VIEW FROM THE CHAIR

by George E. Freeman, PE, PLS

As the end of the year rolls around, the temptation is strong to review the many activities of the Board and staff in carrying out our responsibilities. As a matter of routine, we reviewed 1684 applications for examinations; administered a total of 1954 examinations; and awarded 571 certificates to Engineering Interns, 1044 certificates to Professional Engineers, 44 certificates to Surveying Interns, and 99 certificates to Professional Land Surveyors. We have opened 109 violations cases, dismissed 59 cases as unfounded or trivial, settled 5 cases with consent agreements, dismissed 15 cases based upon corrective action, referred 14 cases to other agencies, closed 4 cases based upon Board-issued cease and desist orders, held 2 hearings and disciplined 30 licensees.

As if this were not enough, in its concern for the health, safety, and welfare of the public, the Board also addressed issues regarding legislation, ethical conduct, fire safety analysis of LP Gas Facilities, GIS services requiring Professional Engineers, minimum requirements for DOT right-of-way surveys, the need for standards in conducting LIDAR topographic surveys, engineering issues relating to construction administration services, the use and transmission of digital signatures and seals, the need for a four-year surveying curriculum and support and encouragement for NC A & T University in providing such a degree, and needed revisions to the Board Rules, among others.

One of the Board’s major efforts has been to discourage the further erosion of the requirement for engineering qualifications, including education, experience and examination, in providing public works. You will recall this erosion, brought about several years ago by the legislature, by permitting those who did not meet the requirement for licensure to design fire sprinkler systems and certain other fire safety systems. The latest challenge has been from the Landscape Architects who wish to be permitted to plan and design civil engineering projects including site development, grading, roadways, and above and below ground drainage facilities. Evidence available to the Board indicates the general lack of detailed education in civil engineering by landscape architects which would enable them to practice in these areas of civil engineering and to protect the public. Although several Landscape Architects claim they have been doing this type of engineering for 30 or more years, this activity constitutes the practice of engineering by non-licensurees, as confirmed by the NC Attorney General’s Office, and shall be subject to enforcement by the Board. However, the legislature is currently in session at this writing, and the Landscape Architects are fighting furiously to get the legislature to revise their practice law to grant them permission to practice in this area in spite of lack of education, experience and examination. While we keep a watchful eye on this activity, we continue to be concerned about efforts by non-licensurees to erode the public law that requires engineering and surveying to be performed by only those licensees who are qualified by education, experience, and examination, the basis of licensure and practice.

In spite of all the challenges that confront us, and our country, we remain most grateful for the many blessing that are bestowed upon us and our great State and country. As we approach the end of a most eventful year, we wish you and your family the happiest and most joyful holiday season.
BOARD NAMES
NEW EXECUTIVE DIRECTOR

In July 2001, Andrew L. Ritter was named the new Executive Director of the Board of Examiners. Andrew had previously served the Board from 1993 to 1998 in the positions of Board Investigator and Investigations Supervisor.

Prior to assuming the position as the Board’s Executive Director, Andrew served three years as the Executive Director of the NC Board of Mortuary Science.

Mr. Ritter holds a Bachelor of Science in Criminal Justice from Appalachian State University and a Masters in Public Administration from NCSU.

2002 Renewals Mailed; Electronic Renewals Urged

Renewal notices for 2002 were mailed to each licensee on November 29. Professional Engineers and Surveyors must renew their licenses with the Board by January 31, 2002 or lose the right to offer professional services, in addition to being subject to a $100.00 late penalty to have the license reinstated. If you have not yet received your renewal notice, you should immediately contact the Board for instructions.

The Board on-line renewal process is now in its third year of operation and is an efficient, time-effective way of renewing your license. By visiting the Board’s web site, licensees are able to enter their license numbers and four digit PINs and access their electronic records. Licensees can then update those electronic records, report PDHs, order yearbooks and provide VISA or MasterCard numbers to complete the renewals. This is a secure site and the information is encrypted to insure that it is protected. Licensees are encouraged to use this option to renew their licenses. In addition, please make sure your information is current and include your e-mail address. This address can be used to disseminate future copies of the newsletter.

Please print the verification at the end of the transaction and retain as your receipt. Pocket cards are not issued when you renew on-line.
H623 AND LANDSCAPE ARCHITECTURE

In the Spring 2001 newsletter, the Board printed an article concerning the Office of the North Carolina Attorney General’s opinion advising that “...the detailed drawings and accompanying calculations of street design and storm drainage systems, including subsurface systems and component structures, is within the definition of the practice of engineering and not within the definition of landscape architecture.” In subsequent correspondence dated August 7, the Attorney General re-affirmed that position.

