



The North Carolina Bulletin

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

March 2010 Spring 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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| David L. Pond, PE | <i>Secretary</i> |
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| Elizabeth W. Riley, Public | |
| Willy E. Stewart, PE | |
| Gary W. Thompson, PLS | |
| Linda A. Thurman, Public | |
| John S. Tunstall, PE | |

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| | |
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View from the Chair

Teresa Helmlinger Ratcliff, PE, PhD



I proudly became a licensed engineer in 1985. From the beginning, I was humbled by my responsibility for the ethical conduct of my practice. For more than twenty years I bumped along with the belief that ethical practice was easy for someone in my position. I was first in industry and then moved into a university setting. The only ethical dilemma I could remember from industry or government was the “O-ring” design

of the Columbia space shuttle. After all, I knew “right from wrong” as a result of my Judeo-Christian upbringing. I incorrectly believed that challenging ethical dilemmas were primarily the province of people in private practice.

In the four years since my appointment to this Board, I have come to realize how very cloudy my thinking has been. On the Board, we regularly touch and process investigations of wrongdoing. In fact, we stay very busy at this task as we have four highly competent and well-trained investigators on staff. Board members review the details of every single investigation in great depth. Rarely do we close a case from a lack of evidence of wrongdoing. In some cases, the investigation even determines more charges than had originally been filed. Open cases then follow an arduous due process of hearings and reviews to determine the appropriate finding and commensurate discipline.

You have likely heard the statistics. The vast majority of cases are related to the practice of engineering or surveying as opposed to the competence of engineering or surveying. The overwhelming majority of those cases related to practice really related to unethical practices. It has been my experience that about half of those are people who did not understand their issue as an ethical dilemma and did the wrong thing without thinking of the issue from a different perspective. Do not get me wrong – there are plenty of cases where engineers and

surveyors knowingly do the wrong thing. Unfortunately, plan stamping is quite alive and well. Those cases make you mad. However, there are just as many licensees who unknowingly do the wrong thing and are embarrassed to realize it when the evidence is presented to them. Those cases make you heartsick. You wish they had had the opportunity to view their decision or choice from a different perspective at the time of wrongdoing.

When I came to work at the university, my unit’s assistant executive director at the time took great pride in schooling me to become a strong steward of the state’s resources. He believed the rules were made to work for our organization and that he could figure out a way to make them do so. However, he would not allow decisions that would simply comply with rules. He would not agree to any decision and would caution other decision-making if it did not meet a tougher standard. He would ask one simple question, “Can you defend this decision or this action if it were reported on the front page of *The News & Observer*?” He often created in my mind a change in perspective.

Reading about and studying ethical dilemmas through the years in a variety of organizations and in the classroom have done the same thing for me in my practice of engineering. It gave me a different perspective or framework to make my decisions. That background may have allowed me to avoid unwittingly getting into trouble along the way. It is for that reason that I believe others should have the same benefit. North Carolina is blessed to have an outstanding Board and an extraordinary Board staff who all take seriously their responsibility to protect the health, safety and welfare of the citizens of North Carolina. Preventive measures are always the surest cure. We believe that we can best protect the public and our individual licensees by sharing the wisdom of our perspective from the many cases that we have adjudicated. As a result, we are committed to being a part of any ethics training others sponsor and encourage you to find ways to continuously broaden your perspective.

Board Hosts February Certificate Ceremonies

Subsequent to the October 2009 PE and PLS exams, successful candidates received their wall certificates at formal events held in Raleigh and Charlotte in February.



R. Larry Greene, PLS

The Charlotte ceremony was held on February 2, 2010 at the William States Lee College of Engineering in the Halton Arena located 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 Emeritus Board member R. Larry Greene, PLS (1989-1998) of Marion. Executive Director Andrew Ritter assisted Board members David L. Pond, PE; Gary W.

Thompson, PLS; and Elizabeth W. Riley, Public Member as they recognized 28 new Professional Engineers and one new Professional Land Surveyor who were joined by approximately 85 guests. Refreshments were enjoyed by the attendees after the ceremony. Event planner for the festivities was Linda A. Thurman, MA, Faculty Associate for Student Professional Development and Employer Relations at UNC-Charlotte.

On February 4, 2010, the Raleigh ceremony was held at the State Club on the campus of NC State University. Board Chair Teresa Helmlinger Ratcliff, PE, PhD, welcomed the

attendees. The guest speaker was former Board member Larry D. Nixon, PE, PLS (1976 – 1980) of Raleigh. There were 43 new Professional Engineers and one Professional Land Surveyor recognized. Certificates were presented by Andrew L. Ritter, Executive Director and Board members Teresa H. Ratcliff, PE, PhD; David L. Pond, PE; and Gary W. Thompson, PLS. There were also 122 guests in attendance. A dessert buffet was provided after the presentations.

Distinguished guests in attendance at the Raleigh ceremony were Emeritus Board member Dana H. Rucker, PE (1986-1995) and his wife, Mary Ruth; former Board member J. Albert Bass, Jr., PE (1987-1996) and his wife, Sandy; and Mrs. Larry (Katie) Nixon.



Left to right: J. Albert Bass, Jr., PE; Larry D. Nixon, PE, PLS; and Dana H. Rucker, PE.

Ratcliff: First Female Chair



2010 Board Chair Teresa Helmlinger Ratcliff, PE, PhD was recognized by the Board at its first meeting of the year on January 20. Outgoing Board member Henry V. Liles, Jr., PE presented Dr. Ratcliff with a plaque that reflected the following inscription:

*Presented by the North Carolina Board of Examiners
for Engineers and Surveyors
In recognition of her service as the first female Chair
Since the establishment of the Board in 1921
This the 20th day of January, 2010*

Dr. Ratcliff was appointed in December 2005 as only the second female professional Board member in the Board's history.

