



The North Carolina Bulletin

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

September 2010 Fall Issue



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Board Staff Directory



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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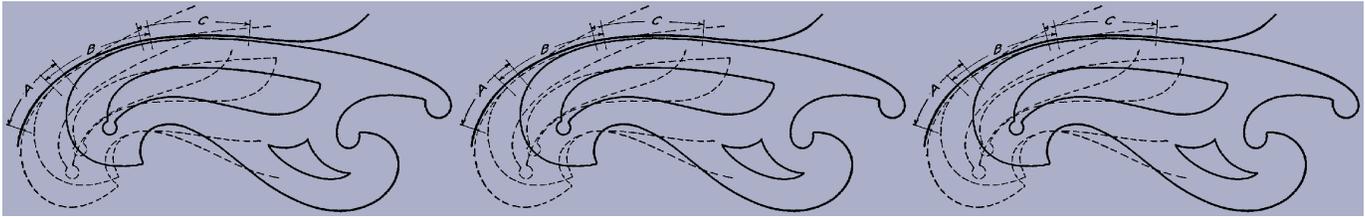
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The Push for Additional Engineering Education

By Henry V. Liles, Jr., PE, F.NSPE



In August 2000, the National Council of Examiners for Engineering and Surveying (NCEES) launched a task force to provide a baseline review of the engineering licensure system. The task force included representatives from member licensing boards and approximately 10 other engineering organizations. The task force focused on the three qualifications for licensure—

education, experience, and examination. Relative to the education qualification the task force discovered several areas of concern as follows:

- Engineering had fallen behind the other learned professions in its ability to prepare its students to practice engineering.
- Credit requirements for the bachelor's level engineering degree had steadily declined, particularly in the core subjects.
- The body of knowledge required to enter professional practice had dramatically expanded in recent decades.
- The body of knowledge required to enter the practice of engineering at the professional level (licensure track) could no longer be accommodated through a four year undergraduate degree.

NCEES concluded in March 2003 that additional education beyond the current $128 \pm$ credit hours would be necessary to prepare students for engineering practice. At the 2005 NCEES Annual Meeting, a motion was passed to add specific language to the Model Law relative to additional education. The Uniform Procedures and Legislative Guidelines Committee was charged with incorporating the following language into the Model Law and Model Rules requiring additional engineering education relative to licensure: **Graduation with a bachelor of science degree from an engineering program of four years or more accredited by EAC/ABET, or equivalent, plus 30 additional credits from an approved course provider(s) in upper-level undergraduate or graduate level coursework in professional practice and/or technical topic areas.**

Since 2006 NCEES has continued to refine the language in the Model Law and Rules. One of the revisions has been the targeting of the date January 1, 2020 before any changes could go into effect at any of the state jurisdictions. This lead time allows ample planning time for future engineering students. It also gives NCEES time to further develop the concept of a clearinghouse to approve "course providers" as well as their programs. It is important to note that all currently licensed engineers will be grandfathered such that future additional educational requirements will not apply to them. NCEES makes no contention that the current practicing engineers of today are not qualified. Instead, NCEES argues that the engineers of tomorrow will need additional education to tackle the exploding body of knowledge required to practice.

Even though NCEES steadily plows forward with its additional education initiative, it has not been without controversy. There are a significant number of member licensing boards as well as technical/professional societies who are cool to the whole concept of additional education. Some of the opposing arguments include:

- There is no evidence of a problem. The level of disciplinary actions for incompetence is not increasing.
- As states begin to adopt the additional education requirements comity will become a problem.
- The problem should be addressed by the engineering accreditation board (ABET) and not NCEES.
- While the additional credit hour approach may be appropriate for civil engineering, it is not necessarily appropriate for other disciplines. Disciplines such as chemical engineering or mechanical engineering have a tendency to employ their students in industry where on-the-job training substitutes for additional education.
- The additional coursework may be difficult to obtain in locations where no university is close by.

Despite the opposing arguments, member licensing boards continue to support the changes to the Model Law and Rules

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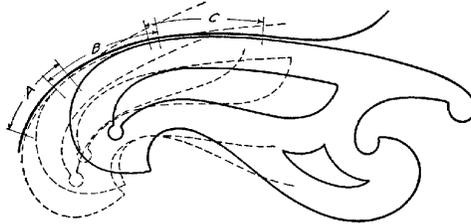
The Push for Additional Engineering Education

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requiring additional education. It is important to note that the proponents of additional education do not insist that all engineers be more educated, only those who are held to the legal standard of protecting the public (i.e., licensure). The bachelor's level 4 year engineering degree will continue to be available for those graduates who gravitate to employment where licensure is not considered important or necessary. In fact, the additional educational requirement will not affect 75% of engineering graduates who never elect to pursue the licensure track.

