

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 11, 2019

Raleigh, North Carolina

Board Vice-Chair Stacey Smith called the teleconference call meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, December 11, 2019. Board members on the conference call were:

Board Members on Teleconference Call:

Stacey A. Smith, Vice-Chair
John M. Logsdon, PLS, Secretary
Carl M. Ellington, Jr., PE
Richard M. Benton, PLS
Bobbie Shields, PE
Linda A. Thurman, Public Member
Carol W. Salloum, Public Member
Dennis K. Hoyle, PE

Absent:

Andrew G. Zoutewelle, PLS, Chair

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director
Cora A. Houston, Assistant
David S. Tuttle, Board Counsel

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Vice-Chair Smith read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Vice-Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. Mr. Hoyle identified a conflict with an item on the Consent Agenda. He advised the Board that an AECOM entity was among the firms with an application seeking Board approval under today's Consent Agenda. It is noted that Mr. Hoyle is recused from that matter and would not be voting on the Consent Agenda.

2. Consent Agenda – Vice-Chair

Mr. Benton made a motion to approve the Consent Agenda. Mr. Shields seconded the motion. Mr. Hoyle abstained from voting. A vote was taken, and the Consent Agenda was unanimously approved by all who voted.

The Consent Agenda consisted of a Request for Board Authorized Case Openings; CPC Consent Agenda; Consent Agenda for Firm Applications & Firm Requests: Applications for 12 Professional Corporations, 16 Professional Limited Liability Companies, 3 Name Change Requests, 1 Request to Use Individual's Name in Company Title, and 2 d/b/a Requests; Requests for Retired Status; and Review Committee Agenda

Vice-Chair Smith entertained a motion to adjourn. Mr. Shields motioned to adjourn. Ms. Thurman seconded the motion. A vote was taken, and the motion to adjourn was unanimously approved. The Board formally adjourned Wednesday, December 11, 2019 at 7:32 a.m. The Board is next scheduled to meet Wednesday, January 15, 2020.

Respectfully submitted,



Carl M. Ellington, Jr., PE
Secretary

Approved by the Board in Session

Date: March 4, 2020

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

November 13, 2019

Raleigh, North Carolina

Board Chair, Andrew G. Zoutewelle, gavelled the North Carolina Board of Examiners into session at 10:31 a.m. on Wednesday, November 13, 2019 to conduct the regular order of business. Attendance was as follows:

Present:

Andrew G. Zoutewelle, PLS, Chair
Stacey A. Smith, PE, Vice-Chair
John M. Logsdon, PLS, Secretary
Linda A. Thurman, Public
Bobbie Shields, PE
Dennis K. Hoyle, PE, PLS
Carol W. Salloum, Public

Absent:

Richard M. Benton, PLS
Carl M. Ellington, Jr., PE

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Zoutewelle read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. There were no conflicts or appearances of conflict identified.

2. Consent Agenda – Executive Director

Chair Zoutewelle instructed staff to play a video of a news report. The video was related to a structural catastrophe which occurred in October at the Hard Rock hotel in New Orleans. Workers had serious concerns about the construction of the building. This incident resulted in at least two fatalities and almost two dozen individuals injured. Chair Zoutewelle was able to tour the actual site days after the event. Following the viewing, Chair Zoutewelle stated that the incident was a stark reminder of the importance of the Board's role in protecting the citizens.

Mr. Zoutewelle entertained a motion for acceptance of the consent agenda. Ms. Thurman made a motion to approve the Consent Agenda as presented. Mr. Smith seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The Consent Agenda consisted of a Request for a Board Authorized Case Opening; Comity, Initial Licensure, and PE Reinstatements; Consent Agenda for Firm Applications & Firm Requests: Applications for 6 Professional Corporations, 6 Professional Limited Liability Companies, 2 Chapter 87 Corporations, 1 Business Firm, 1 Request to Use Individual's Name in Company Title, and 1 d/b/a Request; and Requests for Retired Status.

3. Committee Reports

CPC Committee - Chair (Thurman)

New Business

- CPC Credit for ABET Evaluation – Question from individual participating in the ABET evaluation process. Seeks Board's position on the issue of granting PDHs to those who participate in the ABET process.
 - Committee members sought input from the Engineering Committee. Staff will work along with committee and gather information as to how NCEES addresses the issue of giving PDHs to licensees who participate in the ABET process.
 - Mr. Evans to draft a letter of response for committee review.
 - Committee to report back in January.

Before moving to the Engineering Committee, Chair Zoutewelle informs the Board that there will be an addition to the Agenda. He states that, as convenient, the meeting will go into closed session for a personnel matter.

Engineering Committee – Chair (Smith)

New Business

- Mr. Smith informed the Board that the committee addressed each item under New Business and many of the items under Old Business during the morning meeting.
 - Engineering Application Review – Four were approved. One was denied due to insufficient references.
 - Prior EI Application – Previously, the committee requested follow-up information from the applicant. After review of the requested information, the EI application was approved.
- **Update 2018 NC Energy Code** – P. Levey seeks answers to the following questions related to NCECC 2018 408.1, paragraph 1 which states that prior to the issuance of a certificate of occupancy, a "registered-design professional" shall provide a statement....
 - Per the NCBELS, what qualifications must the "registered-design professional" possess? Specifically, does an architect qualify as the "registered-design professional" or must the professional be an engineer meeting the requirements previously provided by NCBELS for commissioning work?
 - This question was referred to the Board of Architects.
 - Secondly, may the "registered-design professional" be from the same firm as the one that provided the design? The NCECC 2018 does not specify. While NCBELS did not write the NCECC 2018, it does advise on what work licensed engineers may legally perform without creating a conflict of interest, both real or potential.
 - Unless prohibited by the agency or some other requirement, the Board would not prohibit.
- **Copyright Issue** – To address various longstanding questions related to issues of copyright, Mr. Logsdon drafted a letter to an attorney who specializes in copyright law. Mr. Logsdon shared his draft and asked fellow Board Members to review and contact him with any additional comments or issues they would like addressed.
 - This item is moved to Old Business until finalized.
- **Penn Engineering & Manufacturing Corp.** – Company is requesting a non-objection letter from the Board to get a COA with the Secretary of State.
 - After review and investigation, the Committee did not approve the issuance of a non-objection letter.
- **Comity and Initial Application Reviews** – Conducted.
 - Peter Nussbacher Comity Application Review
 - Lyle Lankford Comity Application Review
 - William Mack Comity Application Review
 - Ezra Kirbach Initial Application Review
 - Damien Di Vittorio Comity Application Review
- **Report Qualifier Question from J. Douglas Suttles, PLS** – Mr. Suttles sought input regarding the use of certain statements on engineering/surveying work products:

- “Engineering Firm hereby certifies the options and conclusions expressed herein have been formulated within a reasonable degree of professional certainty. They are based upon the application of reliable principles and scientific methodologies to all the facts, and only the facts, known by Engineering Firm when this report was issued, as well as knowledge, skill, experience, training, and/or education. Should additional information be discovered, Engineering Firm reserves the right to appropriately amend or augment these findings.”
 - Board Counsel, David Tuttle, after pursuing an understanding from Mr. Suttles as to what he felt the statement accomplished, relayed his determination that the substantive aspects of the statement are implicit in the rendering of the professional services and cannot be used to negate any professional obligations. Both the engineering and surveying committees agreed with Mr. Tuttle’s determination.
 - Mr. Logsdon further pointed to the requirement of adequate investigation and recognition of facts. He stated, “There is nothing wrong with the statement, but it cannot be used as a limitation on the responsibilities of compliance with Board rules.”
 - Mr. Tuttle to respond to the inquiry.
- **Cemetery Master Plans** – City of Charlotte provided an example and sought clarification regarding duties that must be performed by Professional Engineers and Professional Land Surveyors during the development of cemetery master plans.
 - The submission was reviewed by both the Engineering Committee and the Land Surveying Committee.
 - The Engineering Committee felt that elements of engineering were used to develop the cemetery master plan provided as an example. Although unable to provide a review of the plan that will be all-inclusive, the committee will provide the City of Charlotte with a review of the plan that should answer primary questions and serve as a guide for when additional guidance should be requested.
 - The Surveying Committee felt that certain elements of land surveying were involved in the development of the cemetery master plan provided. The committee identified those elements and will share those determinations in the response.
 - Both committees shared concerns regarding the lack of sealing and signing the documents.
 - Mr. Evans to produce a draft of a joint letter from both committees to address this request.
- **NTSB Safety Recommendations** – The Board was copied on a letter sent out by National Transportation Safety Board (NTSB). Prompted by studies of the Massachusetts pipeline explosion, NTSB seeks to remove an industrial exemption contained in G.S.89C-25(7a) which does not require the use of professional engineers in all situations. NTSB seeks to require that all future natural gas infrastructure projects require the approval and stamp of a licensed Professional Engineer.
 - Mr. Hoyle to research and report back.
 - Mr. Tuttle is to advise on the applicability of our current rules in order that the committee can determine the next steps.
 - Mr. Ritter noted that the original letter was addressed to the Governor along with approximately 30 other jurisdictions with similar language in their statutes. The letter requested the State’s response within 90 days. Mr. Ritter contacted the Governor’s office, informed them of the Board’s availability, and was told to expect a return call.
 - Matter to be moved to old business and monitored.

- **Review Draft Board Rule Change .0701(c)(3)** – Board directed item be added to the committee agenda during the October 2019 Planning Session.
 - Mr. Smith, Mr. Logsdon, and Mr. Tuttle are reviewing aspects of the rule to determine whether clarifying changes are necessary.
 - Mr. Logsdon stated that this rule would not be submitted at this time. In addition, Mr. Logsdon expressed that the subtleties of certain aspects of the rule need to be researched, compared with Model Rules, and refined. He explained that through consultation with Mr. Tuttle and in light of past Board discussions, certain clarifications are needed prior to subjecting to the rules review process. Timeline to be developed and item brought back before the Board.
- **Old Business**
- **Annual Rules Review per G.S. 150B – 19.1(b)/Proposed statute changes**
 - 8 Year Experience Requirement [G.S. 89C-13(a)(3)]
 - Long Established Practice [G.S. 89C – 13(a)(a3)]
- **BP-1012-01 – Subsurface Utilities Location Data Policy** – Reviewed by Surveying Committee on July 19, 2019.
 - Reviewed by Engineering Committee. Engineering Committee in agreement with Surveying Committee without additional input.
- **On-Site Wastewater – Task Force**
 - Mr. Smith, as the Board representative, informs the Board that two Meetings have convened thus far. These meetings occurred at the Legislative Building and has resulted in reviewing and passing greater than ninety percent of the rules before the Task Force. With a schedule of meeting on a monthly basis, the next meeting is scheduled for Monday, November 18, 2019. After resolution of the final issues, the task force expects to provide a final report to the Legislature by February 1, 2020.
 - With the issue coming out of the Engineering Committee, Mr. Smith makes a motion to revise the Subsurface Policy as presented. Chair Zoutewelle takes a vote and the motion is unanimously approved.
 - Chair Zoutewelle requested an update from Mr. Shields regarding a proposed subsurface utility engineering group. Mr. Shields informed the Board that there is an upcoming meeting to further discuss establishing a chapter. The group is working to establish “The Utility Engineering Surveying” chapter of the Institute. More information will be provided as progress is made.

Surveying Committee – Chair (Logsdon)

New Business – Mr. Logsdon stated that many of the issues before the Surveying Committee were conjoined with issues of the Engineering Committee and had already been reported on.

- **Adjoining Owner Questions** – A surveyor seeks the committee’s input regarding hypothetical scenarios involving the surveying of two adjoining landowners at the same time by the same surveyor. What are the obligations of the surveyor?
 - Mr. Logsdon pointed to Rule .0701(e)(1). Discussion ensued regarding the questions. Mr. Logsdon stated that Mr. Tuttle has found that questionable scenarios of this sort occur frequently and, as such, he recommends that the rule be reviewed at some point in the future to revise for clarity. The committee agrees with Mr. Tuttle’s recommendation.
- **Request for Staff Review of Maps** – Mr. Logsdon has suggested there would be a benefit to having staff do a preliminary review of maps.