Board Member News

Board Member Appointments



Willy E. Stewart, PE was appointed by Governor Perdue on February 3 to fill the Board vacancy created by the expiration of the second term of Henry V. Liles, Jr., PE on December 31, 2009. Mr. Stewart's term will expire on December 31, 2014.

Mr. Stewart holds both a BSCE – Construction Option and an MSCE from NC State University. Since 1994, he has been President and CEO of Stewart Engineering, Inc. In addition, Mr. Stewart has served in various capacities on the State Building Commission (1999-2005), American Council of Engineering Companies of NC, Leadership North Carolina, Triangle Community Foundation, Greater Raleigh Chamber of Commerce, NC State University Foundation and Nuestro Banco.



Linda A. Thurman, MA was appointed by Governor Perdue on February 26 as a Public Member to fill the Board vacancy created by the expiration of the second full term of Doris M. Rodgers. Ms. Thurman's term will also expire on December 31, 2014.

Ms. Thurman earned her BS in Psychology at Western Illinois University and her MA in Industrial/Organizational Psychology at Roosevelt University in Chicago. She currently serves as Faculty Associate for Student Professional Development and Employer Relations in the Lee College of Engineering at UNC Charlotte. Ms. Thurman is an active member of both the American Business Women's Association and the Mothers of Multiples Organization in Charlotte.

Board Honors Departing Members

On March 10, the Board held a Farewell Dinner for outgoing members **Doris M. Rodgers** and **Henry V. Liles, Jr.**, PE. Ms. Rodgers, Public Member, was first appointed in October 1998 to fill an unexpired term and was subsequently reappointed to full five-year terms in 2000 and 2005. She served as Board Secretary in 2000, 2001, 2002 and 2009.



Mr. Liles was appointed to his first term in February 2000 and was reappointed in 2005. He served as Vice-Chair in 2002 and 2007 and held the position of Chair in 2003 and 2008.

Those in attendance at the festivities at a local Raleigh restaurant included nine current Board members, special guest Emeritus Board member George E. Freeman of Wilmington, several Board spouses and several staff members.



Memories and reminiscences were shared by Board Chair Dr. Teresa H. Ratcliff and Mrs. Lynda Haynes. Both Mr. Liles and Ms. Rodgers spoke fondly about their Board experiences and service. Dr. Ratcliff presented plaques and small gifts to both outgoing Board members.

Good fellowship and good food were enjoyed by all. It was a night to remember and honor the combined 21 years of service of Henry Liles and Doris Rodgers.

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.

Upcoming Exam Changes

Changes effective with the April 2010 administration

Architectural PE exam

The Architectural exam specification has been revised. An updated study guide is available from the Architectural Engineering Institute (affiliated with the American Society of Civil Engineers).

www.ncees.org/Documents/Public/Arch%20Eng%20Apr%202010.pdf

Civil PE exam: Transportation PM module

The Civil Transportation exam specification has been revised to clarify Section V, Other Topics. The fundamental topic has not changed but has been revised to more clearly define the topics that are covered.

www.ncees.org/Documents/Public/PE%20Civil%20Transportation%20Apr%202010.pdf

FE exam: Other/General PM module

The Other/General PM module of the FE exam has been renamed Other Disciplines. The specification has not changed. The module has been renamed to more accurately describe the examinees the module is intended for.

Changes effective with the October 2010 administration

Examinee Management System

Beginning in July 2010, examinees will register for the October 2010 administration using the new NCEES Examinee Management System. Once approved for the exam,

examinees will be required to log in to the NCEES Web site, obtain a unique ID number and register for the exam. Examinees will select the exam they are taking and their PM module when they register (for Civil PE, Mechanical PE, and FE).

Agricultural PE exam

The Agricultural exam specification has been revised. An updated study guide will be available from the American Society of Agricultural and Biological Engineers in the summer of 2010.

www.ncees.org/Documents/Public/PE%20Ag%20Oct%202010.pdf

Structural I and II exams

The new 16-hour Structural exam will be offered starting with the April 2011 administration. The current Structural I and Structural II exams will be offered for the last time in October 2010.

Learn more on-line about the transition to the new exam.

www.ncees.org/Exams/PE_exam/PE_Structural/PE_Structural_exam.php

Mechanical PE exam

The PM exam book for the Mechanical PE exam will be split into three individual books. Examinees taking this exam will have to choose their PM module when registering with NCEES.

On exam day, Mechanical PE examinees will receive only the PM module they registered for.

Civil PE exam

The PM exam book for the Civil PE exam will be split into five individual books. Examinees

taking this exam will have to choose their PM module when registering with NCEES. On exam day, Civil PE examinees will receive only the PM module they registered for.

FE exam

The PM exam book for the FE exam will be split into seven individual books. Examinees taking this exam will have to choose their PM module when registering with NCEES. On exam day, FE examinees will receive only the PM module they registered for.

Changes effective with the April 2011 administration

Chemical PE exam

Beginning with the April 2011 administration, the Chemical PE exam will have revised specifications. The new specification will be posted on ncees.org after the October 2010 administration.

Environmental PE exam

Beginning with the April 2011 administration, the Environmental PE exam will have revised specifications. The new specification will be posted on ncees.org after the October 2010 administration.