The Landscape Architecture community responded by attaching language to H623 which would allow Landscape Architects to (among other things) design “…the location, routing, and design of streets or other public or private ways and associated drainage systems, soil conservation and erosion control, storm water management and surface or subsurface drainage…” The engineering community vigorously protested this language and the bill was referred to a House committee. H623 was rolled into S914 which is the Public Construction Bill. That bill changes the prime/multi-prime requirements, the minority bidding requirements, and closes several public construction loopholes.

S914 passed both the House and Senate and is now law. The new statute permits Landscape Architects to perform “…the location, routing and design of public and private streets, residential and commercial subdivision roads, or roads in and providing access to private or public development.” In addition, the statute also allows “the design of surface or incidental subsurface drainage systems...necessary to an overall landscape plan and site design.” The statute also mandates a legislative research commission to study the issue(s) between the two Boards before 2003.

For additional information on this issue, please contact the Executive Director or Board Counsel at the Board office.

Carter Accepts Position with NCEES

Former Executive Director Jerry Carter resigned his position in July 2001 to accept a position with the National Council of Examiners for Engineering and Surveying (NCEES).

Carter came to the Board of Examiners in 1984 when he was hired as a Board Investigator. In 1989 he was appointed Deputy Executive Secretary and in 1992, he succeeded Montgomery T. Speir as Executive Director for the Board. In his new position, Carter will serve as Director of Corporate Services and Senior Assistant to the Executive Director for NCEES at its headquarters in Clemson, SC.
Spring Exam Results Received

The results from the April, 2001 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

- Fundamentals of Engineering: 66.0% Pass Rate
- Principles & Practice of Engineering: 51.3% Pass Rate
- Fundamentals of Land Surveying: 39.6% Pass Rate
- Principles & Practice of Land Surveying: 48.1% Pass Rate

Changes in Examination Administration

The Board is turning over the administration of the FE and P & P exams for both engineering and surveying to NCEES. Applicants will not see any changes in the application process. The application is still obtained from the Board office and filed with us. The Board will still approve the applications and issue approval notices. NCEES will then issue the seating notices and proctor the exams. Exams will be given at the same locations where they have been previously given. The pass/fail notices will also still be issued by the Board. If you have any questions, please contact the Board office.

Exam Fees Raised

At the October 11, 2001 Board meeting, the Board approved increasing the exam fees by $15.00. This increase is for all the exams. The exception is for students, their fees will remain unchanged. See new fee schedule on page 5 for more detailed information.

Board Member Resigns

Governor Easley’s office for Boards and Commissions has announced that it is working as quickly as possible to name a replacement Board Member for Phil Wagoner. Mr. Wagoner’s resignation from his position on the Board was accepted by the Governor on August 7, 2001. NCSS has submitted a list of possible replacements to the Governor for consideration.

BOARD GREET NEW STAFF MEMBERS

During the summer and fall of 2001, the Board welcomed three new employees to the Board staff.

Laverne Smith joined the staff on May 1 as Board Receptionist and Administrative Assistant. Mrs. Smith came to us from the Triangle Area Chapter of the American Red Cross in Raleigh. Laverne will be assuming the duties of student engineering applications and all surveying applications on January 1, 2002. Laverne resides with her husband in Raleigh.

On September 10, Patricia Joyce rejoined the Board staff as Renewals Specialist and Administrative Assistant. She serves as assistant to the Executive Director and to the Board’s legal counsel. Trisha is originally from the Fayetteville area but resides with her husband and daughter in Henderson.

The most recent addition to the Board staff is Laura Rogers who filled the position of Board Receptionist/Administrative Assistant in November. Ms. Rogers was previously employed at the Board of Mortuary Science as receptionist for the past two years. Laura also resides in Henderson.