Now that NCEES has blazed the trail for additional education by incorporating language in its Model Law and Rules, the question remains as to when the requirements will work their way into the statutes and administrative rules of the state jurisdictions. In each jurisdiction, legislation will be required to adopt the additional education requirements. It is presumed that no state would contemplate instituting changes until the target date of January 1, 2020. Even then, it may take from 10 to 30 years for a majority of the states to drive the new educational requirements through their state legislatures.

On the other hand, a handful of states will legislate the changes rather quickly, perhaps within a year or two of the target date of 2020. It is also safe to assume that a few states will resist the new educational requirements for much longer than 30 years. For those states that lag, comity will become an ever-increasing issue as their state licensees pursue comity in the states where the changes have been incorporated. While 10-30 years to institute changes may seem like a long time, we must realize that it took four decades for 56 jurisdictions



to adopt engineering licensure laws. It has taken 30 years for about two thirds of the state jurisdictions to adopt continuing professional competency requirements.

In looking ahead we are likely to continue to see variation by engineering discipline in terms of the number of graduates seeking licensure. It's a safe bet that civil engineers will continue to seek licensure more than the other disciplines. With the development of the concept of a clearinghouse to approve "course providers," it is possible that employers of chemical, mechanical, and electrical engineers will qualify their engineers for credits through inhouse educational programs. The most likely outcome, however, will be that online courses offered by universities will fill the gap for the additional credit hours.

In summary, it's apparent that our profession is going the way of other learned professions by requiring additional education in order to provide professional services to the public. We have seen doctors, lawyers, architects, accountants, physical therapists, and nurses take this path before us. Now is the time for us to step up. The status quo on educational requirements

which dates back to the beginning of this century will no longer be adequate for the practice of engineering in the future.

Henry Liles is a VP and officer-in-charge of HNTB's North Carolina operations. He has more than thirty years of experience in the design and project management of roadway and structure projects. Mr. Liles also served as a member of the NC Board of Examiners for Engineers and Surveyors from February 2000–February 2010.

This article was published in the Winter 2010 issue of *The Professional Engineer* magazine and is reprinted here with permission of Professional Engineers of North Carolina (PENC).

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 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.

Board Hosts July Certificate Ceremonies

After results were received and processed for the PE and PLS exams, which were given on April 16, wall certificates were awarded to successful candidates in July at formal events held in Raleigh and Charlotte.



Barbara Mulkey, PE

The **Raleigh** ceremony was held on July 22 at The State Club, located on the Centennial Campus of NC State University. Board Chair Teresa H. Ratcliff, PE, PhD, presented opening remarks. Guest speaker was Barbara H. Mulkey, PE, Chairman and founder of Mulkey Engineers & Consultants and Second Vice-Chair of the NCSU Board of Trustees. Executive Director Andrew L. Ritter, Dr. Ratcliff and Board member Gary W. Thompson, PLS presented certificates to 29 new Professional Engineers and three new Professional Land Surveyors. Guests and visitors brought the Raleigh ceremony attendance to approximately 150 people. Light hors d'oeuvres and beverages, catered by The State Club, were enjoyed by attendees both before and after the ceremony.

The **Charlotte** ceremony was held on July 29 at the William States Lee College of Engineering in the Halton Arena on the UNC-Charlotte campus. The welcome was given by Dr. Robert E. Johnson, Dean of the College of Engineering at UNC-Charlotte. Guest speaker was Donald B. Blackmon,

PE, Faculty Associate for Freshman Engineering and Advising at UNC-Charlotte. Certificates were presented to 16 new Professional Engineers and six new Professional Land Surveyors. Board members David L. Pond, PE, and Elizabeth W. Riley, Public Member, acted as presenters as Executive Director Andrew Ritter announced the names of the new licensees. Approximately 110 attendees, including guests, enjoyed a dessert buffet and beverages after the ceremony. Board member Linda A. Thurman, Faculty Associate for Student Professional Development and Employer Relations at UNC-Charlotte, served as event planner and catering services were provided by Chartwell's.



Proud father Jack R. Christian (PLS L-2624 since 1980) looked on as his two sons John A. Christian II (left) and Timothy A. Christian (right) received their PLS certificates at the Charlotte ceremony.