16-Hour Structural exam

The 16-hour Structural exam will be offered for the first time in April 2011. Learn more on-line about the transition to the new exam. www.ncees.org/Exams/PE_exam/PE_Structural/PE_Structural_exam.php



Notes on the Disciplinary Process

Elizabeth W. Riley, Public Member



“In order to safeguard life, health, and property and to promote the public welfare, the practice of engineering and land surveying in this State are hereby declared to be subject to regulation in the public interest.”

This was the mission statement I read when I was appointed by the Governor to the North Carolina Board of Examiners for Engineers and Surveyors in late 2008. I remember

distinctly my first introductory telephone call with our Executive Director, Andrew Ritter, following my appointment. When I expressed some concern that I did not have an engineering or a surveying background and brought to the Board no experience in either of those two professions, Andrew quickly assured me that was entirely appropriate and actually desirable for a public member. As one of the two public members on the Board, my responsibility and charge, like those of the other eight Board members, is to ensure that the North Carolina public’s life, health and property are protected within the realms of engineering and surveying. My role as a public member is to ensure that the licensed professionals who serve with me on the Board remain committed and focused on the responsibility and duty our North Carolina licensees owe to the public.

As a practicing attorney, my profession is also self-regulated with an important role afforded to non-lawyers in the disciplinary process. Therefore, I was able to familiarize myself early in my appointment with the process and assume a role in that process. The disciplinary procedure our Board utilizes is one mirrored by other states because of its fine-tuned administration. It strikes a balance between efficiency and affording a licensee the opportunity to be heard, with the ultimate goal being resolution resulting in public protection and continued practice by competent licensees.

The disciplinary process is initiated by a complaint from either a member of the public or by the Board’s Lead Investigator

if it is a Board-initiated complaint. The licensee is notified of the charges and given an opportunity to respond. Following the correspondence, a Review Committee made up of the Executive Director, the Board Counsel and a Board member licensed in the profession of the charged licensee reviews the case and makes a recommendation. The charged licensee may accept the recommendation of the Review Committee or may ask for a Settlement Conference or a full Board hearing. Most licensees opt at this juncture for a Settlement Conference where the public member first assumes a role.

At the Settlement Conference the Review Committee is expanded to include one of the Board’s two public members. Evidence is laid out and the charged licensee presents anything he or she wishes to share with the Board and is able to have an open and frank dialogue with Board members. At the conclusion of the Settlement Conference, an offer is made to the charged licensee which may be the same as that of the Review Committee, but most often is different based on the dialogue and information offered by the charged licensee. Upon this recommendation, the licensee is free to accept or reject the offer on the spot or take some time to think it over and accept or reject the offer. Upon acceptance, the case is concluded. Upon rejection, the licensee is entitled to a hearing before the full Board. The members present in the Settlement Conference are recused from the hearing for the sake of fairness to the licensee.

All of the Settlement Conferences in which I participated have resulted in an offer acceptable to the licensee which saves both the licensee and the Board from expending the resources required for a full Board hearing. The process is extremely successful in affording a licensee the opportunity to sit across the table with Board members who listen and question him or her about the particulars of a case. It also enables the Board members to get a sense of who the licensee is and the seriousness with which he or she confronts the charges. The process promotes interaction between the Board members and the professionals we regulate who are engaged in such important work in our state.

Disciplinary Actions 2009

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. V04-021

Edward M. Haynes, PLS [L-3280]
Asheville, NC

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

BOARD ACTION: Closed based upon final action by District Attorney which was a 45-day suspended sentence, 12 months of unsupervised probation, \$100 fine, court costs and ordered Mr. Haynes to surrender his land surveyor's Certificate of Licensure and seal.

CASE NO. V06-095

Joseph C. O'Keefe, PLS [L-3000] (Deceased)
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: Suspended land surveying license continuing until such time as he furnishes proof to Board of completing courses.

1st Decision & Order (reported previously) 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. V06-121

Roy J. Tucker, PLS [L-1280]
Sylva, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)].

BOARD ACTION: Reprimand, civil penalty of \$2000 and furnish proof of successfully completing Section A Boundary Retracement of the NC Society of Surveyors Institute.

CASE NO. V07-006

Randy A. Carpenter, PLS [L-3814]
Spruce Pine, NC

VIOLATION: Failed to describe monuments as set or found [.1602(f)]; issued an inaccurate survey creating gaps and lappages [.1602(a)]; and failed to show X and Y coordinates of the reference corner for tie [.1602(g)].

BOARD ACTION: Suspension of land surveying license for 12 months.

CASE NO. V07-024

Excelsior Packaging Group, Inc., unlicensed
Brevard, NC

VIOLATION: Practiced or offered to practice engineering in NC without a license and presented or attempted to use the Certificate of Licensure or seal of another [G.S. 89C-23, 24].

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC, to include but not limited to, presenting or attempting to use the Certificate of Licensure or seal of another, until licensed with the NC Board.

CASE NO. V07-028

Forensic Analysis & Engineering Corporation [F-0716]
Raleigh, NC

VIOLATION: Failed to conduct its practice in order to protect the public health, safety and welfare [.0701(b)] by making exaggerated, misleading, deceptive or false statements or claims, such as superiority [.0702(a), (b)], and allowed non-licensed individuals to sign engineering documents and practice engineering [.0701(b), (g)(1); G.S. 89C-2, 89C-23, 89C-24].

BOARD ACTION: Reprimand, civil penalty of \$1,000 and furnish proof, within six months, of the owner and the two current resident professionals passing the Engineering Ethics I & II Courses offered by the Murdough Center at Texas Tech University; and have the company modify marketing materials and the web site to delete unsubstantiated claims of superiority.