- The issue is pending additional input at this time and is tabled until such input can be received.

Old Business:

- Review of Board Policies
- Minimum Requirements for Airborne Survey
- GICC Work Group – Committee Information
- Copyright
 - Copyright Letter – Chair Zoutewelle asked Mr. Logsdon about the status. Status is pending but expected soon.
- ASCE Utility Engineering and Surveying Institute

4. NCEES Activities (National Council of Examiners for Engineering and Surveying) - Executive Director

Mr. Ritter presented various items emanating from the NCEES, including the open period for nominations for NCEES national service awards, Mr. Ramseyer's candidacy for Southern Zone Secretary Treasurer, the NCEES Licensure Exchange, and the draft of the Resolution of Cooperation. Mr. Ritter explained that the essence is mobility and gave examples of what this Board has done to work towards the issue. Discussion ensued. This is a longstanding issue and further revisions are expected. The Board's newsletter is ready for review.

Chair Zoutewelle informed the Board that Christy Davis with the NC Society of Surveyors is here. He informed the Board of changes coming to the NCEES Surveyors' exam. The FS is going to stay the same, but the PS exam is moving towards separate, divisional exams, including a core PS topic, boundaries, mapping sciences, public lands, and incidental drainage. The Board must respond during the first quarter and identify which of the exams we would require candidates to take. He further stated that the Board would welcome input from Ms. Davis' organization.

5. Board Secretary Report – Executive Director and Board Secretary

- Mr. Logsdon reported that the Finance Committee, consisting of himself, Mr. Ellington, and Mr. Ritter, reviewed the draft documents for the budget. Mr. Ritter provided members with a copy of the draft budget. He explained the reasoning for each budgetary category and explained how historical data has been used to arrive at the proposed budget which includes the budget to secure a CPA firm. Mr. Logsdon explained his why he feels it is of value to have official financial policies. Following discussion, Ms. Salloum made a motion to approve the development of written financial policies. Mr. Shields seconded the motion. A vote was taken, and the motion was unanimously approved.
 - Ms. Thurman made a motion to approve the stated budget as presented. Mr. Smith seconded the motion. A vote was taken, and the motion was unanimously approved.

The Board broke for lunch at 12:15 p.m. and reconvened for the Board's regular order of business at 12:45 p.m.

- Mr. Logsdon requested that Mr. Ritter provide Board Members with a copy of a revenue chart for a discussion related to revenue and expenses, and the requirement that the Board maintain an adequate operating reserve. Members discussed current trends, historic examples, and possible strategies to maintain the operating reserve.
 - Board will maintain its current strategies and watch for indicators that suggest a new approach is needed. The recommendations, if any, of the upcoming internal audit will also be taken into consideration.

6. Violations Activity – Executive Director

Mr. Evans, noting that the end of the fiscal year was approaching, informed the Members that he would provide year-end data at the January Board Meeting. Mr. Evans then presented the Violations Report with data current as of November 4, 2019. He stated that the non-licensed case category experienced a slight decrease over the previous year. At this time 98 cases have been opened for the year. He provided data regarding the sources of the cases and data regarding the stage of completion of the 67 cases open as of that date. The average number of days from case open to investigation complete is currently 91 days. Directing the Board's attention to the Violations Report for the 94 cases that have closed thus far for 2019, he gave a categorical breakdown of those closed cases. Mr. Evans noted that there were also 261 Firm Inquiries as of November 4, 2019. Lastly, Mr. Evans provided a list of organizations for which the Board, via staff or Board Members, engaged in outreach Activities during 2019.

Mr. Logsdon expressed appreciation for Mr. Evans' efforts to decrease the average number of days from case open to investigation complete status.

7. Applications – Special Agenda Items for Board Approval – Director of Business Licensure & Compliance

- Continued from the September 11, 2019 Board Meeting, Mr. Mazanek reintroduced the request from Jim Levinson who originally sought to have the word “Engineers” allowed in a proposed LLC named “Crystals for Engineers.”
 - As directed at the September Board Meeting, staff sought additional information from Mr. Levinson to bring the issue back to the Board for further consideration.
 - Mr. Levinson responded by letter dated September 19, 2019.
 - Discussion ensued. Board Counsel gave a historical perspective and briefed the Board as to his opinion of the matter. Following the review and after discussion of the information, Mr. Shields made a motion to allow staff to issue a nonobjection letter to allow Mr. Levinson to use “Crystals for Engineers” as his LLC name. Ms. Thurman seconded the motion. A second round of discussion ensued. A vote was taken, and the motion was approved. Ms. Salloum dissented.
 - Staff was instructed to issue the requested nonobjection letter.
- Engineered Solutions of Georgia, Inc. requests the Board to allow them to obtain licensure as a Chapter 87 entity, obtain a certificate of authority with the NC Secretary of State, and obtain a limited license. During discussion, members asked that the Board Counsel give a historical perspective as to why North Carolina has the option of a limited license. Following his response, a motion to deny the request was made but failed to secure a second. The motion died. Following another brief period of discussion, Mr. Logsdon made a motion to approve the request. Mr. Smith seconded the motion. Mr. Logsdon requested clarification for what differentiates this request from the ONTEC request. The distinction was identified as being that ONTEC did not hold themselves out as doing any independent engineering at all. Following discussion, a vote was taken, and the motion was approved unanimously.
 - Staff was instructed to allow licensure as a Chapter 87 entity and allow to allow the company to obtain a certificate of authority from with the NC Secretary of State.
- Institute of Transportation Engineers – NC Section (NCSITE) requests a non-objection letter to allow them to file Articles of Incorporation using “engineers” in their name. This national organization seeks to incorporate a North Carolina chapter. Following introduction of the matter, Ms. Thurman made a motion to approve. The motion was seconded by Ms. Salloum. A vote was taken, and the motion was unanimously approved.
 - Staff was instructed to issue the requested nonobjection letter.
- WSP USA Buildings Inc. (F-0891) has requested that the Board allow them to use the d/b/a of “Leach Wallace Associates” or “Leach Wallace” (Acquired Company). Technicalities of the licensing structure under which the Acquired Company was initially licensed by the Board resulted in the Acquired Company losing its status as a licensed entity once it was acquired. The Acquired Company no longer meets the qualifications based on the governing NC Statutes and it

was suspended. Mr. Shields made a motion to deny WSP USA Buildings Inc. the use of the requested d/b/a. Ms. Thurman seconded the motion. Discussion ensued and following this round of discussion, a vote was taken and the motion to deny the request for use of the d/b/a was unanimously approved.

- Staff was instructed to not issue the requested nonobjection letter.
- Bobby Long & Associates – Mr. Long operated a sole proprietorship for many years and recently passed away. The company passed to Mr. Long's wife. Mr. Long's grandson is in the process of becoming a licensed surveyor. The request is that, after the grandson becomes a licensed land surveyor, they would like to use the name "Long Associates" as a nonexempt sole proprietorship. The company still has two other licensed surveyors on staff. Since Mr. Long is no longer part of the firm the name needs approval. Mr. Shields made a motion to approve the request. Ms. Thurman seconded the request. Discussion ensued. Mr. Tuttle responded to an inquiry as to why they could not continue with the same name. He stated that the sole proprietorship ended upon Mr. Long's death and no formal entity had been established prior to his death, thus requiring a new company name. This issue of sole proprietorship and the licensing as a firm was also discussed.

The Board took a brief break at 2:47 p.m. and reconvened at 2:57 p.m. to continue the regular order of business.

A vote was taken and the motion to permit the nonobjection letter allowing the name "Long Associates" was approved.

- Staff was instructed to issue the requested nonobjection letter.

8. Old Business - Executive Director

Mr. Ritter gave a report on his trip to Taiwan. There were seventeen individuals who sat for the test. He expressed his appreciation for the experience and his concern that the low turnout may affect Taiwan's ability to request the test again.

9. New Business - Executive Director

Mr. Ritter informed the Board that there will not be a hearing in December but, instead, there will be a conference call.

Mr. Ritter informed the Board that Wake Forest University has an Engineering program which has been in operation for approximately three years. The program is similar to the program at Campbell University. He has been asked to speak to participants of the class. Mr. Ritter has agreed to a speaking engagement to address students who have at least reached the second semester of their junior year. This speaking engagement is planned for the Spring of 2020.

Mr. Ritter showed the Board the recent copy of the Board's newsletter.

Mr. Ritter turned the meeting over to Mr. Smith who, as the upcoming Board Chair, was to designate the committee chairs.

- Mr. Smith provided his committee appointments to begin effective January 1, 2020.
 - CPC – Linda Thurman to remain as Committee Chair until her replacement is named.
 - Engineering – Mr. Hoyle is named as Committee Chair.
 - Surveying – Mr. Logsdon is named as the Committee Chair.

A letter from Gary Thompson was received. In the letter, he expressed his appreciation for being nominated for the award he received at the Annual Meeting.

The Board was informed that letters endorsing Mr. Smith for a second term and recommending Mr. Johnathan Care for reappointment have been mailed.

Mr. Ritter turned the meeting over to Mr. Tuttle for an update on the Rules Review status. Mr. Tuttle explained that an action was needed to approve the rules revisions for publication, including .1603. Mr. Shields asked if it was possible to include revisions to effect changes to the topic of responsible charge. Mr.

Tuttle confirmed that the topic would need to be addressed during the next round of changes. A motion to approve the rules revisions, including .1603 was made by Mr. Logsdon. Ms. Thurman seconded the motion. The Board voted and the motion to approve the rules revisions, including .1603 was unanimously approved.

Chair Zoutewelle informed the Board that he would be turning over the duty of officiating the December meeting to Mr. Smith as he will be unavailable due to travel obligations. He went on to express his appreciation for the support of his chairmanship during this past year. He expressed his enjoyment at working with Board Members and staff.

Mr. Zoutewelle entertained a motion to go into closed session for a personnel matter. Ms. Salloum motioned to go into closed session for a personnel matter. Mr. Hoyle seconded the motion. The Board went into closed session at 3:19 p.m.

The Board came out of the closed session at 3:47 p.m. and adjourned at 3:49 p.m. The Board is next scheduled to meet on December 11, 2019.

Respectfully submitted,

A handwritten signature in cursive script, reading "Carl M. Ellington, Jr.", written in dark ink.

Carl M. Ellington, Jr., PE
Secretary

Approved by the Board in Session

Date: March 4, 2020

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 23 and 24, 2019

Durham, North Carolina

Chair Zoutewelle gavelled the North Carolina Board of Examiners into session at 1:00 p.m. on Wednesday, October 23, 2019, to convene its regular order of business for the Board. Board member attendance was as follows:

Present:

Andrew G. Zoutewelle, PLS, Chair
Stacey A. Smith, PE, Vice Chair
John M. Logsdon, PLS, Secretary
Carl M. Ellington, Jr., PE
Dennis K. Hoyle, PE, PLS
Carol W. Salloum, Public
Bobbie Shields, PE
Linda A. Thurman, Public Member

Absent:

Richard M. Benton, PLS

1. Ethics Awareness and Conflict of Interest Reminder – Chair

To initiate the meeting, Chair Zoutewelle read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Executive Director

Mr. Ellington made a motion to approve the consent agenda as presented. Mr. Shields seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Comity Applications; Applications for 17 Professional Corporations, 18 Professional Limited Liability Companies, 2 Chapter 87 Corporations, 3 Business Firms, 1 Request to Use Individual's Name in Company Title, 4 Requests for use of d/b/a, and 2 Name Change Requests; Request for Board Authorized Case Openings; Comity; Retired Status Requests; and Settlement Conference Committees.

3. Closed Session

At 1:06 p.m. Ms. Thurman made a motion to go into closed session to discuss a personnel matter. Mr. Smith seconded the motion. Ms. Thurman made a motion at 1:28 p.m. and Ms. Salloum seconded the motion to come out of closed session and to resume open session.