Progress on Clarifying Geographic Data Collection by Local Governments

In recent months, the NC Board of Examiners for Engineers and Surveyors (NCBELS) and the NC Geographic Information Coordinating Council (GICC) have requested advisory opinions from the NC Department of Justice concerning GIS data collection by local governments.

The issue was whether certain GIS data collection activities of local governments (i.e., counties, cities, towns, and regional councils of governments) are included in, or exempt from, the North Carolina Engineering and Land Surveying Act: Chapter 89C of the General Statutes.

In April 2010 the Department of Justice issued an advisory opinion that the collection of GIS data by an employee of the State of North Carolina, any political subdivision of the State

or a municipality while engaged in that activity in the course of their employment does not constitute surveying without a license. In a second advisory opinion, the Department of Justice stated that this conclusion also applies to regional councils of governments, so long as those entities are authorized by resolution of its member governments.

For details on the background of this issue and the advisory opinions of the Department of Justice, please read the documents posted at the following websites (including letters to the Department of Justice and responses from the department):

GICC website
<http://www.ncgicc.com>

NCBELS website
<http://www.ncbels.org>

Do I Have to Maintain a CPC Log?

As of May 1, 2009, all licensees are required to maintain not only a CPC log but also attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

Board Rule 21 NCAC 56.1706(1) requires the log contain: the type of activity claimed, title or specific subject, sponsoring organization, location, duration, date, instructor's or speaker's name, and PDH credits earned, and other information on a form as prescribed by the Board. The "other information prescribed by the Board" is for the licensee to briefly explain on the log how the course or activity claimed for CPC credit will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice.

A blank log and an example of a completed log can be found on the Board's web site (<http://www.ncbels.org/cpclog.html>). Also, licensees now have the option to maintain their CPC logs on the Board's web site. Simply log in to the **Licensees Only** section as you would to renew your license online, which requires your license number and PIN (<https://www.member-base.net/ncbels-vs/login.aspx?ReturnUrl=%2fncbels-vs%2fdefault.aspx>). You will be able to view, print and edit the log at anytime. The Board will maintain the log on its web site for three years. The information kept on the log does not populate the Board's database and the licensee is still responsible for maintaining CPC records for three years.

The Board will monitor compliance through regular CPC audits. If you are audited, the Board will request your CPC log or other supporting evidence of attendance or completion of the course or activity.



For more information about the Continuing Professional Competency requirements, contact Martha Michalowski, Continuing Education, 919-791-2000 extension 104 or by e-mail mmichalowski@ncbels.org.

Changes for 2011 License Renewal

There are several changes with the 2011 license renewal. For licensees, the most notable change will be the increase in the renewal fee to \$75. While the Board is sensitive to the economic situation that many of its licensees face, the increase is necessary for the Board to continue to provide a high level of customer service and carry out its charge to protect the public in regulating the engineering and surveying professions.

In an effort to be "green," licensees are encouraged to renew their professional licenses easily and securely on the Board's web site after receiving the 2011 renewal notice, which will be mailed at the end of November. Licensees can begin renewing for 2011 on December 1. Simply login to the **Licensees Only** section and enter your license number and PIN. If you don't have this information, you may contact sbryant@ncbels.org to obtain it. Renewing your license online is considerably faster than renewing by mail.

To ensure that your renewal is processed correctly, please read the renewal instructions carefully and refer to the reverse side of the form for information related to the Continuing Professional Competency (CPC) exemptions and the non-resident CPC requirements before completing the renewal.

Starting with the 2011 renewal form, the Board will no longer report your carry-over Professional Development Hours (PDHs). It is the licensee's responsibility to track their own PDHs. By indicating on the form or on the web site that you have met the CPC requirements, your license will be renewed as ACTIVE – regardless of the number of PDHs reported, even if that number is less than 15 PDHs. For example, if a licensee reports 8 PDHs earned in 2010 and is audited, the licensee will need to provide evidence of sufficient carry-over hours in addition to the 8 PDHs to have renewed as ACTIVE. Compliance with the CPC requirements will be determined by random audit. Licensees who fail to demonstrate compliance with the CPC requirements will be subject to disciplinary action by the Board.

If you have questions about the renewal process, please contact Chimene Link at clink@ncbels.org or at extension 116. For questions related to CPC, you may contact Martha Michalowski at mmichalowski@ncbels.org or at extension 104.