CASE NO. V07-031

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

VIOLATION: Violated the conditions of the Decision and Order dated January 10, 2008 by not providing proof of completing the Professional Ethics Course offered by New Mexico State University as required.

BOARD ACTION: Suspended his land surveying license effective September 10, 2009 and continuing until such time as proof is furnished to the Board of passing 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. V07-057

John Fedorjaka, d/b/a Fedcor Design LLC
Apex, NC

VIOLATION: Practiced or offered to practice engineering in NC without a license as required by G.S. 89C-23; Limited Liability Company practiced or offered to practice engineering in NC in violation of G.S. 89C-24, 57C and 55B and used the words "engineer" or "engineering" in violation of licensing required by

G.S. 89C-23.

BOARD ACTION: Issued a letter to cause respondent and his Limited Liability Company to cease and desist offering or practicing engineering in NC, to include but not limited to, design consultation or using the title and words "engineer" or "engineering" until such time as licensed by the NC Board in compliance with G.S. 89C-23, 89C-24, 57C and 55B.

CASE NO. V07-075

Dale R. Wheeler, PE [14784]
Manassas, VA

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

BOARD ACTION: Reprimand, civil penalty of \$500 and audit the next 3 years license is renewed as current.

CASE NOS. V07-077, 105 and 127

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

VIOLATION: Violated the conditions of the Decision and Order dated January 10, 2008 by not providing proof of completing the Professional Ethics Course offered by New Mexico State University as required.

BOARD ACTION: Suspended land surveying license effective September 3, 2009 continuing until proof is furnished to the Board of passing 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. V07-087

Charles V. Bryson, PLS [L-3182]
Marble, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)]; failed to be completely truthful in professional statements [.0701(d)(1)]; failed to properly reference north arrow [.1604(e)(1)]; and violated the conditions of the Decision and Order dated August 27, 2008 by not paying the \$1,000 civil penalty.

BOARD ACTION: Reprimand, civil penalty of \$1,000 and suspended his land surveying Certificate of Licensure continuing until such time as he complies with the condition of the August 27, 2008 Decision and Order.

CASE NO. V07-091

Marcus J. Barber, d/b/a Cleveland Funeral Services, unlicensed
Cleveland, NC

VIOLATION: Practiced or offered to practice engineering in NC without a license and presented or attempted to use the Certificate of Licensure or seal of another [G.S. 89C-23, 24].

BOARD ACTION: Issued letter to cause respondent and his company to cease and desist practicing or offering to practice engineering in NC and presenting or attempting to use the Certificate of Licensure or seal of another until licensed with the NC Board and referred case to NC Board of Funeral Services, which took no action.

CASE NO. V07-095

Ram Jack of Charlotte, LLC, unlicensed
Huntersville, NC

VIOLATION: Practiced or offered to practice engineering in NC 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, analysis or recommendations for foundations, slabs or other structural elements, until such time as the company becomes licensed with the NC Board.

CASE NO. V07-096

Stanley A. Schwartz, unlicensed
Atlanta, GA

VIOLATION: Practiced or offered to practice engineering in NC without a license and used the "P.E." designation [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, expert testimony and to cease and desist from using the "P.E." designation in NC until licensed with the NC Board.

CASE NO. V07-097

Forcon International-Georgia Ltd., unlicensed
Atlanta, GA

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 offering or practicing engineering in NC, to include but not limited to, expert testimony, until such time as the company becomes licensed with the NC Board.

CASE NO. V07-099

Michael J. Dykes, PE [27363]
Raleigh, NC

VIOLATION: Guilty of misconduct in the practice of his profession by failing to properly certify a document by failing to place his written signature over or near his seal [.1103]; failing to provide the complete address of his firm on a document [.1103(b)(5)]; failing to notify the Board of a business address change within 30 days of the change [.0505(a)]; failing to cooperate fully with the Board in the course of an investigation [G.S. 89C-20]; signed, sealed, and recorded in the public record, documents containing false and misleading statements and were fraudulent; by signing and sealing in his capacity as a Professional Engineer, and recording the documents he engaged in professional misconduct and failed to protect the public [.0701(b)]; by recording the documents he issued a public statement in an untruthful manner [.0701(b)]; the "Order" and "Board Order" documents that he requested another to sign, and that he caused to be recorded in the public record, contained false and misleading statements and were fraudulent; by requesting another to sign, and by causing the "Order" and "Board Order" documents to be recorded he engaged in professional misconduct; by requesting another to sign, and by causing the "Order" and "Board Order" documents to be recorded he failed to protect the public [.0701(b)]; and by causing the "Order" and "Board Order" documents to be recorded he issued a public statement in an untruthful manner [.0701(b)].

BOARD ACTION: Revocation of engineering license.

CASE NO. V07-102

Charles O. Eliason, PLS [L-3599]
Siler City, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner; failed to provide adequate tie [.1602(g); .1604(e)(9)]; and failed to monument corners [.1602(d)].

BOARD ACTION: Reprimand.

CASE NO. V07-110

Spectra Integrated Systems, LLC, unlicensed
Charlotte, NC

VIOLATION: Practiced or offered to practice engineering and land surveying 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 and land surveying in NC, to include the use of software to manipulate engineering and surveying data into a digital terrain model for clients, until such time as the company becomes licensed with the NC Board.