The Board is extremely happy to welcome these new employees and looks forward to their many future contributions.
SCHEDULE OF FEES REVISED  
Effective October 11, 2001

**Application Fees (Individual)**
- License Application: 100.00
- Comity Application: 100.00
- Temporary Permits: 100.00

(Fees for any required exams must be submitted with application fee)

**Exam Fees**
- Student EI Application (Green Form): 60.00
- Engineering Fundamentals (Exam I) (White Form): 75.00
- Engineering Principles and Practice Exam (Exam II): 125.00
- Engineering Principles and Practice Exam (Structural I): 125.00
- Engineering Principles and Practice Exam (Structural II): 425.00
- Surveying Fundamentals (Exam I): 90.00
- Surveying Principles and Practice (Exam II): 135.00

**Individual Renewal Fees**
- Annual License Renewal: 40.00
- Penalty fee for late renewal: 100.00

**Business License Fees**
- Licensure: 100.00
- Name Change: 15.00
- Annual License Renewal: 40.00
- Penalty fee for late renewal: 100.00

**Continuing Professional Competency Sponsor License**
- 100.00

**Publications/Miscellaneous Fees**
- Annual Board Yearbook (Roster of NC licensees): 10.00
- Engineering Application Kit: 5.00
- Land Surveying Application Kit: 5.00
- Duplicate Certificate of Licensure: 25.00
  - Engineering Intern: 5.00
  - Surveyor Intern: 5.00
- Mailing Labels
  - All Professional Engineers & Professional Land Surveyors: 250.00
  - All Professional Engineers: 200.00
  - Professional Engineers—North Carolina residents only: 150.00
  - All Professional Land Surveyors: 100.00
- Computer Disk (ASCII File, Comma Delimited) - all licensees: 50.00
- Standards of Practice for Land Surveying in North Carolina: No Charge
- Student EI Application Kit: No Charge
- Corporation Application Kit: No Charge
- Limited Liability Company Application Kit: No Charge
- Business Firm Application Kit: No Charge

(Returned Checks are subject to a $25.00 processing charge)
**Disciplinary Actions**

The following summaries represent disciplinary actions taken by the Board from April 1, 2001 to November 15, 2001. Penalties vary, depending upon the specific circumstances of each case. Space limitations preclude a full reporting of all circumstances. Questions or requests for additional information concerning specific cases should be directed to the Board Counsel at Ext. 111.

**CASE NO. V98-262**
Davey G. Williamson, PLS
Southport, NC

VIOLATION: Performed a substandard survey, failing to protect the public [.0701 (b)]; and failed to conform to the Standards of Practice for Land Surveying in North Carolina [.1600].

BOARD ACTION: Reprimand, Civil Penalty of $2,000, required to pass part B of the State portion of the Principles and Practice of Land Surveying Examination and submit a monthly audit of surveying projects for one year. (Appealed to Superior Court).

**CASE NO. V99-025, 026, 033**
C. Phil Wagoner, PLS
Mount Airy, NC

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

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

**CASE NO. V99-052**
EMG, Inc., unlicensed
Baltimore, MD

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

BOARD ACTION: Close case based upon final action of Attorney General's office by issuing a formal cease and desist notice to refrain from practicing or offering to practice engineering in NC unless and until properly licensed with the NC Board.

**CASE NO. V99-053**
Ronald M. Hill, unlicensed
Baltimore, MD

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

BOARD ACTION: Close case based upon final action of Attorney General's office by issuing a formal cease and desist notice to refrain from practicing or offering to practice engineering in NC unless and until properly licensed with the NC Board.

**CASE NO. V00-026**
Eli Brown, unlicensed
Durham, NC

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

BOARD ACTION: Close case based upon final action of Attorney General's office by issuing a formal cease and desist notice to refrain from any engineering actions, including modifying engineering drawings or indicating compliance with engineering requirements.

**CASE NO. V00-042**
Brian C. Sigmon, unlicensed
Charlotte, NC

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

BOARD ACTION: Close case based upon issuance of letter to respondent to cease and desist the practice of engineering based upon final determination by Attorney General's office that "the detailed drawings and accompanying calculations of street design and storm drainage systems, including subsurface systems and component structures, is within the definition of the practice of engineering and not within the definition of landscape architecture."

**CASE NO. V00-048**
Sabin, Inc. d/b/a Team Blue Engineering, Inc., unlicensed
Durham, NC

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

BOARD ACTION: Close case based upon final action of Attorney General's office to issue a formal cease and desist notice to refrain from practicing or offering to practice engineering in NC unless and until properly licensed with the NC Board.

**CASE NO. V00-050**
Diverse Design & Environmental Services, unlicensed
Shelby, NC

VIOLATION: Corporation practicing or offering to practice engineering in violation of G.S. 89C and 55B.

BOARD ACTION: Close case based upon final action of Attorney General's office by issuing a formal cease and desist notice to refrain from practicing or offering to practice engineering in NC unless and until properly licensed with NC Board.