4. Adoption of 2020 Board Calendar – Executive Director

Mr. Ritter presented the 2020 Board Calendar. Mr. Smith made a motion to approve the 2020 Board Calendar as presented. Mr. Logsdon seconded the motion. The Board voted, and the motion was unanimously approved.

5. Board Secretary's Report – Executive Director and Board Secretary

Mr. Logsdon requested the Board to consider authorizing an internal audit by the CPA firm Cherry Bekaert to review the Board's internal controls and accounting processes. Cherry Bekaert's proposal for services is \$17,850. Mr. Logsdon also requested the Board to consider Cherry

Bekaert's proposal to develop written accounting policies. Mr. Logsdon and Mr. Ritter recommend that if approved, the Board have the additional internal controls and accounting processes audit done every three years. It was reported that the Cherry Bekaert audit could be done in time for this year's audit. The matter was tabled for Mr. Ritter to get clarification on policy development costs. Mr. Ritter confirmed from Cherry Bekaert that its fee for this service would be \$25,000.

After discussion of a proposal from Unified Technology Systems to provide video conferencing technology in the Board's large conference room, Mr. Ellington made motion, and Ms. Thurman seconded the motion, to approve the expenditure of \$12,439.88 to implement the upgrades. The Board voted, and the motion was unanimously approved.

Mr. Ellington also made a motion to authorize staff to solicit pricing, and to spend up to \$20,000, to install a similar video conferencing system in the Board room. Mr. Logsdon seconded the motion. The Board voted, and the motion was unanimously approved.

Mr. Logsdon made a motion to adopt a Policy to allow, on cases by case basis, Board members to participate in Board meetings and Committee work sessions remotely. Ms. Salloum seconded the motion. The Board voted, and the motion was unanimously approved. Mr. Logsdon then moved for the Board to approve of Mr. Benton's remote participation at any Board or Committee meetings and to conduct any official business of the Board remotely for the next six months. Ms. Salloum seconded the motion. The Board voted, and the motion was unanimously approved. This Policy will be reevaluated at the Board's May 2020 meeting.

6. Old Business

Mr. Ritter reported on his meeting with CEO Christopher Chan from the North Carolina Economic Development Office. Mr. Ritter was provided assurances that the Economic Development Office would follow the Board's normal process for reviewing requests for licensing firms or letters of non-objection in the future so the Board would not have to convene special meetings to address company issues.

Mr. Ritter reported that the NCEES Board will be voting to allow Member Boards more time for consideration when floor amendments are made at NCEES meetings.

Mr. Ritter reported that the Board's cyber security audit has been completed with positive marks for the Board's systems. Further, Board staff has received training from the cyber security representative.

7. New Business

Mr. Smith made a motion to send a letter to Governor Cooper to endorse Jonathan Care's reappointment to the Board. Mr. Ellington seconded the motion. The Board voted, and the motion was approved. Ms. Salloum abstained from voting, indicating that she doesn't know Mr. Care, but has no issue with Board sending the letter to the Governor.

8. Election of 2020 Board Officers

After opening the floor for nominations, and hearing none, Ms. Thurman proposed the following slate of Board officers for 2020: Mr. Smith for Chair, Mr. Shields for Vice-Chair, and Mr. Ellington for Secretary. Each accepted the nomination to serve as officers in 2020. Ms. Thurman made a motion to accept the slate of officers. Mr. Salloum seconded the motion. The Board voted, and the individuals nominated for officers were selected unanimously by acclamation.

9. Planning Session – Vice Chair

The following topics were discussed:

- Continuing Professional Competency (CPC)
 - Should the Board consider changes to G. S. 89C to give the Board the ability to give grants?

After discussion of the Attorney General's opinion regarding the question, inconsistency with how other boards address this matter, and ethics course options for surveyors, the action items are: 1. Request David Tuttle to provide the Ethics Course curriculum from Texas Tech University, Murdough Center for Engineering Professionalism, so Board can review it for applicability for surveyors. 2. As incoming Chair, Mr. Smith will charge the 2020 CPC Committee to establish the conditions the Board should consider requests for funds. Mr. Logsdon also questioned whether the Board should adopt a Policy where no funds from license fees are used for anything other than Board work.

- Credit for Outreach activities

Given the majority of the Board members are in favor of allowing some CPC credit for outreach activities, such as 1-3 PDHs annually, Mr. Smith will charge the CPC Committee to review the NCEES Model Law and Model Rules and to present to the Board draft Board Rule changes. The CPC Committee should consider grade restrictions in developing the draft Rule changes.

- Sponsor Renewal Fee

Mr. Smith will charge the 2020 CPC Committee with determining what the Sponsor renewal fee should be and propose changes to G. S. 89C to implement a renewal fee. Board Counsel David Tuttle is to provide the Committee information regarding the legislative process to accomplish this change. Also, the Committee should investigate how many states require sponsorship.

- Review equivalent college course requirement for B.S. in Surveying requirement

Discussion ensued as to whether a B.S. in Engineering should count as a set number of hours towards the requirement of 45 hours in surveying. Currently, the practice is to allow 30 hours if the applicant has a B.S. in Civil Engineering. Mr. Smith tasked Mr. Ritter to research pathways to PLS licensure to include B.S. in Civil Engineering and B.S. in Civil Engineering Technology. Mr. Ritter will report his findings to the Surveying Committee, which will in turn report to the full Board.

The Board adjourned on Wednesday, October 23, 2019, at 5:30 p.m. and reconvened on Thursday, October 24, 2019, at 8:00 a.m. to resume its meeting and planning session.

10. CPC Committee

Ms. Thurman moved that the Board approve CPC Sponsor applications from PDHmade simple.com; A+ Continuing Education d/b/a PDHclass.com; MiTek; and Brainfiller, Inc. and to deny the application of BikeWalk North Carolina. The Board voted, and the motion was unanimously approved.

11. Board Secretary's Report Continued – Executive Director and Board Secretary

Mr. Ritter was tasked with obtaining a more detailed proposal from Cherry Bekaert to develop written accounting policies at a cost of \$25,000. Mr. Ritter is to bring this matter back to the Board at the meeting on November 13, 2019.

Ms. Salloum made a motion to authorize an audit by Cherry Bekaert to review the Board's internal controls and accounting processes for \$17,850. Mr. Smith seconded the motion. The Board voted, and the motion was unanimously approved.

12. Planning Session Continued – Vice Chair

The following topics were discussed:

- General discussion on the disciplinary process as it pertains to the hearing
 - 1) Materials provided to the Respondents
 - 2) Board's expert witness
 - 3) Citation for hearing
 - 4) Technical Review Committee member's participation in the hearing process
 - 5) Schedule for hearing

Mr. Logsdon recommended to incoming Chair Smith that a task force be formed to examine the disciplinary process as it relates to hearings. Mr. Logsdon volunteered to serve on the task force and recommended that outside counsel Doug Hanna participate. Mr. Ritter recommended that Mr. Smith consider appointing a PE and PLS member to the task force. Based upon the discussion, the task force should consider whether the exhibits prepared by an expert witness, if engaged, be provided to the respondent in advance of the hearing; determine the role of the technical member of review committee in the hearing process; develop a timeline for hearing preparation; and identify which paper exhibits the Board members should receive during the hearing versus viewing the material electronically.

- Surveying Exam Update
 - 1) State Surveying Exam
 - 2) NCEES PS – Will North Carolina commit to use? (Upon implementation of the divisional PS exam)

Mr. Zoutewelle provided an overview of the five proposed exam categories and advised that the NCEES EPS Committee will be requesting an informal commitment from boards in the spring of 2020 to identify the exam modules each board will require.

- 8 Year Experience Requirement for TAC/ABET Engineering graduates

The Board discussed whether the Board should consider changing G. S. 89C to align with the NCEES Position Statement on this issue, which is six years of experience versus the Board's current requirement of eight years. The majority of Board would like to explore this change.

- The discussion question is, "Should we encourage and recognize higher levels of professional engineering competence?"

Mr. Shields opined that the Board should take comprehensive look at the education model for engineers and surveyors. At this time, Mr. Shields seeks to raise awareness and is not asking for any Board action. Mr. Logsdon explained that there are national board certifications and the North Carolina State Bar has a program of certifications (12-15 different areas). Further, the State Bar has developed standards and exams and Mr. Logsdon would encourage using a model similar to the State Bar program for certifying different areas of practice. Mr. Ellington opined that requiring additional certifications could be viewed as regulating commerce. Discussion ensued regarding the Board's role being to determine minimum competence. As a result of the discussion, the Board will review emerging tools and technology annually in an effort to be proactive regarding Board Rule revisions and Policy changes.

- Responsible Charge refresher

Mr. Smith raised the question, and discussion ensued by the Board, about removing the employee requirement currently in Board Rule .0701(c)(3). The below draft Rule change is to be considered by the Engineering and Surveying Committees at the November 2019 meetings. The Committees should also consider the consequences of removal of the "employee" requirements.

Shall not affix the signature or seal to any engineering or land surveying plan or document dealing with subject matter for which the licensee lacks competence by virtue of education or experience, nor to any such plan or document not prepared under the licensee's direct supervisory control. ~~Direct supervisory control (responsible charge)~~ Responsible Charge requires a licensee ~~or employee to carry out all~~ oversee client contacts, provide internal and external financial control, ~~oversee employee training, assure competency,~~ and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review. ~~Direct supervisory control~~ Responsible Charge may be accomplished face to face or by other means of communication. A licensee shall not contract with a non-licensed individual to provide ~~these~~ professional services. Research, such as title searches and soil testing, may be contracted to a non-licensed individual, provided that individual is qualified or licensed to provide such service and provided the licensee reviews the work. The licensee may affix the seal and signature to drawings and documents depicting the work of two or more professionals provided it is designated by a note under the seal the specific subject matter for which each is responsible; and

- Dress code for Board Meetings

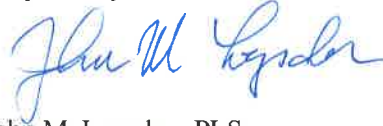
The majority of the Board favored continuing the tradition of wearing business formal at Board meetings.

13. Closed Session

At 11:41 a.m. Mr. Logsdon made a motion to go into closed session to discuss a personnel matter. Mr. Smith seconded the motion. The Board came out of closed session to resume open session at 12:03 p.m.

Ms. Salloum moved and Ms. Thurman seconded that the Board formally adjourn. The Board voted, and the motion was approved. The meeting adjourned on Thursday, October 24, 2019 at 12:04 p.m. The Board is next scheduled to meet on Wednesday, November 13, 2019.

Respectfully submitted,



John M. Logsdon, PLS
Secretary

Approved by the Board in Session

Date December 11, 2019

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 11, 2019

Raleigh, North Carolina

Board Chair, Andrew G. Zoutewelle, gavelled the North Carolina Board of Examiners into session at 10:33 a.m. on Wednesday, September 11, 2019 to conduct the regular order of business. Attendance was as follows:

Present:

Andrew G. Zoutewelle, PLS, Chair
Stacey A. Smith, PE, Vice-Chair
John M. Logsdon, PLS, Secretary
Linda A. Thurman, Public
Richard M. Benton, PLS
Bobbie Shields, PE
Dennis K. Hoyle, PE, PLS
Carl M. Ellington, Jr., PE
Carol W. Salloum, Public

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Zoutewelle read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. Mr. Smith identified The Curry Engineering Group, PLLC, a professional limited liability company currently seeking approval of a request to use a d/b/a. The matter is on the Consent Agenda. Mr. Smith states that he has a business relationship with this entity. Secondly, Mr. Smith notified the Board that he also has a conflict with an item appearing on the Review Committee Agenda portion of the Consent Agenda and, therefore, cannot vote on the associated recommended action. Mr. Smith will recuse himself from voting on the entire Consent Agenda to avoid the appearance of conflict.