CASE NO. V08-006

CBA Design/Build, Inc., unlicensed
Formerly Commercial Builders & Architects, Inc.
a/k/a CBA of North Carolina, Inc.
Charlotte, 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, until such time as the company becomes licensed with the NC Board in compliance with G. S. 89C-24 and 55B.

CASE NO. V08-007

Robert J. Goldstein & Associates, Inc., unlicensed
Raleigh, NC

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

BOARD ACTION: Issued company letter to cease and desist offering to practice or practicing engineering and land surveying until such time as it becomes licensed with the Board and to require that the web site and marketing materials be modified to delete references to "restoration design." The engineering includes, but is not limited to, hydrological and water quality modeling and wetland and stream restoration plans (hydrology, hydraulics, earth moving and construction designs, utility locations, etc.). The land surveying includes, but is not limited to, locating boundaries of wetlands and stream buffers and the mapping, since it affects property rights (such as buildable areas), unless it is only a general layout of the area with no accuracy. The fact that clients or regulatory agencies may accept the work product does not negate the Board's requirement that it be done by a Professional Land Surveyor (PLS). It is permissible to provide data to a PLS as a data tool for use by the surveyor, but there must be no representation of accuracy. Issuance to clients or regulatory agencies is not acceptable unless it is produced by the PLS.

CASE NO. V08-010

Bobby C. McMahan, PLS [L-2475]
Weaverville, NC

VIOLATION: Performed an inaccurate or substandard survey, 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. V08-033

Andrew M. Rodak, PE [24576]
Cary, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)]; and performed services outside his area of competence [.0701(c)(3)].

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

CASE NO. V08-034

Conestoga-Rovers & Associates, unlicensed
Norcross, GA

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 offering or practicing engineering in NC, to include but not limited to, Phase II Site Assessments and any recommendations and conclusions of the monitoring and sampling, until such time as licensed by the NC Board in compliance with G.S. 89C-24 and 55B.

CASE NO. V08-036

Fred C. Howell, PLS [L-1483]
Smithville, TN

VIOLATION:

Map 1

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)] by not showing coordinates for monument referenced; failed to show adequate curve data [.1604(e)(4)]; failed to describe a monument as set or found [.1602(f)]; failed to properly monument or show monuments for inaccessible points [.1602(e)]; and failed to locate all apparent watercourses on boundary [.1604(e)(8)].

Map 2

Failed to report the results of a survey in a clear and factual manner as to location of creek and offset monuments; and failed to describe monument as set or found [.1602(f)]; failed to properly monument or show monuments for inaccessible point [.1602(e)]; and failed to provide adequate tie [.1602(g), .1604(e)(9)] by not providing coordinates for monument referenced.

Map 3

Failed to report the results of a survey in a clear and factual manner [.1602(f)] as to whether monument was set or found; failed to provide adequate tie [.1602(g), .1604(e)(9)] by not showing coordinates on corner or combined grid factor; and failed to properly monument or show monuments for inaccessible points [.1602(e)].

Map 4

Failed to report the results of a survey in a clear and factual manner [.1602(f)] as to whether monument was set or found; failed to provide adequate tie [.1602(g), .1604(e)(9)] by not showing

coordinates on corner or combined grid factor; failed to properly monument or show monuments for inaccessible points [.1602(e)]; and failed to note and date revisions [.1604(c), .1103(a)(7)].

BOARD ACTION: Reprimand, civil penalty of \$2000 and furnish proof of successfully completing Section A, Boundary Retracement, of the NC Society of Surveyors Institute.

CASE NO. V08-042

Raymond G. Pate, PE [13018]
Nags Head, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public [.0701(b)]; and failed to include all relevant and pertinent information in a report [.0701(d)].

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

CASE NO. V08-046

Jeffery S. Smith, PLS [L-4464]
Greensboro, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)] and failed to comply with the Standards of Practice for Land Surveying in NC [.1600] to include: failed to properly reference north arrow [.1604(e)(1)]; failed to identify all reference sources [.1602(f)]; failed to indicate ratio of precision [.1603]; failed to describe monuments as set or found [.1602(f)]; and failed to provide adequate tie [.1602(g), 1604(e)(9)].

BOARD ACTION: Reprimand and furnish proof of passing a course, as determined by the Board, on Board Rules/General Statute 47-30.

CASE NO. V08-049

William F. Rolader, PLS [L-2846]
Mountain City, GA

VIOLATION: Failed to properly reference north arrow [.1604(e)(1)]; failed to provide adequate tie [.1602(g), .1604(e)(9)]; failed to tie to geodetic monument within 2000 feet [.1602(g)]; failed to monument corners [.1602(d)]; and failed to describe monuments as set or found [.1602(f)].

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

CASE NO. V08-050

Dennis S. Nelson, PE [13153]
Eau Claire, WI

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

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

CASE NO. V08-053

Roland D. Ward, PLS [L-2728]
Asheboro, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)] by not clearly denoting line weights and acreage for the temporary and permanent easement; failed to provide a sufficient tie to retrace newly created easement [.1602(g), .1604(d)(9)]; failed to properly describe revision [.1604(c), .1103(a)(7)]; and failed to denote line designations in

legend [.1604(d)(11)].

BOARD ACTION: Reprimand, civil penalty of \$1,000 and Boundary Surveying Section of NC Society of Surveyors Institute.

CASE NO. V08-054

Andrew H. Joyner, PLS [L-2469]
Dunn, NC

VIOLATION:

Map 1

Failed to report the results of a survey in a clear and factual manner [.1602(f)]; and issued an inaccurate survey creating overlaps [.1602(a),(f)].