April 2010 Exam Statistics

The results from the April 2010 administration of the licensure exams have been received and processed by the Board. Passing percentages are as follows:

Fundamentals of Engineering (FE)	72.0% pass rate
Principles & Practice of Engineering (PE)	64.8% pass rate
Fundamentals of Land Surveying (FLS)	56.5% pass rate
Principles & Practice of Land Surveying (PLS)	

	April 2010	January 2010	July 2010
Part A:	45.5% pass rate	-----	-----
Part B:	48.7% pass rate	63.2%	90.9%
Part C:	52.2% pass rate	65.0%	45.5%

2010-2011 Examination Dates

National examinations are to be conducted on the following dates:

October 29 & 30, 2010 Deadline: August 2, 2010

April 8 & 9, 2011 Deadline: January 3, 2011

October 28 & 29, 2011 Deadline: August 1, 2011

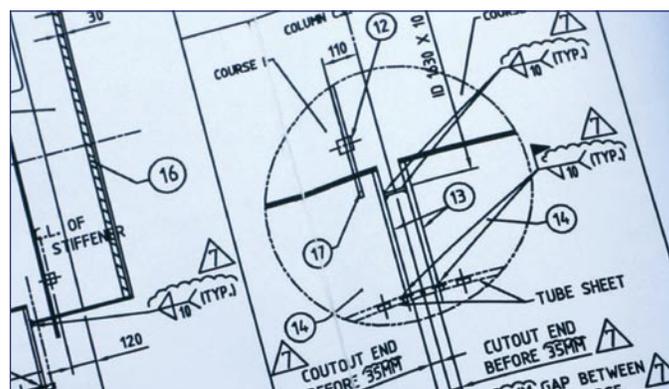
The Board administers national licensure examination as offered by the National Council of Examiners for Engineers and Surveying (NCEES). For additional information about the exams or application process, please visit the Board's website at www.ncbels.org or contact the Board office at (919) 791-2000.

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 24, 2011 Deadline is November 1, 2010

July 11, 2011 Deadline is May 2, 2011



NCEES Introduces New 16-hour Structural Exam

NCEES has introduced a new 16-hour Structural exam, to be administered for the first time in **April 2011**. The new exam will replace the current Structural I and Structural II exams, which will be administered for the last time in October of this year.

What is the name of the exam?

The new exam is called the Structural exam. It is divided into two 8-hour components. The Vertical Forces Component is offered only on Friday. The Lateral Forces Component is offered only on Saturday. NCEES discourages using letters or numerals such as A and B, 1 and 2, or I and II to prevent confusing the new exam components with the Structural I and II exams.

How much does the exam cost? If a candidate sits for both components in the same weekend, will the candidate be charged for two exams?

Will NCEES charge candidates these fees directly or charge the board?

NCEES Financial Policy 8, Examination Charges, sets the following prices for the new Structural exam:

Each exam/component ordered	\$10
Each Lateral component submitted for scoring	\$400
Each Vertical component submitted for scoring	\$400

Considering this fee schedule, if a candidate sits for both Structural components and the board/testing service submits both components for scoring, the minimum cost would be \$820 (two exams ordered, two exams scored). Most boards/testing services have administration and application fees as well. The amount is determined solely by the board/testing service. For example, when NCEES is the testing service for

a board, NCEES applies a \$100 administration fee to each day a candidate is testing to cover the space and proctoring services needed. In the case of the new Structural exam, then NCEES would require a \$200 administration fee for an examinee taking both components in a single administration. The board/testing service determines whether NCEES will collect fees from the board or directly from a candidate.

What will the score report contain? Will NCEES provide model language to the boards to correctly convey the examinee's performance on each component of the exam?

NCEES will send a component results notice to the board each administration that a candidate takes a component. The notice will show the history of the candidate's performance on each component attempted. The results for each component will be listed as acceptable or unacceptable.

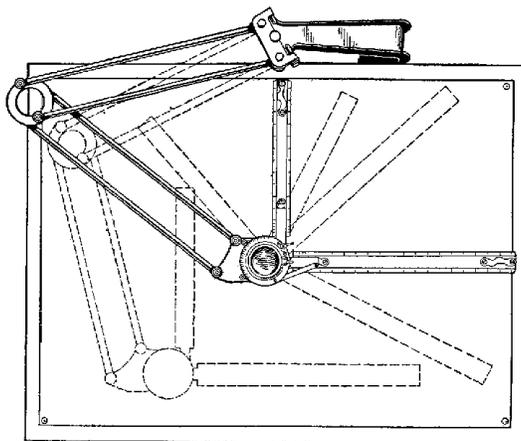
After a candidate has received an acceptable result on both components within a 5-year period, an exam pass notice will be sent to the board to indicate the candidate has passed the Structural exam.