2. Consent Agenda – Executive Director

Chair Zoutewelle noted the exceptional nature and circumstances which resulted in the August 9, 2019 special conference call. He thanked his fellow Board members for their willingness to make themselves available to assist in resolving the urgent need of Ontic, a foreign entity seeking to operate in North Carolina. Making it clear that the use of the nonconventional strategies employed by staff of the economic development community were the causative factors which resulted in the time sensitive need for an unscheduled issue resolution call, he assured members that the systems in place by Board staff are adequate. Further, he stated that guidance efforts are underway to ensure collaboration between the economic development community and Board staff regarding licensure processes in order to develop mutually favorable economic development strategies while reducing the likelihood of a recurrence of urgent consideration activities.

Mr. Smith recused himself from voting on the consent agenda. Mr. Benton made a motion to approve the consent agenda as presented. Ms. Thurman seconded the motion. The Board voted. The consent agenda was unanimously approved.

The consent agenda included: Request for Board Authorized Case Openings; Comity, Initial Licensure, PLS Exam, and PE Reinstatement Applications; Firm Applications for 23 Professional Corporations, 30 Professional Limited Liability Companies, 1 Chapter 87 Corporation, 2 Business Firms, 3 Requests to Use Individual's Name in Company Title, 4 Requests for use of d/b/a, and 4 Name Change Requests; Minutes; CPC Consent Agenda; Retired Status Requests; and Review Committee Agenda.

Chair Zoutewelle requested the Board's indulgence as he noted a memorable experience in the 1990s. Elaborating further, he recalled presenting at a seminar in Charlotte where Board Counsel, David Tuttle, also presented. Chair Zoutewelle noted that the setting was the first time he had met Mr. Tuttle. Rising from his seat, he displayed a plaque and moved forward to present the plaque to Mr. Tuttle on behalf of the Board. He stated that he has personally enjoyed working with Mr. Tuttle during his time on the Board and he expressed sincere appreciation for Mr. Tuttle's wisdom, knowledge, and dedicated service to the Board over the past 25 years. Mr. Tuttle graciously accepted the plaque and expressed his appreciation.

3. Committee Reports

CPC Committee - Chair (Thurman)

New Business

- Sponsor Application
 - McGill Associates, P.A. – Approved
- Newsletter Articles – The Committee received a request from an attorney. The attorney wanted to author an article for the Board's newsletter.
 - Committee was not in favor of allowing others to write for the Board but offered suggestions as to other avenues for requester's participation.
- McKissock, LLC (Sponsor) – Sponsor interaction driven by concerns expressed by a licensee. Staff investigated, determined the licensee's concerns had merit, and has communicated the concerns to sponsor who responded positively. Staff will continue to monitor sponsor's programs to ensure agreed upon modifications are made and continue in force to align with the Board's expectations.

Old Business

- AG's opinion received. The question was whether the Board was allowed to give money to outside organizations for education programming. It is the opinion of the Attorney General's office that, as the Board's Rules and the guiding statutes are written, the Board is limited to funding specific types of outside program activities. Ms. Thurman requested input from Board Counsel, David Tuttle. Item to be added to planning session topics.
 - Mr. Tuttle stated that the opinion makes clear that the Board is not allowed to do so at this time.
 - Mr. Benton questioned whether the AG's opinion precluded the Board from helping to fund organizations such as the NC Society for Surveyors.
 - Ms. Thurman explained that only community colleges, public or private institutions of higher education, state and county boards of education, or within the governing authorities of any educational centers.
 - Mr. Ritter points out that the AG opinion does mention that if the Board is so inclined, the Board may seek to allow funding to outside organizations for programming by seeking to change the regulatory statute.
 - Chair Zoutewelle recognized Ms. Thurman for her efforts to gain solid information and move towards resolution of long-standing issues.
 - Mr. Shields noted that South Carolina and some other states frequently fund educational programming endeavors of societies and other such organizations. As such, he questioned the alignment of the NC Statutes with Model Law in regard to funding such various societies for programing.
 - Mr. Tuttle and Mr. Ritter noted that such a comparison had not been made but could be completed quickly. Mr. Ritter suggested adding the topic to the list of planning session topics.
 - Ms. Thurman, prompted by the mention of planning session topics, sought to verify her list of planning session items and determine if each was still germane for the upcoming planning session. Her list included:
 - Renewal fee for sponsors?
 - In Model Law, K-12 outreach activities count towards PDH hours. Is this something the Board wants to consider?
 - Should there be a mandatory ethics component to the CPC requirements?
 - As discussed today, the AG's clarifications and whether the Board should consider changing the statute to permit funding?

- Annual Rules Review per G.S. 150B-191(b) / Proposed Statute Changes
 - As needed
- Sponsor Audits
 - On track.
- Senate Bill 553 – Informational item regarding online continuing education.

Engineering Committee – Chair (Smith)

New Business

- Committee received a site plan question from Christopher S. Sparks, PLS. Mr. Sparks sought the committee’s input prior to submitting a site plan to know if it was acceptable before it was issued. Does anything on the site plan constitute the practice of engineering?
 - Committee members felt that seeking input prior to the site plan being issued if there are questions or concerns is a good practice. It was determined that certain notes which specified certain aspects of the plan did constitute the practice of engineering. Staff was directed to prepare a response which explains the questionable areas of the plan which appear to constitute acts of engineering as opposed to acts of surveying and to explain the committee’s exceptions to the notes.
- HB 268 - Session Law 2019-15.1. An On-Site Wastewater Task Force was created – Mr. Smith will serve as the Board’s designated representative to serve on the Task Force.
- ONTIC Special Business Request. Determine if there are residual issues from August 9, 2019 special call. None were noted. Remove from agenda.
- EI Applicant with felony conviction seeks guidance as to avenue for licensure. Staff to follow-up with applicant to determine if his rights have been restored. Item moved to old business.
- FE Exam Waiver – Applicant, J. Hill, has a history of misdemeanor convictions. Applicant will need to meet the experience requirements and attend an administrative conference in order to answer questions related to criminal convictions and character. Staff to schedule administrative conference. Ms. Thurman and Mr. Smith will participate in the administrative conference with applicant.
- An individual who previously worked as a package development engineer under the industrial exception seeks to open his own company and name the company Plitt Package Engineer. Individual seeks to use the word “Engineer” in company name.
 - Individual is not an engineer. The committee did not have enough information to confirm this request.
 - Mr. Logsdon asked Mr. Smith to contrast this matter with the Ontic matter.
 - Mr. Smith and Mr. Ritter noted that the difference was linked to the fact that Mr. Plitt intends to provide services as compared with Ontic which will manufacture products.
 - Mr. Logsdon made note that a specific statute addresses the issue of a non engineer performing engineering work; while another statute addresses the issue of a company using the words “engineer” or “surveyor” in its name.
 - Mr. Logsdon requests that going forward the Board must be consistent in preserving the statutory stipulations.
 - Chair Zoutewelle directed staff to add “follow up and report on meeting BLNC” to the Engineering Committee’s old business for Board’s December meeting.
- Comity Applicant – C. Murphy, an applicant seeking comity licensure, has criminal convictions. His information and history were considered. Request approved.
- Foundation anchorage code clarification request from Mecklenburg County – Mecklenburg County code enforcement personnel has requested feedback on its draft “Foundation Anchorage Code Clarifications” publication which would provide guidance to engineers for submitting requests for changes to the code.

- Referred to the Code Counsel – The committee determined that the Code Counsel or similar groups would be more appropriate to contact for comments on the technical merits of the publication. The committee suggested that the response should also include guidance as to topics within the purview of the Engineering Committee.
- ASCE Utility Engineering and Surveying Institute – The formation of this group was initially an informational item. A preliminary understanding of the goals of the Institute lead the committee to determine that a review of utility related policies is warranted. A discussion is planned to take place during the December committee meeting and a newsletter article is planned for publication in the spring. Mr. Shields will author the article. Item is moved to old business.
 - Chair Zoutewelle asked Mr. Shields to elaborate regarding the focus of the planned article.
 - Mr. Shields stated that through monitoring and active engagement of the committee with this new entity, they will seek a greater understanding of its mission. After which, the necessary focus of the article will be more easily determined.
 - Chair Zoutewelle expressed his interest and availability related to the surveying specific components.
 - Mr. Shields will author the article with Chair Zoutewelle's input regarding surveying.
- Ms. Thurman requested that the experience requirement [G.S. 89C-13(a1)(3))] is added as a planning session discussion topic.

Old Business

- Annual Rules Review per G.S. 150B – 19.1(b)/Proposed statute changes
 - 8 Year Experience Requirement [G.S. 89C-13(a1)(3)]
 - Long Established Practice [G.S. 89C – 13(a)(a3)]
- Review Board Polices
- Engineering Committee Outreach
- American Traffic Solutions
 - Mr. Smith asked Mr. Tuttle to provide an update regarding Mr. Ceccarelli's request that the Board issue cease and desist letters. Mr. Tuttle noted that the opinion of the Attorney General's Office was pursued and, when received, was based upon their interpretation of the laws which govern the board. It confirmed that the Board did not have jurisdiction to issue cease and desist orders. However, if the Board choses, it could pursue injunctive relief. Mr. Tuttle presented a draft of the letter of response for committee review.
 - Based on staff research, there is no evidence that the company is still designing systems without securing the services of engineering firms to do so.
 - The committee approved the letter as written.
- Interior Design Profession Act Draft
- HB 675 – Request from NCDOT for Board Comment
- Farm Bill Amendment
- BLNC – Staff to follow up and report on meeting (added 9/11/19)
- Review utilities related policies (added 9/11/19)

Surveying Committee – Chair (Benton)

North Carolina Society of Surveyors – Mr. Benton introduced Christy C. Davis, Executive Director of the NC Society of Surveyors. Ms. Davis provided an update as to the outcome of efforts to secure a grant from NCEES. She stated that after extended discussion and negotiation, NCEES expressed willingness to enter into a partnership with NCSS. It was agreed to begin joint efforts to devise a regional pilot project aimed at

recruiting and assisting individuals in the pursuit of surveying, to gaining the necessary education, and to the final goal of licensure in the field. The project will be all inclusive but there will be emphasis on recruiting women and minorities. NCEES will hire someone to prepare the marketing plan and perform the actual marketing for the project. This will be a regional project and will benefit North Carolina and four other surrounding states. Those other states are Georgia, Tennessee, Virginia, and Maryland. It was noted that South Carolina was invited to participate but failed to respond to multiple offers. The participating states will implement the plan and determine best practices. Based on successful results, NCEES is open to taking the program, currently known as the Score Grant, nationwide. For the first year, NCEES has earmarked annual funding at \$365,000.00; however, funding for this first year may be impacted by the length of time it takes to hire the marketing person.

The Board acknowledged and expressed appreciation of Ms. Davis' efforts over the last couple of years. Mr. Shields suggested adding the topic of changing the statute to allow the Board to fund such efforts to the planning session.

Surveyor Work Session (July) – Mr. Benton provided details of the work session which included review of the following seven Board policies:

- Construction Staking
- Wetlands Mapping
- Volume Computation Surveys
- Subsurface Utilities Location Data
- Positional Tie Reporting
- Hydrographic Surveys
- Conservation Easements

It was noted that the policy related to unbuildable areas was discussed and noted that it was determined that the issues surrounding unbuildable areas had been resolved at an earlier committee meeting.

Mr. Benton recounted the benefits of having Mark Shaw and Robert Chrisman from Spatial Data participate in a portion of the work session. Their input was related to certification of airborne surveys and whether current certifications were adequate to cover airborne surveys. Of particular concern was the UAV/UAS surveys. Mr. Shaw and Mr. Chrisman informed the committee that they were currently working with NCDOT to come up with certification for NCDOT projects where such technology was in use. Through this interaction, it was learned that the current standard for certification and collection of UAV/UAS data is ASPRS (American Society of Photogrammetry and Remote Sensing). This option is not available as a North Carolina certification. The two options available for meeting the certification criterion in North Carolina are the FGDC (Federal Geographic Data Committee) and the NAIP (National Agricultural Imagery Program) certifications. Since the industry standard is ASPRS, the committee is reviewing the benefits of changing the Board's standard to ASPRS in order to more fully address the concerns regarding use of UAVs.