Map 2

Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to show encroachment on survey [.1602(b), (f)]; and issued an inaccurate survey creating overlaps [.1602(a),(f)].

Map 3

Failed to report the results of a survey in a clear and factual manner [.1602(f)]; and issued an inaccurate survey creating overlaps [.1602(a),(f)].

BOARD ACTION: Reprimand, civil penalty of \$1000, furnish proof of passing Professional Ethics Course offered by New Mexico State University and successfully complete Section of the NC Society of Surveyors Institute that includes Boundary Retracement.

CASE NO. V08-056

Robert Sykes, unlicensed
Raleigh, NC

VIOLATION: Practiced or offered to practice engineering in NC, to include but not limited to, structural design and design of retaining walls and landscape structures without being licensed with 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 until licensed with NC Board.

CASE NO. V08-058

Patrick S. Conroy, unlicensed
d/b/a Conroy & Associates, Inc.
Lake Orion, MI

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

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, boundary and topographic surveys, and engineering to include but not limited to, site plans of road layout and drainage until such time as licensed with the NC Board. In addition, referred case to Board of Landscape Architects.

CASE NO. V08-059

Mickalich & Associates, Inc., unlicensed
Rochester Hills, MI

VIOLATION: Practiced or offered to practice land surveying 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 land surveying in NC, to include but not limited to, boundary and topographic surveys, until the company is licensed with the NC Board.

CASE NO. V08-060

Albert P. Mickalich, PE [31718]
Rochester Hills, MI

VIOLATION: Practiced or offered to practice land surveying in NC in violation of G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice land surveying in NC, to include but not limited to, boundary and topographic surveys, until licensed with the NC Board.

CASE NO. V08-068

James W. Huggins, PE [25573]
Bolivia, NC

VIOLATION: Performed services outside his area of competence in violation of Board Order restricting practice [.0701(c)(3)]; his firm practiced or offered to practice engineering in NC without a license [G.S. 89C-24]; and he failed to properly certify documents [.1103(a)(4), (b)(4)].

BOARD ACTION: Reprimand; civil penalty of \$1000; and furnish proof within 6 months of Decision and Order of passing the Engineering Ethics I & II (PDH-60) course from the Murdough Center of Texas Tech University.

CASE NO. V08-069

Carl A. Samuelson III, PLS [L-2787]
Surfside Beach, SC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to provide an adequate legend [.1604(e)(11)]; failed to accurately locate encroachment and easements on survey [.1602(b), (f)]; failed to describe monuments as set or found [.1602(f)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; certified a plat which does not comply with the requirements of G.S. 47-30; and failed to show lappage [.1602(a), (f)].

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

CASE NO. V08-070

Vanir Energy LLC, unlicensed
formerly Appalachian Energy LLC, unlicensed
Fletcher, NC

VIOLATION: Practiced or offered to practice engineering in NC 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, systems designs that utilize engineering education, training or experience as within the definition of engineering in G.S. 89C-3(6). In addition, the company shall revise marketing materials and web site to delete references to engineering, systems designs and HVAC design, and to disclose that any engineering is contracted to licensed engineering firms until such time as licensed by the NC Board in compliance with G.S. 89C-24, 57C and 55B.

CASE NO. V08-072

Terry Rekeweg, unlicensed
RTP, NC

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

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

CASE NO. V08-075

Steven D. Powers, PLS [L-2994]
Harkers Island, NC

VIOLATION: 1st Decision and Order - His corporation practiced or offered to practice land surveying in violation of G.S. 89C-24 and 55B.

BOARD ACTION: Reprimand and \$1000 civil penalty.

VIOLATION: 2nd Decision and Order - Violated the conditions of the Decision and Order dated June 4, 2009 by not paying the civil penalty of \$1,000.

BOARD ACTION: Suspended his land surveying license beginning on September 22, 2009 and continuing until such time as civil penalty of \$1,000 is paid.

CASE NO. V08-076

Foundation Repair Services, Inc., unlicensed
Charlotte, NC

VIOLATION: Practiced or offered to practice engineering in NC without being licensed with NC Board [G. S. 89C-24 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, analysis or recommendations for any foundations, slabs or other structural elements, until such time as the company becomes licensed with the NC Board and referred case to the NC Licensing Board for General Contractors.

CASE NO. V08-077

Kevin D. Day, unlicensed
Charlotte, NC

VIOLATION: Practiced or offered to practice engineering in NC without being licensed with NC Board [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, analysis or recommendations for any foundations, slabs or other structural elements, until licensed with the NC Board and referred case to the NC Licensing Board for General Contractors.

CASE NO. V08-078

William G. Bradley, PLS [L-2653]
Mills River, NC

VIOLATION: Failed to report and show lappage [.1602(a), (f)]; failed to clearly indicate and note source of lines not actually surveyed [.1604(b)]; and performed an inaccurate or substandard survey, failing to protect the public [.0701(b)].

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

CASE NO. V08-081

Bobby J. Raye, PLS [L-1108]
Charlotte, NC

VIOLATION: Failed to show encroachments on survey [.1602(f)]; failed to show name or designation for adjacent land owner [.1604(d)(7)]; failed to provide adequate tie [.1602(g), .1604(d)(9)]; failed to show area [.1602(h)]; failed to describe monuments as set or found [.1602(f)]; failed to show bargraph [.1604(d)(11)]; and failed to accurately locate watercourse where it crosses boundary [.1604(d)(8)].

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

CASE NO. V08-087

Greg Rigsby, unlicensed
Foley, AL

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, to include but not limited to, analysis or recommendations for foundations, slabs or other structural elements until licensed with the NC Board.