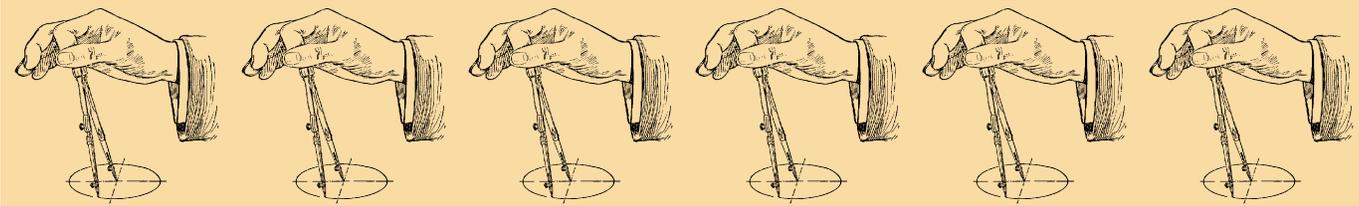
Will the Examinee Management System allow candidates to register for both components in a single administration?

Yes, candidates can currently register on EMS for more than one exam at a time if their state allows it.

When will study materials for the Structural exam be available?

The Structural Sample Questions and Solutions will be available in November 2010.





Standard Certification Requirements: 21 NCAC 56.1103

By Gary Thompson, PLS, Board Member



Board Rule 21 NCAC 56.1103 provides the requirements for certification of drawings, maps, specifications and reports. Certification is required on all work products produced by a licensee of the Board, unless the drawings, maps, specifications or reports conform to paragraph (c) of 21 NCAC 56.1103 (Exceptions to Required Certification).

Paragraph (c) of 21 NCAC 56.1103 provides an exception to the required certification and certification becomes optional. When utilizing this section of the rules, the licensee is stating to the recipient of their work product, *that it is not their final work product and the public is being put on notice not to use the product as a final work product.* When this exception is being utilized by the licensee the drawing, map, specifications or report shall be stamped or marked substantially as follows:

- (1) "Preliminary - Do not use for construction";
- (2) "Progress Drawings - Do not use for construction";
- (3) "Preliminary Plat - Not for recordation, conveyances, or sales";
- (4) "Final Drawing - Not released for construction";
- (5) "Final Drawing - For Review Purposes Only";
- (6) "Not a Certified Document – This document originally issued and sealed by (name of licensee), (license number), on (date of sealing). This document shall not be considered a certified document";
- (7) "Not a Certified Document as to the Original Document but Only as to the Revisions - This document originally issued and sealed by (name of licensee), (license number), on (date of sealing). This document is only certified as to the revisions."

If a licensee utilizes paragraph (c) of this rule, does it release the licensee of meeting the minimum standards for the work product they are producing?

No, the licensee is indicating to the public that the work product they are providing is not their final product and should be used for the stated purposes only. When they provide their final drawing, map, specifications or report, it must contain the required certification, must meet the minimum requirements for a final work product and their work must be performed to meet all rules and laws.

Is it a violation of the Board Rules to provide a final work product marked "Preliminary" or one of the other exceptions in paragraph (c) of 21 NCAC 56.1103.?

Yes, it is a violation and raises ethical questions that a licensee of the Board would provide their client with a final work product without the proper certification of a final work product. Utilizing 21 NCAC 56.1003 (c) to avoid performing their work to the minimum standards violates the ethical standards required by the Board.

Can a work product that contains an exception [21 NCAC 56.1103 (c)] to the standard certification be recorded at a Register of Deeds office?

No, any work product that has any of the language (Preliminary, Progress Drawing, Not a certified document, etc.) in 21 NCAC 56.1103 (c) cannot be accepted by a Register of Deeds.

Is certification required when the exception to certification is utilized [21 NCAC 56.1103 (c)]?

Certification is optional. (c) Exceptions to Required Certification. The certification of a licensee on a map, drawing, plan, specification, plat, document, or report shall signify that it is the final work of the licensee unless the work is stamped or marked substantially as follows so as to put the public on notice not to use as a final product, *in which case certification is optional.*

Disciplinary Actions 2010

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.

CASE NO. V07-106

Philip P. Banks, Jr., unlicensed
Candler, NC

VIOLATION: Falsely claimed to be certified as an engineering intern under G.S. 89C.

BOARD ACTION: Closed based on Buncombe County District Court entering judgment on guilty pleas to two class 1 misdemeanors: 1) common law forgery, 45 day suspended sentence, 12 months supervised probation, \$500 fine and court costs; and 2) larceny by trick, 45 day suspended sentence to run after the expiration of first sentence, 12 months supervised probation, 24 hours of community service, \$500 fine, \$225 community service fee and court costs.