- Exhibit maps – The committee determined that regarding exhibit maps that do not fall within the practice of surveying, the PLS has the option of signing or not signing.
- Merging plats – The committee considered the practice whereby a surveyor takes a couple deeds and draws a plat from those sources. This practice, known as recombination, has been frequently questioned in instances where a parcel had been divided and is, again, being merged into a single parcel.
 - Mr. Benton stated that committee determined that a PLS can write a legal description to merge two parcels without surveying the parcels as long as no manipulation of the original data is made in order to construct the boundaries of the parcels being merged.
 - Mr. Benton asked Mr. Logsdon to comment on his rendering regarding the committee's conclusion regarding merging plats. Mr. Logsdon affirmed and, in order to further clarify the issue, stated that the surveyor may take two existing deeds and use the descriptions to create a combined description; however, the PLS cannot manipulate those descriptions, i.e., cannot rotate one description to the other or make any sort of adjustment.

- UAS company services – Following discussion, the committee determined that licensed professionals cannot sub out professional services that they, themselves, are not competent to provide; to non-licensed entities, even if such unlicensed entity is competent and working under the professional charge of the licensed entity. Chair Zoutewelle noted that in the use of aircrafts – a photogrammetrist is used.
 - The matter was discussed further and was deemed to be worthy of being added to the planning session list of discussion topics.
- Report of Survey – The Board Rules state that once a survey is completed, the client must be provided with either a map or a report or survey. Committee to look at further.
- Senate Bill 332 – Limits of Liability. Mr. Benton gave control of the floor over to Mr. Logsdon to explain how the bill affects the Board. Mr. Logsdon noted that previously there were at least four statutes which spoke to the statutes of limitations applicable to surveying.
 - Three-year statute of limitations for professional services.
 - Discovery Rule which could effectively extend that three-year statute rule, so the cause of action does not accrue until the damages are discovered.
 - Six-year – damages to real property.
 - Ten-year statute of repose which stated that the lawsuit must be brought within that period.

Mr. Logsdon explained that there was some confusion as to which statute governed the surveyors at any given time and that Senate Bill 332 would help to eliminate some of the questions. He explained that the bill states that there is a three-year statute of limitations for surveyors and, in no event will that be longer than seven years. Although there are delaying factors that affect when the three-year period begins, if a civil case for damages has not been brought within those time frames, such case cannot be brought. This bill simplifies the cutoff period to seven years.

Mr. Benton thanked the NCSS for driving this for the surveyors.

Old Business – Mr. Benton informed the Board of the following additional Old Business items discussed during the work session.

- AECOM – Exam proposal agreement signed
- Unlicensed practice involving GIS and innovative scanning technologies
- GICC Work Group-Committee Information
- Copyright issues as it relates to surveying plats
- Map reviews and practices to produce greater consistency with plat reviews for applicants seeking North Carolina licensure.
- New exam questions – re-write

Mr. Benton discussed the topics of interest discussed at the national meeting during the Surveyor Forum in Washington, D.C. He stated that there is still a lot of concern regarding mobility in the field of surveying. Discussion ensued resulting in various concerns with various area specific ordinances, how the issues compared to the issues faced by engineers, and how the issue relates to the state exam.

Mr. Benton moved to the Surveying Committee items. The following policies were updated:

- Subsurface Utilities Location Policy – Mr. Smith – requested that the vote on this policy be delayed as the committee determines if the policy is consistent with general engineering application. Item was pulled from vote to allow the engineering committee to weigh in. (Chair Zoutewelle instructed the Subsurface policy to be moved to Old Business)
- Wetlands, Buffers and Restricted Use Areas Policy
- Hydrographic Surveys Policy
- Report of Survey Policy

Following lunch, Ms. Thurman, recognizing the item as coming out of committee, moved to vote that all the policies are approved. Discussion ensued and the Subsurface Utilities Location Policy was tabled. The policies, except for the Subsurface Utilities Location Policy is voted on and unanimously approved.

AECOM Representative will write the computer-based exam which should be production-ready by October 2020. The program will randomly select from a variety of questions and produce twenty-five exam questions as noted in the five categories below:

1. Technical – 6
2. Rules – 6
3. Licensing Statutes – 4
4. Practice Related Statutes – 5
5. Drainage – 4

ASCE utilities Engineering and Surveying - Shields noted that they are monitoring and will report back

Limiting the use of plats. Mr. Benton defers to Logsdon who mentioned a 1999 article in the NC Surveyor by and individual who felt there was a need to put a copyright statement on the surveys. This has been troublesome to the Board primarily because it seems to be an attempt to limit the surveyor's responsibility. The view of the Board and of past survey committees is that when a survey is certified and signed and sealed, it is a statement that says, as of that moment in time, the document has been produced in compliance with Board Rules, Policies, Guidelines, and guiding statutes and you cannot limit those responsibilities by including copyrighting. Further, Mr. Logsdon mentioned Mr. Tuttle's prior research on the topic. In an effort to address this issue head-on, all administrative issues have been addressed to engage the services of attorney Arlene Hanks, who is the head of the Trademark and copyright section of Moore Van Allen. Mr. Logsdon and Mr. Tuttle had a call with Ms. Hanks and further discussions are planned in an effort to address the surveying community and produce an article for the newsletter. The needs of the engineering community will also be explored for review as well. One thing that is evident is that facts cannot be copyrighted but the design of a specific subdivision for a specific parcel can be copyrighted. Chair Zoutewelle noted that services that are more likely to be items that can be copyrighted would be more applicable to those in the engineering profession. Mr. Tuttle and Mr. Logsdon will provide Ms. Hanks with a list of questions for further consideration.

Chair Zoutewelle requested that the Engineering Committee review the issue and report back to at the next meeting.

Mr. Logsdon mentioned the concept of how the client and the professional can "agree" to whatever. Elaborating on the concept of the "implied license" standard he said you can give it away, but you cannot sublicense an implied license.

Survey Committee directed Mr. Mazanek develop a flowchart detailing the various pathways to licensure.

The Board broke for lunch at 12:10 p.m. and reconvened at 12:40 p.m.

Discussion regarding the following topics ensued.

- Mr. Logsdon explained the views of the Surveying Committee resulting in the changes
- Discussion ensued regarding banks, buffer zones, and the evolving county by county variable stances being encountered.
- Discussion regarding Volume Computation Surveys Policy. It was determined, for example, that if a payment is going to be made based upon the volume computation, then that is surveying.

Mr. Tuttle noted the correlation with the GICC discussions and suggested that more discussion may be needed and noted that the inclusions and exclusions "guidelines" can be used to further explain the issues.

4. NCEES Activities (National Council of Examiners for Engineering and Surveying) - Executive Director

Mr. Ritter presented various NCEES items including an article titled "Title Bout: Free Speech vs. Public Protection" in *The Magazine for Professional Engineers*. Mr. Ritter was interviewed for the article. In addition, various items related to the Annual Meeting in Washington, D.C. were discussed. Mr. Ritter will write a letter to NCEES regarding a need for there to be a process for allowing boards time to consult among

members prior to casting a vote at the national meetings. A review of Robert's Rules of Order took place and resulted in an understanding that as a small board, the Board Chair is permitted to vote.

5. Board Secretary Report – Executive Director and Board Secretary

- Mr. Logsdon provided an overview of the financial report and made note that the Board's revenue has been above budget while the expenses are slightly below budget. He suggested that it may be beneficial to attempt to close the gap between the estimated and actual budget.
- Mr. Ritter provided an update on the efforts to secure a CPA firm to do a perform an extensive review of the Board's internal book and recordkeeping practices. The process to secure someone to perform this task is ongoing.

6. Violations Activity – Executive Director

Mr. Evans presented the Violations Report with data current as of September 3, 2019. He provided information regarding the stage of completion of the 80 open cases as of that date, the average number of days from case open to investigation complete is currently 92 days, and the number and disposition of the cases closed thus far for 2019. There were 246 firm inquiries.

Mr. Ritter informed the Board that Ms. Salloum and Mr. Hoyle are cleared. Mr. Hoyle will have his first review committee meeting in November.

A respondent who receives a Decision and Right of Appeal after the Board hearing and has chosen to make a counteroffer. Mr. Benton made a motion that the Board will not accept any counteroffers for or on behalf of the respondent after the Board has rendered a decision after the Board hearing. Ms. Thurman seconded the motion. Discussion ensued. Acknowledging that an attorney is obligated to take the any offer to the client, the Board seeks to make clear that once a hearing has been requested, the Board will not entertain a counteroffer and approves Mr. Ritter and Mr. Tuttle, as senior management, to receive the obligatory communication and to speak for the Board. The will state to the outside counsel that "the Board will not entertain or accept counteroffers." Following a vote, the motion was unanimously approved.

7. Applications – Special Agenda Items for Board Approval – Director of Business Licensure & Compliance

- Mr. Mazanek introduced the request of Lea + Elliott, Inc. The firm is requesting an exception to use his name as they felt it would not be misleading and the name is widely recognized throughout the industry.
 - Following discussion, Mr. Ellington made a motion to approve the request for a non-objection letter. The motion was seconded by Mr. Benton. The Board voted and the motion was unanimously approved.
 - The Board directed staff to issue a non-objection letter.
- Mr. Mazanek introduced the request from Jim Levinson who seeks to have the word "Engineers" allowed in the proposed LLC named "Crystals for Engineers."
 - Following discussion, the Chair Zoutewelle entertained a motion. Ms. Thurman made a motion to also allow use of the name. Mr. Shields seconded the motion
 - Discussion ensued and Mr. Ellington asked for staff recommendation. Staff informed the Board that they did not object.
 - Chair Zoutewelle sought clarification
 - Ms. Thurman withdrew her motion
 - Mr. Shields withdrew his second of the motion
 - The Board directed staff to provide seek more information and bring the issue back to the Board.

Board took a brief break at 2:30 p.m. and reconvened at 2:33 p.m. Board Chair skipped ahead to New Business

8. Old Business - Executive Director

Mr. Tuttle provided an update as to the status of permanent rules changes. He asked for the Board's approval for staff to review and approve the Rules for publication. Chair Zoutewelle made a motion to approve the Rules for publication subject to de minimis changes received between now and October 11, 2019. Mr. Logsdon seconded the motion. The Board voted and the motion was unanimously approved.

9. New Business - Executive Director

Mr. Smith is recused. Mr. Benton made a motion to accept the Review Committee items. Second by Ms. Thurman. A vote was taken, and the motion was approved.

- Next meeting starts at 1:00 p.m. October 23 at the Washington Duke Inn
 - o Completion scheduled for around Noon on day two.

Chair Zoutewelle seeks member input as to how to complete the celebratory dinners for Mr. Care and Mr. Pond. Mr. Ritter to discuss with Care and Pond.

Doug Hanna advised of the dismissal in a case against the Board. The dismissal was without prejudice.

Mr. Ritter attended the ACEC Meeting in Wilmington. Although he was not a speaker, he felt the meeting had merit. The stock ownership requirement was discussed.

Mr. Smith is up for a second term. Mr. Zoutewelle made a motion that staff write a letter of recommendation that Mr. Smith be re-appointed to the Board. Mr. Benton seconded the motion. A vote was taken, and the motion was approved.

Disciplinary Item – Mr. Ritter gave the historical utilization for the use of an Administrative Law Judge. Staff requests approval to cite a case to be heard by an Administrative Law Judge. Ms. Thurman motioned to refer the case to ALJ. Ms. Salloum seconded the motion. Following brief discussion, a vote was taken, and the motion was unanimously approved.

Mr. Ritter checked with Mr. Logsdon and Mr. Smith as to planned articles for inclusion in the Newsletter.

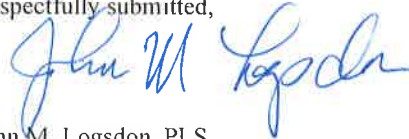
Board approved Mr. Ritter's attendance to train the 25 Taiwan delegation.

Mr. Ritter updated the Board on the items on his list of strategic initiatives and requested the members to submit any other items if needed.