(Continued on page 7)
CASE NO. V00-051
Gerald M. Haskins, PE
Hendersonville, NC

VIOLATION: Affixed his seal to inadequate and incomplete design documents, failing to protect the public [.0701(b)]; failed to include address on document [.1103(b)(6)]; failed to properly certify documents by not annotating date of signing document [.1103(b)(4)]; and practiced outside his area of competence [.0701(c)(3)].

BOARD ACTION: Reprimand, Civil Penalty of $1000 and restriction from practicing structural engineering until evidence of competency by passing Structural I Principles and Practice of Engineering Examination. (Combined with Case No. V00-092)

CASE NO. V00-056
US Surveyors/AES Group International, Inc., unlicensed
Newburgh, IN

VIOLATION: Corporation practicing or offering to practice land surveying in violation of G.S. 89C and 55B.

BOARD ACTION: Close case based upon final action of Attorney General's office by issuing a formal cease and desist notice to refrain from practicing or offering to practice land surveying in NC unless and until properly licensed with NC Board.

CASE NO. V00-062
S P Construction, Inc., unlicensed
Burlington, NC

VIOLATION: Presenting or attempting to use the certificate of licensure or seal of another in violation of G.S. 89C-23.

BOARD ACTION: Close case based upon final action of Attorney General's office by issuing a formal cease and desist notice to refrain from presenting or attempting to use the certificate of license or seal of another.

CASE NO. V00-068
Clinton E. Gravely, unlicensed
Greensboro, NC

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

BOARD ACTION: Close case based upon the Board of Architecture and Mr. Gravely agreeing to a Consent Order which reprimands and restricts Mr. Gravely from soliciting engineering plans, or representing himself as the engineer of record for any future projects for which he is engaged to provide architectural services.

CASE NO. V00-073
RL Johnson Contractors, Inc., unlicensed
Raleigh, NC

VIOLATION: Corporation practicing or offering to practice engineering in violation of G.S. 89C-24 and 55B and presenting or attempting to use the certificate of licensure or seal of another G.S. 89C-23.

BOARD ACTION: Close case based upon final action by Licensing Board for General Contractors that found no probable cause to conduct a disciplinary hearing and dismissed the charges.

CASE NO. V00-080
Richard R. Rust, PE
Fuquay-Varina, NC

VIOLATION: Failure to properly certify documents to include use of digitized signature and lack of date of signing [.1103(b)(3)(4)].

BOARD ACTION: Reprimand.

CASE NO. V00-081
Cynthia A. Flehan, PE
Charlotte, NC

VIOLATION: Affixing seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)] and failure to include address on document [.1103(b)(6)].

BOARD ACTION: Reprimand and Civil Penalty of $500.

CASE NO. V00-083
Billy R. Leggett, PLS
Plymouth, NC

VIOLATION: Certified a plat which does not comply with the requirements of G.S. 47-30; failed to provide legend [.1604(e)(11)]; performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; and failed to make adequate investigation and created an encroachment on adjacent property [.1602(a)].

BOARD ACTION: Reprimand.

CASE NO. V00-084
Kenneth O. Pankow, PLS
Asheville, NC

VIOLATION: Failure to report the results of a survey in a clear and factual manner (.1602(f)); failure to identify all reference sources (.1602(f)); failure to conform to the Standards of Practice for Land Surveying in North Carolina by not referencing north arrow [.1604(e)(1)], not including a bar graph [.1604(e)(11)] and issued an inaccurate right-of-way survey creating an encroachment on the adjacent property [.1602(a) (f)].

BOARD ACTION: Reprimand and Civil Penalty of $500.

(Continued on page 8)
CASE NO. V00-087
Cyril C. Waters, PLS
Greensboro, NC

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

BOARD ACTION: Reprimand and Civil Penalty of $500.

CASE NO. V00-092
Gerald M. Haskins, PE
Hendersonville, NC

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

BOARD ACTION: Reprimand, Civil Penalty of $1,000 and Restriction from practicing structural engineering until evidence of competency by passing Structural I Principles and Practice of Engineering Examination. (Combined with Case No. V00-051)

CASE NO. V00-097
Edward B. Latham, PLS
New Bern, NC

VIOLATION: Failure to conform to the Standards of Practice for Land Surveying in North Carolina [.1600] to include failure to monument corners as required [.1602(d)]; failure to describe monuments set or found [.1602(f)]; failure to provide adequate tie [.1602(g), [.1604(e)(9)]; failure to show computed area [.1602(h)]; failure to indicate ratio of precision [.1603(a)]; failure to show curve data [.1604(e)(4)]; failure to provide vicinity map [.1604(e)(10)] and failure to provide legend, graphic scale and address [.1604(e)(11)].