CASE NO. V08-052

Khafra Engineering Consultants, Inc. [C-2067]
Atlanta, GA

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B and failed to conduct its practice in order to protect the public health, safety and welfare [.0701(b)] by operating a corporation on a revoked Certificate of Authority. The corporation reinstated with the NC Secretary of State and the NC Board.

BOARD ACTION: Reprimand and civil penalty of \$2,000.

CASE NO. V08-071

David W. Luck, PLS [L-4179]
Pilot Mountain, NC

VIOLATION: Failed to perform services in an ethical manner [.0701(g)] and was guilty of a felony or crime involving moral turpitude [G.S. 89C-21(a)(3)].

BOARD ACTION: Refused to renew or reinstate Land Surveying Certificate of Licensure.

CASE NO. V08-089

Jorge Eduardo Fierro, PLS [L-4128]
High Point, NC

VIOLATION: Performed services outside his area of

competence [.0701(c)(3)]; knowingly associated with person or firm that is not properly licensed [.0701(g)(1)]; failed to be completely objective and truthful in professional statements [.0701(d)]; and affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)].

BOARD ACTION: Revocation.

CASE NO. V08-090

John G. Thomas, PE [10147]
New Bern, NC

VIOLATION: Performed services outside his area of competence by practicing surveying [.0701(c)(3)].

BOARD ACTION: Reprimand and civil penalty of \$5,000.

CASE NO. V08-100

Paul V. Wysocki, PE [5378]
Newport, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)] by not submitting a certification within the required time; produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)] by issuing a report without a valid basis by not having an inspection under his responsible charge; and failed to properly sign document in violation of Board Rule .1103(a)(3) & (b)(3) by using a digitized signature.

BOARD ACTION: Reprimand and civil penalty of \$1,000.

CASE NO. V08-107

N. L. Pettit, PE [11242]
Raleigh, NC

VIOLATION: Failed to place written signature [.1103(b)(3)] on reports by using facsimile signature.

BOARD ACTION: Reprimand.

CASE NO. V08-114

Michael C. Lynch, PE [18513]
APO AE

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)]; failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)]; and failed to include all relevant and pertinent information in a report or statement [.0701(d)].

BOARD ACTION: Reprimand.

CASE NO. V08-125

Neal Smith Engineering Incorporated [C-1425]
Southern Pines, NC

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

BOARD ACTION: Reprimand and civil penalty of \$2,500.

CASE NO. V08-126

Tommy J. Long, unlicensed
Willow Springs, 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 offering or practicing engineering in NC without a license, to include but not limited to, analysis, evaluations or recommendations for foundations, until licensed with NC Board.

CASE NO. V08-133

James G. Nelson, PE [22269]
Bethel Park, PA

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

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

CASE NO. V08-146

Edward D. Brunner, PE [29208]
Sunset Beach, NC

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

BOARD ACTION: Reprimand and civil penalty of \$3,000.

CASE NO. V08-149

David B. Black, PE [21048]
Lexington, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)]; failed to include address on document [.1103(a)(6)]; and affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)].

BOARD ACTION: Reprimand, civil penalty of \$5,000 and furnish proof of passing, within 6 months of the date of Decision and Order, the Engineering Ethics Courses I and II offered through the Murdough Center for Engineering Professionalism, Texas Tech University.

CASE NO. V09-002

J. Randy Herron, PLS [L-3202]
Waynesville, NC

VIOLATION:

Map 1: failed to report the results of a survey in a clear and factual manner [.1602(f)]; and failed to note and date revisions [.1604(c), 1103(a)(7)].

Map 2: failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)]; failed to note and date revisions [.1604(c), 1103(a)(7)]; failed to properly monument inaccessible points [.1602(e)]; failed to report and show a lappage [.1602(a), (f)]; and failed to report the results of a survey in a clear and factual manner [.1602(f)] by not disclosing potential overlaps with field evidence and deeds.

Map 3: failed to report the results of a survey in a clear and factual manner [.1602(f)]; performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; failed to note and date revisions [.1604(c), 1103(a)(7)]; and failed to describe monuments as found or set [.1602(f)].

Map 4: performed an inaccurate or substandard survey, failing to protect the public [.0701(b)].

Map 5: issued an inaccurate survey creating an encroachment on the adjoining property [.1602(a), (f)].

BOARD ACTION: Suspended Land Surveying Certificate of Licensure for a period of three months and civil penalty of \$2,000.

CASE NO. V09-003

J. Reid Bailey, PE [25541]
Charlotte, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)]; and practiced outside area of competence by determining flood plain elevation [.0701(c)(3)].