Ms. Thurman made a motion to permit Mr. Ritter and Mr. Zoutewelle to sign the Records Storage Memorandum.

Ms. Thurman made a motion to adjourn. The Board adjourned at 3:39 p.m. The Board is next scheduled to meet on October 23, 2019.

Respectfully submitted,



John M. Logsdon, PLS
Secretary

Approved by the Board in Session

Date December 11, 2019

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

August 9, 2019

Raleigh, North Carolina

Board Chair Andrew G. Zoutewelle called a special teleconference call meeting of the North Carolina Board of Examiners into session at 9:01 a.m. on Friday, August 9, 2019. Attendance of Board, staff, and interested public was as follows:

Board Members on Teleconference Call:

Andrew G. Zoutewelle, PLS, Chair
Stacey A. Smith, PE, Vice-Chair
John M. Logsdon, PLS, Secretary
Carl M. Ellington, Jr., PE
Linda A. Thurman, Public Member
Dennis K. Hoyle, PE, PLS
Richard M. Benton, PLS

Board Members Absent from Teleconference Call:

Bobbie Shields, PE
Carol W. Salloum, Public Member

Staff

Andrew L. Ritter, Executive Director
David S. Tuttle, Board Counsel
David J. Evans, Assistant Executive Director
Mark Mazanek, Director of Licensure & Compliance
Cora A. Houston, Assistant

Public

Susan Scott, BA Aviation/ Legal Support
Jim Wrenn, Granville County, City Attorney
Mike Woodard, North Carolina Senator
Tim Karrin, Granville County Commissioner
Harry Mills, Granville County Business Development
Melissa Smith, Economic Development Partnership/BLNC
Chad Robson, Ontic, Vice President
Javier Hernandez, Ontic, Director of Integration
Ryan Klaus, Ontic, Manager, Global Business Development

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

Chair Zoutewelle read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Applications – Chair and Director, Licensure and Compliance

Chair Zoutewelle informed all in attendance of the circumstances which necessitated convening a special meeting and provided a brief introduction of the matter before the Board. He requested that all members of the public acknowledge their presence on the call by individually identifying themselves, the organization they represented, and their respective roles. Further, Chair Zoutewelle requested the identification of the person who would act as the point person for the public attendees during the call.

- Mr. Chad Robson was designated as the point person.

Chair Zoutewelle handed control over to Mr. Mazanek. Mr. Mazanek presented the details which required the company's request for a non-objection letter to be brought to the full Board for determination and informed the Board Members of the specific issue to be decided.

- Mr. Mazanek informed the Board that the use of the full company name in the State of North Carolina is to be decided.
- Mr. Ritter directed the attendees' attention to the Support Documentation provided by Ontic.
- Chair Zoutewelle requested that Mr. Smith, Chair of the Engineering Committee, give a summary of the Committee's response following its review of the request.

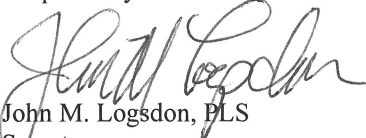
- Mr. Smith listed the factors the Committee considered relevant to its decision to not object to the request.
- Mr. Benton made a motion to accept the company name. Mr. Smith seconded the motion. Discussion ensued.
- Board Members questioned the specific products and services as well as the methods of producing the products and the techniques for advertising the products and services. Members also made inquiries specifically about the company's assertion that it was precluded from making concessions due to far reaching administrative obligations.
 - Mr. Zoutewelle requested clarification as to Ontic's business activities outside of North Carolina.
 - Mr. Hoyle asked about the license agreements and the nature of the matters that relate to the license agreements.
 - Mr. Logsdon commented on the request and on the application of the relevance of issues asserted.
- Mr. Robson individually provided answers to questions from Board Members and requested the Board to permit input from Mr. Hernandez on some technical inquiries.
 - Mr. Robson asserted that the company does not offer engineering services outside the company walls and provides internal engineering only to the extent that it provides after-market replicas of products designed by original engineering manufacturers (OEMs).
 - Further, Mr. Robson stated that the processes for manufacturing aeronautic products are heavily regulated by the Federal Aviation Administration (FAA), and by the Airworthiness Implementation Procedures Agreement between the FAA and the Civil Aviation Administration of China (CAAC) which went into effect October 2017.
- Following deliberation, Chair Zoutewelle initiated a roll call vote. The motion to approve use of the company name was unanimously approved by all members present on the call.
 - Staff was instructed to issue the letter of non-objection.

Chair Zoutewelle requested clarification as to the role of individuals on the call who were associated with Business Link North Carolina (BLNC) and stressed the importance of collaborative efforts between the economic development community and the Board going forward.

- Staff will meet with Ms. Smith to collaborate and develop mutually favorable procedural strategies directed towards aiding the economic development community and report back to the Board.

The Board having no further business, a motion to adjourn was made and seconded. Chair Zoutewelle adjourned the meeting at 9:46 a.m. The Board is next scheduled to meet September 11, 2019.

Respectfully submitted,


John M. Logsdon, PLS
Secretary

Approved by the Board in Session

Date 9-11-2019

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 17, 2019

Raleigh, North Carolina

Due to technical difficulties, the scheduled July 10, 2019 teleconference call meeting was rescheduled. Board Chair Andrew G. Zoutewelle called the rescheduled teleconference call meeting of the North Carolina Board of Examiners into session at 7:31 a.m. on Wednesday, July 17, 2019. Attendance of Board and staff was as follows:

Board Members on Teleconference Call:

Andrew G. Zoutewelle, PLS, Chair
Stacey A. Smith, PE, Vice-Chair
John M. Logsdon, PLS, Secretary
Carl M. Ellington, Jr., PE
Linda A. Thurman, Public Member
Dennis K. Hoyle, PE, PLS
Bobbie Shields, PE
Richard M. Benton, PLS
Carol W. Salloum, Public Member

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director
David S. Tuttle, Board Counsel
Cora A. Houston, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Chair Zoutewelle requested that staff member, Cora Houston, read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER which instructed any member of the Board who had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting to identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. Chair Zoutewelle affirmed that no member of the Board indicated a conflict or appearance of conflict.

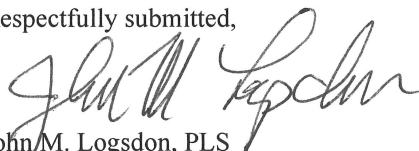
2. Consent Agenda – Chair

Mr. Logsdon made a request to amend an item of the consent agenda. As discussed with the Executive Director prior to the meeting, Mr. Logsdon informed the Board of a typo contained on the third line of the Revised Recommended Action paragraph of the June 26, 2019 Review Committee Agenda. He requested the removal of the phrase, “without hearing unless requested by respondent.” Mr. Benton made a motion to approve the amendment to the consent agenda item. Mr. Shields seconded the motion. A vote was taken, and the amendment was approved. Chair Zoutewelle invited a motion the approve the consent agenda as amended. Mr. Shields made a motion to approve the amended consent agenda. A vote was taken, and the amended consent agenda was unanimously approved.

The consent agenda consisted of a Request for Board Authorized Case Openings; Applications for Comity and Initial Licensure, and Applications for PE and PLS Reinstatement; Consent Agenda for Firm Applications & Firm Requests: Applications for 11 Professional Corporations, 15 Professional Limited Liability Companies, 1 Business Firm, 3 Name Change Requests, 3 Requests to Use Individual’s Name in Company Title, and 1 d/b/a Request; Retiree Status Requests; Review Committees; and Settlement Conferences.

The Board having no further business, Ms. Salloum made a motion to adjourn. Mr. Benton seconded the motion. Chair Zoutewelle adjourned the meeting at 7:38 a.m. The Board is next scheduled to meet Wednesday, September 11, 2019.

Respectfully submitted,


John M. Logsdon, PLS
Secretary

Approved by the Board in Session

Date 9-11-2019

July 17, 2019

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 12, 2019

Raleigh, North Carolina

Board Chair, Andrew G. Zoutewelle, gavelled the North Carolina Board of Examiners into session at 10:35 a.m. on Wednesday, June 12, 2019 to conduct the regular order of business. Attendance was as follows:

Present:

Andrew G. Zoutewelle, PLS, Chair
Stacey A. Smith, PE, Vice-Chair
John M. Logsdon, PLS, Secretary
Linda A. Thurman, Public
Richard M. Benton, PLS
Bobbie Shields, PE
Dennis K. Hoyle, PE, PLS

Absent:

Carl M Ellington, Jr., PE
Carol W. Salloum, Public

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Zoutewelle read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Executive Director

Mr. Benton made a motion to approve the consent agenda as presented. Mr. Smith seconded the motion. The Board voted. The consent agenda was unanimously approved.

The consent agenda included: Comity Applications; Firm Applications for 14 Professional Corporations, 21 Professional Limited Liability Companies, 4 Chapter 87 Corporations, 3 Business Firms, 2 Requests to Use Individual's Name in Company Title, 4 Requests for use of d/b/a, and 3 Name Change Requests; Request for Board Authorized Case Openings; Comity; CPC Committee; Minutes; Retired Status Requests; and Review Committees.

Recognizing the guest, William C. Bracken, Chair Zoutewelle skipped ahead to item seven (7): Special Agenda Items Requiring Board Approval.

3. Committee Reports

CPC Committee - Chair (Thurman)

New Business

- Sponsor Applications
 - Center for Watershed Protection – tabled pending response to committee concerns
 - Permeable Grid Solutions, LLC – tabled pending receipt and review of sample of program
- Senate Bill 553 (Informational Item) Study Online Continuing Education requirements. Item will be moved to Old Business and monitored.
 - Mr. Ritter stated that the Board is already in compliance with the objective of the bill if it does pass since the Board already allows for online CE for CPC.

Old Business

- Annual Rules Review per G.S. 150B-191(b) / Proposed Statute Changes
 - As needed
- Sponsor Audits
 - On track.
- CPC Task Force - Chair (Thurman)

Evaluation of the rules and structures of the CPC Program – 2019 Charges.

- Certification, Standards, Annual Renewal and Renewal Fees
 - Sponsor Certification Process – Standards used by staff for certifying sponsors was reviewed and, along with the criteria used by staff to determine need to elevate issues to committee, deemed thorough and complete.
 - Sponsor Audit – Requests staff determine the feasibility of increasing number of sponsor audits performed. Ms. Thurman to work with Mr. Evans to accomplish.
 - Sponsor Renewal Fee – Benefit of implementing fee is discussed. What is the formal sponsor renewal process for purging inactive sponsors?
 - Mr. Ritter informed the Board that the process requires annual renewal but does not include a fee.
 - Item will be added to planning session agenda.
- Current Standards, PDH Course Content clarity, and Enforceability
 - Standards were discussed and all are considered enforceable.
 - Website identifies “typical non-qualifying activities.”
 - NCEES and Board differ on “outreach activities for K-12.” Further discussion necessary.
 - Credit for outreach activities to be added to planning session agenda.
- Evaluate need for mandatory ethics component.
 - Lack of available programs.
 - Small number of overall licensees have ethical violations.
 - Is option wanted? Poll licensees.
- Attorney General Clarification of G.S. 89-10(g).
 - No consensus among CPC Committee Task Force Members.
 - Full Board discussion is considered.
 - Is an Attorney General interpretation necessary?
 - Mr. Logsdon to review previous draft of letter and work with Mr. Tuttle to finalize.
 - Tabled until receipt of response from Attorney General’s office.

Engineering Committee – Chair (Smith)

New Business

- City of Raleigh - Emergency Responder Radio Coverage Enhancement System (Informational Item)
 - City of Raleigh requested opinion of the committee as to whether the act of designing the enhancement system constitutes the practice of engineering.
 - Committee concluded the act does constitute engineering. Following notification of the determination, the City of Raleigh has issued a technical bulletin stating that a design professional would be involved. Committee’s written response will copy the Department of Insurance for dissemination to other municipalities.
- Farm Bill Amendment (Informational Item)
 - In one section of the bill, there is an attempt to strike the word “federal.” This would permit what is currently a small number of State employees the ability to do some of the farm bill related engineering work and allow other employees authorized through the NRCS and the Soil Water Conservation Service to also do work under the farm bill.
 - Amendment is acknowledged and recognized as pending approval.
 - Mr. Ritter further explained that the Board was simply informed of the possibility of the modification as a courtesy without request for input.