BOARD ACTION: Reprimand and civil penalty of $500.

CASE NO. V00-099
Wright R. Archer III, PE
Greensboro, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare by producing a deficient, substandard or inaccurate report [.0701(b)]; and failure to be completely objective and truthful in professional reports and statements [.0701(d)(1)].

BOARD ACTION: Reprimand and Civil Penalty of $500.

CASE NO. V00-102
Terrence W. Philbrick, Jr., PE
Waxhaw, NC

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

BOARD ACTION: Reprimand and Civil penalty of $500.

CASE NO. V01-001
Brooke T. Carpenter, PE
Burlington, NC

VIOLATION: Producing deficient, substandard or inaccurate reports, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand.

CASE NO. V01-003
Dukes Planning & Environmental, Inc., unlicensed
Sylva, NC

VIOLATION: Corporation offering or practicing engineering and/or land surveying in violation of G.S. 89C and 55B.

BOARD ACTION: Consent Order to cease and desist offering to practice or practicing engineering and/or land surveying until properly licensed with the NC Board.

CASE NO. V01-007
Claude L. Whitfield, PLS
Goldsboro, NC

VIOLATION: Failure to show names of adjacent land owners, lot designation, or legal reference [.1604(e)(7)]; failure to properly certify documents [.1103(b)(3)]; failure to provide adequate legend [.1604(e)(11)]; failure to properly reference north arrow [.1604(e)(1)]; failure to indicate ratio of precision [.1603(a)]; failure to provide vicinity map [.1604(e)(10)] and failure to provide a bar graph [.1604(e)(11)].

BOARD ACTION: Reprimand, successfully complete seminar on G.S. 47-30 and the Board Rules as approved by the Board and audit of continuing education hours for the 2002, 2003 and 2004 renewals. Failure to comply with the Order will result in suspension of license until such time as respondent complies. The required course will not count toward the annual PDH requirements.

CASE NO. V01-010
George L. Lott, PLS
Fayetteville, NC

VIOLATION: Failure to report the results of a survey in a clear and factual manner [.1602(f)]; failure to set permanent monuments at corners [.1602(d)]; failure to show names of adjacent land owners, lot designation, or legal references [.1604(e)(7)]; and failure to properly certify documents [.1103(b)(3)].

BOARD ACTION: Reprimand and Civil penalty of $1,500.

CASE NO. V01-011
Andrew H. Robinson, PLS
Raleigh, NC

VIOLATION: Failure to report the results of a survey in a clear and factual manner by indicating area taken by adverse possession that has not been legally determined as such [.1602(f)].

BOARD ACTION: Reprimand and file map of correction within 90 days of date of Decision and Order.

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(Continued from page 8)

CASE NO. V01-019
John K. Harrell III, PE
Woodstock, GA
VIOLATION: Affixing seal to inadequate design documents, failing to protect the public. [0.701(b)]; and failure to properly date documents in violation of Board Rule [.1103(b)(4)].
BOARD ACTION: Reprimand and Civil Penalty of $500.

CASE NO. V01-021
Have Gun Will Travel, unlicensed
Taylorsville, NC
VIOLATION: Firm practicing or offering to practice land surveying without a license as required by G.S. 89C-24.
BOARD ACTION: Board issued letter to assure the unlicensed individual and firm provide no land surveying services but only provide nonprofessional services to a PLS unless under the responsible charge of the PLS.

CASE NO. V01-023
Terry M. Snow, PE
Hillsborough, NC
VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [0.701(c)(3)]; affixed his seal to inadequate design documents, failing to protect the public [0.701(b)]; and practiced outside his area of competence by practicing electrical, mechanical and plumbing engineering [0.701(c)(3)].
BOARD ACTION: Reprimand, Civil Penalty of $2000, and restrict his practice from providing electrical, mechanical and plumbing engineering until he demonstrates competency to the Board by experience or examination.

CASE NO. V01-033
Preston R. Taylor, Jr., PLS
Belmont, NC
VIOLATION: Practicing or offering to practice land surveying without being licensed as required by G.S.89C-23.
BOARD ACTION: Consent Agreement entered into by respondent agreeing to cease and desist offering to practice or practicing land surveying and voluntarily and permanently surrendering his PLS license.

CASE NO. V01-042
C. Neal Bare, PLS
Deep Gap, NC 28618
VIOLATION: Failing to exercise responsible charge [0.701(c)(3)].
BOARD ACTION: Reprimand.