BOARD ACTION: Reprimand and civil penalty of \$1,000.

CASE NO. V09-005

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

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)] and failed to cooperate with the Board in an investigation by not responding to charges [G.S. 89C-20].

1st BOARD ACTION: Suspended land surveying license for six months and continuing until such time as he furnishes proof of passing the Professional Ethics Course offered by New Mexico State University as required by the 2nd Decision and Order in cases V07-077, 105 and 127.

2nd BOARD ACTION: Board accepted voluntary and permanent surrender of Land Surveying Certificate of Licensure.

CASE NO. V09-008

Avttec-USA, LLC, unlicensed
Madison, NC

VIOLATION: Practiced or offered to practice engineering in NC without being licensed with the NC Board in violation of G.S. 89C-24, 57C and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC, to include but not limited to, design services, including electrical, mechanical and PLC programming and commissioning work until such time as the company becomes properly licensed with the NC Board. Such services must be properly contracted to licensed engineering firms and all marketing materials and contracts must clearly disclose this to prospective clients as to any project located in NC.

CASE NO. V09-009

Thomas J. O'Wesney, PE [9470]
Massillon, OH

VIOLATION: Suspended, reprimanded and had a civil penalty levied against his PE license in another jurisdiction in violation of G. S. 89C and the Board Rules [.0701(h)].

BOARD ACTION: Refused to renew Engineering Certificate of Licensure, or if renewed, suspend until eligible to be reinstated or renewed in OH.

CASE NO. V09-010

Donald E. Flynn, PE [23635]
Eustis, FL

VIOLATION: Submitted false information on renewal form [G.S. 89C-23].

1st BOARD ACTION: Reprimand and civil penalty of \$1,000.

2nd BOARD ACTION: Suspended Engineering Certificate of Licensure for non-payment of civil penalty.

CASE NO. V09-012

Derek C. Armon, unlicensed
Spring Lake, NC

VIOLATION: Practiced or offered to practice engineering without a license; falsely claimed to be licensed; and used the title "Professional Engineer" in NC in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Referred case to the Dare County District Attorney for criminal prosecution (received 30 day suspended sentence, 12 months supervised probation, \$500 fine and court costs).

CASE NO. V09-014

Michael R. Goforth, PE [33862]
Asheville, NC

VIOLATION: Attempted to supplant or supplant another firm in a particular employment after becoming aware of the other firm's selection [.0701(e)(7)]; failed to include address on document [.1103(a)(6)]; and failed to include all relevant and pertinent information in a report or statement [.0701(d)].

BOARD ACTION: Reprimand.

CASE NO. V09-019

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

VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)]; failed to properly certify documents [.1103(a)(3)] by using a facsimile signature; his firm practiced or offered to practice land surveying without a license as required by G.S. 89C-24; and he practiced on an expired certificate of licensure [G. S. 89C-23].

BOARD ACTION: Suspended Land Surveying Certificate of Licensure for a period of three months.

CASE NO. V09-021

Timothy L. Kennedy, PLS [L-4245]
Wilson, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to identify all reference sources [.1602(f)]; and failed to show encroachments and water courses, to include but not limited to, barn and stream buffer [.1602(b), .1604(d)(8)].

BOARD ACTION: Reprimand and civil penalty of \$1,000.

CASE NO. V09-034

Environmental Hydrogeological Consultants, Inc., unlicensed
Red Springs, NC

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

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering in NC, to include but not limited to, conducting phase II site assessments, and doing the analysis, recommendations and any design for soil and groundwater remediation for contaminated areas, until such time as the company becomes licensed with the NC Board.

CASE NO. V09-038

Morris S. Bordeaux, PLS [L-2947]
Harrells, NC

VIOLATION: Issued inaccurate surveys creating an encroachment on the adjoining property [.1602(a),(f)]; failed to report and show lappage [.1602(a), (f)]; failed to describe monuments as set or found [.1602(f)]; and failed to accurately locate all improvements on boundary [.1604(d)(8)].

BOARD ACTION: Reprimand and civil penalty of \$2,000.

CASE NO. V09-042

Mark A. Stocks, PLS [L-3658]
Wilmington, NC

VIOLATION: Failed to accurately locate all apparent easements [.1604(d)(8)].

BOARD ACTION: Reprimand.

CASE NO. V09-054

Paul Conner, unlicensed
Richlands, NC

VIOLATION: Practiced or offered to practice engineering and surveying in NC without being licensed with the NC Board as required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering and surveying in NC until licensed with the NC Board, to include but not limited to, commercial floor plans, elevations and engineering systems and surveying to include plot plan sketches. Marketing materials cannot offer engineering or surveying services and can only offer drafting services to clients.