Old Business

- Annual Rules Review per G.S. 150B – 19.1(b)/Proposed statute changes
 - 8 Year Experience Requirement [G.S. 89C-13(a1)(3)]
 - Long Established Practice [G.S. 89C – 13(a)(a3)]
- Review Board Policies
- Engineering Committee Outreach
- American Traffic Solutions
- Interior Design Profession Act Draft
- HB 675 – Request from NCDOT for Board Comment

Surveying Committee – Chair (Benton)

New Business

- Powell Bill Maps
 - Resolved - Mr. Tuttle spoke with Mr. Thompson and gained clarification of needs and concerns.
- Application Map requirement
 - Surveying Committee will hold a two-day work session to take place July 25 – 26, 2019.
 - Applicant review requirements
 - Annexation Maps
- Unbuildable Areas – Wetlands Policy name to be changed to Restricted Use Areas in order to include other types of unbuildable areas. Committee will work to determine if other buffers and easements should be included.
- Minimum Requirements for an Airborne Survey – Committee plans to bring in Mr. Mark Shaw, a representative from NCDOT, and will seek other interested parties to participate in the July 25-26 work session.
- NC Reference Guide for the Design/Construction Industries in NC
 - Originated with the Architectural Board.
 - Mr. Ritter and Mr. Tuttle will answer questions in the template for both surveying and engineering.
- Map for Exhibit Attachment
 - Will be discussed at the July 25, 26 work session.
- Merger Plat Question
 - Will be discussed at the July 25, 26 work session
- Design of Construction in the SFHA
 - Surveyors do not perform design work related to buildings in flood hazard areas; however, in instances where a building needs to be raised in a flood hazard area, surveyors may, using pre-existing engineered designs, issue a pre-elevation certificate.
- Surveying committee wants to establish a practice whereby responses to licensee inquiries are handled via ShareFile workflows whereby each committee member has an opportunity to review and approve.
- Mr. Logsdon informed the Board that the committee has resolved the final language on the exam proposal contract with AECOM and it will be going out.
 - Mr. Ritter confirmed that the “motion” requirements were fulfilled under the language of the previous motion on the topic which approved the “final language.”

- Mr. Logsdon stated that the issues related to “responsibility” and “potential breach of confidentiality of exam questions” as noted to be concerns of the Engineering Committee were considered, addressed, and not found to impact pricing.
- UAS Company Services (sub-category – responsible charge) – Not covered due to time constraints.

Prior to breaking for lunch, Chair Zoutewelle expressed his appreciation for all efforts which led to his successful run for the office of NCEES Southern Zone Assistant Vice President. He noted the significance of the national level representation for the State of North Carolina.

The Board broke for lunch at 11:58 a.m. and reconvened at 12:45 p.m.

Old Business

- Review of Board Policies
- AECOM Exam Proposal
- Unlicensed Practice involving GIS and Innovative Scanning Technologies
- GICC Work Group-Committee Information
- Copyright
- Map Reviews
- Exam Question Re-Write

4. NCEES Activities (National Council of Examiners for Engineering and Surveying) - Executive Director

- Mr. Ritter gave a summary of topics covered at the Southern Zone Meeting and provided details related to the standing of the meeting’s 2019 Motions which will be further considered at the National Meeting in August. He informed the Board of notable differences in the number and types of motions presented at this year’s Southern Zone Meeting when compared with the number and types considered in previous years. In addition, he briefed the Board on items discussed on the consent agenda.
- A motion regarding the path to professional engineer licensure for individuals degreed in the field of engineering technology is under consideration and is slated to have the language regarding the involvement of ETAC/ABET amended.
 - Seventeen states do not recognize a degree in engineering technology as meeting the educational requirements for professional engineer licensure. North Carolina is among the states that allow a degree in the field of engineering technology as a path to becoming a licensed professional engineer. However, North Carolina requires additional engineering experience to compensate for the recognized discrepancies between conventional engineering studies and those of the engineering technology programs.
- The Oklahoma Board has invited the Board to, during the National Meeting, sponsor the motion to amend the initial motion presented at the Southern Zone Meeting as a motion from the floor once the amendment is finalized. The topic was thoroughly discussed and considered.
 - Mr. Shields made a motion that the Board decline the invitation from Oklahoma to sponsor a motion from the floor to amend the engineering technology motion. Mr. Benton seconded the motion. Following additional discussion, a vote was taken, and the motion was approved.
 - Board Members will determine how the group will handle the vote if there is a motion to amend during the National Meeting which requires a Board vote.
- Mr. Ritter introduced the second motion to be considered which is not on the consent agenda. He informed the Board that during the zone reports portion of the meeting a motion was made to allow NCEES to take over zone finances. Further, he stated that NCEES has long assisted with the balancing of the books and other finance related activities for the zones. Formalizing the role will allow for ease of handling by allowing NCEES to add the zone monies to its overall budget. The motion will not transfer the decision-making authority to NCEES.
 - Following questions regarding the correlation between budgeting and control of allocations, Chair Zoutewelle explained that the request is being driven by the NCEES Board of Directors

in order to avoid inconsistent application of monetary expenditures designations in order to ensure that each zone complies with general accounting principles.

- Registration fees will determine the zone budgets per zone.
- Mr. Ritter discussed the logistics, programs, and meetings for the upcoming Annual Meeting.
- Mr. Ritter informed the Board that Gary Thompson was selected for the Distinguished Service Award with Special Commendation and would receive the award at the National Meeting.

5. Board Secretary Report – Executive Director and Board Secretary

- Mr. Ritter provided an overview of the April 2019 financial report and answered related questions.
- Mr. Logsdon reiterated the concerns he expressed during the April 17, 2019 Board Meeting regarding the interpretation of the language contained in the mutual representation documents, provided in connection with audits of the financial statements of the Board, and the Board's ability to confidently assert the accuracy of the statements which require signature on behalf of the Board. Discussion ensued.
 - Mr. Logsdon has latitude to work with staff to explore options and secure resources necessary to determine whether the design, implementation, and maintenance of internal control are free from material misstatement prior to the next audit.

6. Violations Activity – Executive Director

Mr. Ritter presented the Violations Report with data current as of June 3, 2019. He provided information regarding the stage of completion of the 81 open cases as of that date, the average number of days from case open to investigation complete, and the number and disposition of the cases closed thus far for 2019.

Mr. Ritter noted that Board Member, Dennis Hoyle, recognized by the PENC Southern Chapter was presented with the Engineer of the Year Award.

7. Applications – Special Agenda Items for Board Approval – Director of Business Licensure & Compliance

- Mr. Mazanek introduced the request of JSH Engineering Services, PLL. The company seeks the Board's permission to use their legal name, JS Held Engineering Services, PLLC, as established in the State of Florida. Company owner, William C. Bracken, summarized efforts and provided reasons for the request. Board Members questioned Mr. Bracken, followed by discussion and identification of unique factors that were deemed sufficient to support the issuing of a non-objection letter and permit use of the legal name of the Florida entity.
 - Following discussion, Mr. Benton made a motion to approve the request for a non-objection letter. The motion was seconded by Ms. Thurman. The Board voted and the motion was unanimously approved.
 - The Board directed staff to issue a non-objection letter.
- Mr. Ritter and Mr. Mazanek introduced the request from software company, Virtual Surveyor North America, Inc. The services provided by this entity were previously discussed in committee. The Surveying Committee determined that their services would not be considered surveying. The Board is now being asked to determine if the name is misleading and, if not, approve staff to issue a non-objection letter.
 - Following discussion, Ms. Thurman made a motion to also allow use of the name. Mr. Benton seconded the motion. The Board voted and the motion was unanimously approved.
 - The Board directed staff to issue a non-objection letter.

Chair Zoutewelle resumes at item number three (3), Committee Reports.

8. Old Business - Executive Director

None

9. New Business - Executive Director

Land Surveying Review Committee (05-01-19) Benton – Surveying

- Mr. Logsdon is recused from this matter.
- Mr. Smith made a motion to approve the three (3) actions listed on the May 1, 2019 Review Committee Agenda. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved. Mr. Logsdon abstained from voting on the matter.

Dallas Miller – Hearing - Offer of Post Determination Settlement

- Respondent's counsel has offered to drop the appeal if the action is reduced to a reprimand. Board's outside counsel, as required by statute, relayed the request to the Board. The handling of post determination settlement offers was discussed and the consensus among members was that the established process prohibits consideration of post determination settlement offers. Mr. Zoutewelle made a motion to deny the request to consider the offer. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved.
 - Mr. Logsdon was able to participate in the vote since this matter has been ruled on.

Non-Licensed entity – Request

- Staff seeks CPC review and policy determination regarding any request from a non-licensed entity to have an unsolicited article published in the Board newsletter.
- Survey Committee will review the request for topic merit consideration and, if applicable, handling.

Request for Outreach Assistance

- Mr. Ritter presented a letter from the North Carolina Irrigation Contractor's Licensing Board (NCICLB).
 - The NCICLB seeks the Board's assistance in bringing awareness to the public and to professions and industries connected to the industry.
 - The Board does not feel that the request is within the purview of the Board's mandate under 89C.
 - NCICLB wants to provide an article for the Board's newsletter.
 - Such submission was not confirmed
 - NCICLB requested a listing of the email addresses of Board licensees.
 - NCICLB was provided with contact information for licensees.

UNC Wilmington – Coastal Engineering Advisory Board Meeting

- Mr. Ritter attended his first advisory board meeting and reported to the Board.
 - The differences between co-ops and internship was discussed.

ACEC – Summer Meeting

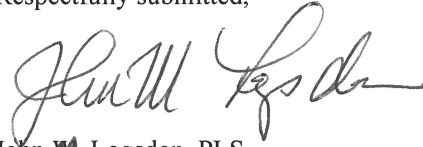
- Mr. Ritter will attend the two-day meeting.

Chair Zoutewelle sought an update to Board assigned staff initiatives. Mr. Ritter provided an update as to recently completed tasks.

Mr. Benton requested the status of the final Macia issue. Mr. Logsdon confirmed that report was finalized and concluded.

Mr. Benton made a motion to adjourn. Mr. Smith seconded the motion. The Board adjourned at 3:19 p.m. The Board is next scheduled to meet on July 10, 2019.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John M. Logsdon". The signature is fluid and cursive, with the first name "John" being the most prominent.

John ~~M~~. Logsdon, PLS
Secretary

Approved by the Board in Session

Date 9-11-2019

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

April 17 – 18, 2019

Raleigh, North Carolina

Board Chair, Andrew G. Zoutewelle, gaveled the North Carolina Board of Examiners into session at 9:29 a.m. on Wednesday, April 17, 2019 to conduct the hearing in the matter of Dallas G. Miller (Case V2016-085). Attendance was as follows:

Present:

Andrew G. Zoutewelle, PLS, Chair
Stacey A. Smith, PE, Vice-Chair
Linda A. Thurman, Public
Richard M. Benton, PLS
Bobbie Shields, PE
Dennis K. Hoyle, PE, PLS

Recused:

John M. Logsdon, PLS, Secretary

Absent:

Carl M. Ellington, Jr., PE

Excused:

Carol W. Salloum, Public

Prosecuting Counsel:

Patricia P. Shields \ Hedrick Gardner Kincheloe & Garofalo LLP

Advisory Counsel to the Board:

Douglas W. Hanna \ Graebe Hanna & Sullivan, PLLC

Executive Director:

Andrew L. Ritter

Assistant Executive Director:

David J. Evans

Board Investigator:

Tina Curran

Court Reporter:

Carol M. Smith, CVR

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Zoutewelle read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Hearing – Dallas G. Miller, PLS (V2016-085)

The Board recognized individuals present for the hearing. The hearing was conducted. The Board then deliberated on the matter.