CASE NO. V08-088

Andrew A. Burg, PE [20425]
Bellingham, WA

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

BOARD ACTION: Revocation of engineering license.

CASE NO. V08-091

Carolina Foundation Solutions, LLC, unlicensed
Burlington, NC

VIOLATION: Practiced or offered to practice engineering in NC 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, analysis or recommendations for foundations, slabs or other structural elements, until licensed with the NC Board.

CASE NO. V08-097

Donald G. Ferree, Jr., PE [7443]
Raleigh, NC

VIOLATION: Performed services outside his area of competence [.0701(c)(3)]; affixed his seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; affixed his seal to inadequate design documents, failing to protect the public [.0701(b)]; and failed to include address on documents [.1103(a)(6)].

BOARD ACTION: Reprimand; restrict license to practice electrical engineering only, until such time as competency is proven to the Board by passing the NCEES exams in other disciplines; and furnish proof, within six months of date of Decision and Order, of passing the Engineering Ethics I and II courses of the Murdough Center for Engineering Professionalism at Texas Tech University.

CASE NO. V08-108

Gabriel N. Pettit, unlicensed
Wendell, NC

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

BOARD ACTION: Issued a letter to cause respondent to cease and desist practicing or offering to practice engineering in NC, to include but not limited to, fire sprinkler system design, until licensed with the NC Board.

CASE NO. V08-109

GNP Fire Protection Design, Inc., unlicensed
Wendell, NC

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

BOARD ACTION: Issued a letter to cause respondent to cease and desist offering or practicing engineering in NC until licensed with the NC Board, or to dissolve the corporation.

CASE NO. V08-110

Jimmy H. Turner, PLS [L-1375]
Fair Bluff, NC

VIOLATION: Failed to monument a corner [.1602(d)]; failed to provide an adequate legend [.1604(d)(11)]; failed to show combined grid factor and coordinates for referenced corner for tie [.1602(g), 1604(a)(9), .1604(d)(3)]; and failed to provide a clear and factual G. S. 47-30 certificate [.1602(f)].

BOARD ACTION: Reprimand.

CASE NO. V08-111

Geostructures, Inc. [C-3293]
Purcellville, VA

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

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

CASE NO. V08-118

Carolina Aerobic Systems, Inc., unlicensed
Hayesville, NC

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

BOARD ACTION: Issued a letter to cause respondent to cease and desist practicing or offering to practice engineering in NC, to include but not limited to, consulting on any drip, pump or innovative wastewater systems until such time as the company becomes licensed with the NC Board.

CASE NO. V08-119

CJ Design Studio, Inc., unlicensed
Plano, TX

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

BOARD ACTION: Issued a letter to cause respondent to cease

and desist practicing or offering to practice engineering in NC, to include but not limited to, consulting on any drip, pump or innovative wastewater systems until licensed with the NC Board.

CASE NO. V08-120

James L. Turner, unlicensed
Raleigh, NC

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

BOARD ACTION: Referred to NC Board of Architecture.

CASE NO. V08-122

John M. Vitillo, PE [23142-Archived]
Douglasville, PA

VIOLATION: Disciplined with a reprimand and indefinite suspension of his Certificate of Licensure by another jurisdiction violating G.S. 89C and the Board Rules [.0701(h)].

BOARD ACTION: Refusal to reinstate Certificate of Licensure until proof of reinstatement, or is approved for reinstatement, in PA.

CASE NO. V08-123

Sohan P. Singh, PE [8615-Archived]
Nashville, TN

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

BOARD ACTION: Refuse to renew or reinstate Certificate of Licensure.

CASE NO. V08-128

David W. Dickson, PLS [L-3114]
Gastonia, NC

VIOLATION:

Map 1

Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; produced a survey which does not close [.1603]; failed to provide legend [.1604(e)(11)]; failed to describe monuments as set or found [.1602(f)]; failed to report the results of a survey in a clear and factual manner [.1602(f)] as to datum and as to what was surveyed; and failed to protect the public by not establishing control corners required by G. S.39-32.1 [.0701(b)].

Map 2

Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; produced a survey which does not close [.1603]; failed to provide an adequate legend [.1604(e)(11)]; failed to describe monuments as set or found [.1602(f)]; and certified a plat which does not comply with the requirements of G. S. 47-30 as to paragraph (d) certification.

Map 3

Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; failed to provide legend [.1604(e)(11)]; failed to describe monuments as set or found [.1602(f)]; and failed to accurately locate all apparent easements [.1604(e)(8)].

Map 4

Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; failed to provide legend [.1604(e)(11)]; failed to describe monuments as set or found [.1602(f)]; failed to monument corners [.1602(d)]; and failed to accurately locate all apparent easements [.1604(e)(8)].

BOARD ACTION: Suspension of land surveying license for six months.

CASE NO. V08-130

Land Management Group, Inc., unlicensed
Wilmington, NC

VIOLATION: Practiced or offered to practice land surveying in NC, to include but not limited to, boundary data not referenced to surveys of a Professional Land Surveyor and through marketing brochures and its web site offered the "mapping of wetlands" in violation of G.S. 89C and 55B.

BOARD ACTION: Referred to the NC Board for Licensing of Soil Scientists.

CASE NO. V08-131

Hollis B. Cahoon, PE [5552]
Greensboro, NC

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

BOARD ACTION: Reprimand; civil penalty of \$500; and audit CPC for the next three years that he renews as current.