CASE NO. V09-060

Bruce King, unlicensed
York, SC

VIOLATION: Used the word or title "engineer" in NC in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist using the word or title "engineer" in NC until licensed with the NC Board.

CASE NO. V09-061

Raymond E. Olivier
d/b/a D&R Mountain Contractors LLC
Glennville, NC

VIOLATION: He and his Limited Liability Company practiced or offered to practice engineering in NC and used the word "engineer" in reference to work in NC without being licensed with the NC Board in violation of G.S. 89C-23, 24, 57C and 55B.

BOARD ACTION: Issued letter to cause respondent and his Limited Liability Company to cease and desist practicing or offering to practice engineering in NC and to cease and desist using the word "engineer" in reference to work in NC until licensed with the NC Board.

CASE NO. V09-069

Eric Townson, unlicensed
Murphy, 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 in NC, to include but not limited to, the design of retaining walls, regardless of the size, scope or material, until such time as licensed as a PE and to confirm the action of the Board of Architecture in reprimanding him and restricting him from offering or rendering any type of professional engineering services.

CASE NO. V09-084

John D. Powers, PLS [L-1140]
Lumberton, 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 and refuse to return his land surveying license to current status, or if current, license to be changed to inactive status and remain as inactive.

CASE NO. V09-087

Industrial Training University, Inc., unlicensed
Sullivan, IN

VIOLATION: Practiced or offered to practice engineering in NC and used the word "engineer," "engineering" or any derivative of the words with respect to services offered by the company in NC without being licensed with NC Board in violation of G.S. 89C-23, G.S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering, to include but not limited to, Arc Flash Analysis, or using the word "engineer," "engineering" or any derivative of the words with respect to services offered by the company in NC, until such time as the company becomes properly licensed with the Board.

CASE NO. V2010-006

Robert P. Chi, PE [21690]
Olympia Fields, IL

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

BOARD ACTION: Refused to reinstate his Engineering Certificate of Licensure.

CASE NO. V2010-007

Robertson Airtech International, Inc. [D-0130]
Charlotte, NC

VIOLATION: Failed to have a resident licensed professional in responsible charge in each office [.0901]; and failed to timely respond to Board inquiries and correspondence [.0701(g)(2)].

BOARD ACTION: Revoked the Certificate of Licensure of Robertson Airtech International, Inc.; referred the corporation to the NC Licensing Board for General Contractors; and required the company to revise, within one month of the date of issuance of the Decision and Order, all marketing materials, to include web site, to delete reference to providing engineering services, or note that all engineering services will be contracted to properly licensed firms.

CASE NO. V2010-011

Charles G. Evans, PE [29659]
Cheswick, PA

VIOLATION: Failed to comply with annual CPC requirements [.1712].

BOARD ACTION: Reprimand and required him to furnish proof of make-up hours within one month from the date of the Decision and Order or his license is suspended until such time as proof of two new PDHs is furnished, and the Board will audit his CPC for the next three years he renews as current.

CASE NO. V2010-017

Bobby L. Carlile, unlicensed
B. L. Carlile & Associates, Inc.
Pipe Creek, TX

VIOLATION: He and his company practiced or offered to practice engineering in NC without being licensed with the NC Board in violation of G.S. 89C-23, 24 and 55B.

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

CASE NO. V2010-033

Frederick L. Arbogast, unlicensed
d/b/a LandPrints
Angels Camp, CA

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

BOARD ACTION: Issued letter to cause respondent and his firm to cease and desist practicing or offering to practice land surveying in NC, to include but not limited to, analysis, opinions and recommendations requiring surveying education, training or experience to properly perform and protect the public, whether in written or graphic form, until licensed with the NC Board.

CASE NO. V2010-037

Eastover Engineering and Surveying, Inc. [C-1833]
Pineville, NC

VIOLATION: Denied licensure reinstatement by another jurisdiction in violation of G.S. 89C and the Board Rules [.0701(h)].

BOARD ACTION: Reprimand and civil penalty of \$2,000.

CASE NO. V2010-081

Mickle D. Elliott, PE [23854]
Greensboro, NC

VIOLATION: Non-compliance with child support order as directed by child support enforcement [G.S. 110-142.1].

BOARD ACTION: Suspended Certificate of Licensure to practice engineering until such time as certification by the Clerk of Court or the child support agency that he is no longer delinquent in child support payments.