reprimand.

CASE NO. V08-039

Tower Engineering Professionals, Inc. [C-1794]
Raleigh, NC

VIOLATION: Practiced or offered to practice land surveying in violation of G.S. 89C-24 and 55B.

BOARD ACTION: Reprimand and civil penalty of \$3000.

CASE NO. V08-043

Shirley P. Baucom, unlicensed
Charlotte, NC

VIOLATION: Practiced or offered to practice engineering and used the word "engineer" in NC without being licensed with the NC Board [G.S. 89C-23].

BOARD ACTION: Board issue letter to cause respondent to cease and desist offering or practicing engineering and using the word "engineer" in NC until licensed with the NC Board.

CASE NO. V08-048

John B. Young, PLS [L-2964]
Asheville, NC

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

BOARD ACTION: Reprimand and civil penalty of \$1000.

CASE NO. V08-051

W. McDonald Morgan, PE [15625]
Waxhaw, NC

VIOLATION: Aided or abetted another person to evade or attempt to evade the provisions of G.S. 89C [G.S. 89C-16]; affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)]; and failed to include address on documents [.1103(a)(6)].

BOARD ACTION: Reprimand and suspended his Certificate of Licensure for three months, continuing until proof of passing the Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism of Texas Tech University is furnished to the Board.

CASE NO. V08-083

Allen R. Moore, PE [31423]
Joplin, MO

VIOLATION: Guilty of felony or crime involving moral turpitude [G.S. 89C-21(a)(3)] and license revoked by another jurisdiction [G. S. 89C, .0701(h)].

BOARD ACTION: Accepted voluntary and permanent surrender of Engineering Certificate of Licensure.