CASE NO. V08-132

George A. Harrison, PE [12586]
Charlotte, NC

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

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

CASE NO. V08-134

Surendera Kumar, PE [22252]
Virginia Beach, VA

VIOLATION: 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. V08-136

Martin D. Hooker, unlicensed
Portsmouth, VA

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

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

CASE NO. V08-137

Hooker Design Group, unlicensed
Portsmouth, VA

VIOLATION: Practiced or offered to practice land surveying in NC without being licensed with NC Board [G.S. 89C-24].

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

CASE NO. V08-138

Harold C. Warren III, unlicensed
Virginia Beach, VA

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

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

CASE NO. V08-139

Warren & Associates, PC, unlicensed
Virginia Beach, VA

VIOLATION: Practiced or offered to practice land surveying in NC without being licensed with NC Board [G.S. 89C-24 and 55B].

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

CASE NO. V08-143

James L. Overton, PLS [L-3339]
Kill Devil Hills, NC

VIOLATION: Failed to be completely objective by not being clear and factual in professional statements [.0701(d)(1)]; failed to conform to the Standards of Practice for Land Surveying in NC [.1600]; failed to provide adequate tie [.1602(g), .1604(d)(9)]; failed to properly reference north arrow [.1604(d)(1)]; failed to monument corners [.1602(d)]; failed to show encroachments on survey [.1602(b), (f)]; failed to show calls of property lines [.1604(d)(2)]; failed to describe monuments as set or found [.1602(f)]; failed to show computed area [.1602(h)]; and failed to provide a legend [.1604(d)(11)].

BOARD ACTION: Reprimand.

CASE NO. V08-145

Michael J. Marada, PLS [L-3291]
Newton, NC

VIOLATION: Failed to identify all reference sources [.1602(f)] and failed to report the results of a survey in a clear and factual manner by not showing an established right-of-way and establishing a new right-of-way without reference to a legal source [.1602(f)].

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

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].

BOARD ACTION: Suspended land surveying license for six months continuing until such time as he complies with the previous Decision and Order dated September 3, 2009 in cases V07-077, 105 and 127 whereby he was required to furnish proof of passing 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 and audit CPC hours for the next three years he renews as current.

CASE NO. V09-007

Robert W. Musgrove, PE [20377]
Pilot Mountain, NC

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

BOARD ACTION: Reprimand, civil penalty of \$500 and audit CPC hours for next three years he renews as current.

CASE NO. V09-017

Scott Harless & Gary Brooks, d/b/a Line Runners, unlicensed
North Wilkesboro, NC

VIOLATION: Practiced or offered to practice land surveying in NC without a license as required by G.S. 89C-23, 24.

BOARD ACTION: Issued letter to cause Scott Harless, Gary Brooks and Line Runners to cease and desist offering or practicing land surveying in NC, to include but not limited to, locating existing boundary lines, flagging property lines and locating property "borders" for timber cutting until such time as licensed by the NC Board in compliance with G.S. 89C-23, 24.

CASE NO. V09-023

Jairzinho Vasquez, PE [31790]
Cypress, TX

VIOLATION: Had his Professional Engineer's license suspended by another jurisdiction in violation of G.S. 89C and the Board Rules [.0701(h)] and submitted false information to the Board in obtaining a Certificate of Licensure [G.S. 89C-23].

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

CASE NO. V09-030

J. Dean Slate, PLS [L-2818]
King, NC

VIOLATION:

Map 1

Failed to accurately locate all apparent right-of-ways and improvements on boundary [.1604(d)(8)].

Map 2

Failed to report monuments as found or set [.1602(f)]; failed to report the results of a survey in a clear and factual manner by omitting line [.1602(f)]; failed to accurately locate easements and watercourses where cross boundary [.1604(d)(8)]; and failed to identify current reference deed [.1602(f)].

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

CASE NO. V09-033

David C. Faustin, unlicensed
Delray Beach, FL

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

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering or using the title "engineer" or the "P.E." designation, to include but not limited to, letterheads, title blocks or in any correspondence or references to name, in NC until licensed with the NC Board.

CASE NO. V09-040

Robert D. Barrett, unlicensed
Golden, CO

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, to include but not limited to, testimony, until such time as licensed by the NC Board in compliance with G.S. 89C-23. Testimony that provides engineering judgment, analysis or recommendations falls within the definition of the practice of engineering.

CASE NO. V09-051

C. Phil Wagoner [PLS No. L-2416-Revoked]
Mt. Airy, NC

VIOLATION: Practiced or offered to practice land surveying 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 land surveying in NC in violation of G.S. 89C-23, to include but not limited to, giving opinions as to the current status of property corners or property lines.

*October 2009 Exam Statistics*

The results from the October 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)
72.9 % pass rate

Principles & Practice of Engineering (PE)
62.4 % pass rate

Fundamentals of Land Surveying (FLS)
54.2 % pass rate

Principles & Practice of Land Surveying (PLS)
Part A: 55.0 % pass rate
Part B: 33.3 % pass rate
Part C: 34.1 % pass rate

2010-11 Examination Dates

National examinations are to be conducted on the following dates:

October 29 & 30, 2010 –
Application deadline is August 2, 2010

April 8 & 9, 2011 –
Application deadline is January 3, 2011

October 28 & 29, 2011 –
Application deadline is August 1, 2011

The Board administers national licensure examinations as offered by the National Council of Examiners for Engineering and Surveying (NCEES). For additional information about the exams or application process, please 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.

July 19, 2010 – Deadline is May 1, 2010

January 24, 2011 – Deadline is November 1, 2010

July 11, 2011 – Deadline is May 1, 2011