Chair Zoutewelle gaveled the meeting back into session on April 18, 2019 at 9:42 a.m. to reconvene its regular order of business for the Board. Board attendance was as follows:

Present:

Andrew G. Zoutewelle, PLS, Chair
Stacey A. Smith, PE, Vice-Chair
John M. Logsdon, PLS, Secretary
Carl M. Ellington, Jr., PE
Linda A. Thurman, Public
Richard M. Benton, PLS
Bobbie Shields, PE
Dennis K. Hoyle, PE, PLS
Carol W. Salloum, Public

Absent:

3. Consent Agenda – Executive Director

The ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER was, again, read by the Chair for the benefit of any Board members not present during the reading prior to the April 17, 2019 hearing. The Chair asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

Mr. Ellington made a motion to approve the consent agenda as presented. Mr. Smith seconded the motion. The Board voted. The consent agenda was unanimously approved.

The consent agenda included: Comity Applications; Firm Applications for 5 Professional Corporations, 21 Professional Limited Liability Companies, 1 Chapter 87 Corporation, 1 Business Firm, 3 Requests to Use Individual's Name in Company Title, 2 Requests for use of d/b/a, and 3 Name Change Requests; Request for Board Authorized Case Openings; Comity; CPC Committee; Minutes; Retired Status Requests; Review Committees; and Settlement Conferences.

4. New Board Member Appointments

Chair Zoutewelle welcomed newly appointed Board Members, Dennis K. Hoyle, PE, PLS and Carol W. Salloum, Public Member. Ms. Salloum was appointed to the Surveying Committee and Mr. Hoyle was appointed to the Engineering Committee. Mr. Ritter noted that, as required, all appointment documents will be attached to the meeting minutes. Further, Mr. Ritter noted that the documents will also reflect Mr. Zoutewelle's reappointment for a second term.

5. Committee Reports

CPC Committee - Chair (Thurman)

New Business

- Sponsor Application - Corrosion College/Robroy Industries Texas, LLC – Approved via Consent Agenda
- Request for CPC Determination – Is it permissible for Board members to receive CPC credit for articles written for the Board newsletter? Ms. Thurman noted that this type of request was addressed during the December 13, 2017 meeting of the Board. She further informed the Board that during that meeting, the then CPC Committee made a motion to deny the request and, following a vote by the full Board, the request was denied. The current CPC Committee uploads the determination made during the December 13, 2017 meeting.

Old Business

- CPC Task Force members, Ms. Thurman, Mr. Ellington, and Mr. Zoutewelle met in March 2019. The members anticipate providing a report on the below issues at the June meeting.
 - Annual Rules Review per G.S. 150B-191(b) / Proposed Statute Changes
 - Sponsor Audits
 - CPC Grant Discussion

Engineering Committee – Chair (Smith)

New Business

- Mr. Smith informed the Board that the committee resolved issues relative to the below topics and, in addition, reviewed three applications. He noted that the two applications that did not meet model law standards were denied and one application was approved.
 - Powell Bill Maps – Should engineers and surveyors have the same statements with regards to the maps. The committee determined that, rather than a dictated or uniform certification, the rules of conduct for the engineer should govern.
 - Responsible Charge Question – Is an individual required to be an employee in order to be under the responsible charge of the PE? – The Engineering Committee confirms.
 - Messrs. Logsdon and Smith to co-author an article on the topic and report incidental findings to the Board for discussion prior to publication.
 - American Traffic Solutions – PE has requested specific action of the committee. Committee will seek input from the Office of the Attorney General.
 - E-N-G – Electronic News Gathering, a company that customizes mobile vans for customers such as news outlets and mobile labs, has requested a non-objection letter. Committee to provide company with certain terms and conditions required for obtaining the non-

objection letter and seek verification of compliance with the terms and conditions prior to providing such non-objection letter.

- The Engineering Committee motioned to prepare a letter of non-objection following the receipt of prerequisite assurances from E-N-G. Following discussion, a vote was taken, and the motion was unanimously approved.
- Interior Design Profession Act Draft – Interior design professionals seek to create their own board. The board would allow interior design professionals to do non-structural work which may include tasks such as securing permits. The group sought committee input regarding who should make the structural determinations. This is a developing activity. Committee will monitor the progress. Item to be moved to Old Business.
- Use of the phrase “professional opinion” in engineering reports – Following discussion, the committee concluded that there was no need for differentiation between “opinion” and “professional opinion” as long as the engineer follows the rules of professional conduct. While acknowledging that some municipalities may seek additional clarification, the Engineering Committee views either as a certification.
- Hunt, Guillot & Associates, LLC – Inspection Services – Checklists used for certain types of inspections by non-licensees is questioned. The committee reviewed examples provided. While some aspects of some items on the lists could be considered engineering, the committee determined that use of the checklists as an initial screening tool when quick assessment of damaged or disaster areas is required, the checklists may be used by non-licensees to identify potential problem areas which may require a more thorough assessment by a licensed professional.
- Design of Structures in Special Flood Hazard Areas – Guidance sought to develop thresholds for allowing residential structures in flood hazard areas. Of particular interest were items such as low-value decks and fencing. The committee reviewed FEMA published guidelines and determined that the FEMA guidelines which identify when an engineering professional is required provides adequate guidance. However, for issues outside of the prescriptive building code, the committee stressed the necessity of a professional engineer.
- HB 675 – Request from NCDOT for Board Comment – Bill changes some of the threshold requirements as to when a PE is required.
 - Engineering Committee will participate with NCDOT and the Architecture Board to monitor and evaluate effects, if any.

Old Business

- Annual Rules Review per G.S. 150B – 19.1(b)/Proposed statute changes
 - 8 Year Experience Requirement [G.S. 89C-13(a1)(3)]
 - Long Established Practice [G.S. 89C – 13(a)(a3)]
- Review Board Policies
- Engineering Committee Outreach
- Interior Design Profession Act Draft (*added at current Board Meeting*)

Surveying Committee – Chair (Benton)

New Business

- Powell Bill Maps – Following discussion, committee members requested that Mr. Tuttle contact Mr. Gary Thompson for clarification of his request of the Board. Mr. Tuttle is to report back to committee.
- Unbuildable Areas – Arising out of a seminar, the issue relates to the methodologies used to determine the average slope for a buildable area and whether a particular unbuildable mountain area needs to be monumented.

- The committee determined that the issue falls under the Board's wetlands policy. The wetlands policy states that an area must be delineated and tied to the boundary by bearing and distance so it can be identified but is not required to be monumented.
- Committee to review options for boarder application of wetlands policy.
- Kentucky Exam – State has eliminated its state specific exam. NCEES is taking active steps to make comity between the states easier. Recognizing the global sameness of engineering, state-to-state differences found in the field of surveying were discussed. The National, a national level committee of which Chair Zoutewelle is a member, is also active in the effort to make comity easier. Chair Zoutewelle was asked to expound upon the efforts.
 - Chair Zoutewelle referenced the “Western Motion,” a motion passed two years earlier under which NCEES was instructed by the Council to investigate the possibility of establishing a PLSS (Public Lands Survey System) exam as a separate exam from the PS (Professional Surveyors) exam. North Carolina does not have public lands requiring such a survey system. Mr. Zoutewelle stated that there is very little public lands East of the Mississippi; however, everything West of the Mississippi is public lands. Areas of public lands can be recognized from an aerial view when flying West as the large square areas of farmland. Public lands require a very unique type of surveying with a set of unique surveying rules.

After sharing additional historic information, Chair Zoutewelle informed the Board that efforts have resulted in four divisional exams. He provided notice that the topic would be thoroughly covered in upcoming regional and national meetings.

- Applicant Map Requirements – Instructions and guidelines to be reviewed.
- Minimum Requirements for an Airborne Survey – Committee will seek input from Mr. Mark Shaw, a highly experienced photogrammetrist.

Agenda items not covered due to time constraints.

- Map for Exhibit Attachment
- Merger Plat Question
- Design of Construction in the SFHA

Old Business

- Review of Board Policies
- AECOM Exam Proposal
- Unlicensed Practice involving GIS and Innovative Scanning Technologies
- GICC Work Group-Committee Information
- Sample Plat Revisions
- Copyright
- Map Reviews
- Exam Question Re-Write

6. NCEES Activities (National Council of Examiners for Engineering and Surveying) Executive Director

- Mr. Ritter notified the Board of the upcoming relocation of the NCEES headquarters to Greenville, S.C. Chair Zoutewelle provided additional details.
- Mr. Ritter informed the Board of a recent minor change to NCEES' protocol, and subsequent requirements of a Board motion and completion of forms, to permit past Board members to be considered emeritus members. He presented a completed NCEES form necessary for nominating Mr. David Pond and Mr. Johnathan Care to be considered emeritus members.

Ms. Thurman made a motion to approve Mr. David Pond and Mr. Johnathan Care as emeritus Board members. Mr. Shields seconded the motion. A vote was taken, and the motion was unanimously approved.

- The upcoming NCEES Annual Meeting and logistics were discussed. Acknowledging that some members did not have the invitation package, Mr. Ritter instructed staff to email the package to all Board members.
- Messrs. Logsdon, Shields, and Benton will be the funded delegates for the NCEES Annual Meeting. Mr. Hoyle and Ms. Salloum will attend as First Time Attendees.
- Information was provided regarding the upcoming NCEES Southern Zone Meeting, including information concerning candidates running for office, and the meeting agenda. Further, information regarding the process of electing officers was discussed. Chair Zoutewelle is among the candidates seeking a zone office. He is running for the office of assistant vice president.
- Discussion ensued regarding the Mega Zone Meeting to take place next year in Houston, TX and NCBELS' obligation to host the zone meeting in 2021. Location and venue for the 2021 Southern Zone Meeting was decided.

7. Board Secretary Report – Executive Director and Board Secretary

- Mr. Ritter provided an overview of the February 2019 financials. Some line items were discussed, and Mr. Ritter provided explanation of administrative practices and accounting principles which result in noted fluctuations from one period to the next.
- Mr. Ritter presented a proposal provided by a North Carolina entity which is directed towards enhancing the cybersecurity controls for NCBELS. Mr. Ritter asked for Board approval for the expenditure. Mr. Shields made a motion to approve \$14,350.00 to be paid to Bernard Robinson & Company. Ms. Thurman seconded the motion. Discussion ensued and, following discussion, a vote was taken. The motion was unanimously approved. Mr. Ritter will provide progress reports to the Board.
- Mr. Ritter provided an overview of the audit and the FY 17-18 Annual Report. The audit meeting was attended by Messrs. Ritter, Logsdon, and Smith. Mr. Ritter explained the term “unrealized gain or loss” and specific terms contained in the management letter. He informed the Board that an administrative milestone has been reached. This audit marked the 20th year with a 100% clean audit. Options for financial resources will be listed as a topic for the annual planning meeting. Notably, the management letter did not contain any recommended changes.

Another aspect of the audit is an opinion letter. Mr. Ritter introduced language contained in the opinion letter and turned the matter over to Mr. Logsdon for presentation. Mr. Logsdon provided an interpretation of the language. After which, Mr. Logsdon proposed the use of an outside company to determine whether the design, implementation, and maintenance of internal control is adequate for the mandates of the Board. This is proposed in order to insure high reliability of the certification. Mr. Logsdon stated that he will present a proposal to the Board at the June meeting.

Mr. Shields made a motion that the Board accept the audit. Mr. Smith seconded the motion. A vote was taken. The motion was unanimously approved.

At 11:50 a.m. the Board took a break and reconvened at 11:55 a.m. to continue the regular order of business.

8. Violations Activity - Assistant Executive Director

Mr. Evans presented the Violations Report with data current as of April 9, 2019. He provided information regarding the stage of completion of the 80 open cases as of that date, the average number of days from case open to investigation complete, and the number and disposition of the cases closed thus far for 2019.

9. Applications – Special Agenda Item for Board Approval – David Tuttle

Mr. Tuttle presented the request of Morris Knowles & Associates, Inc. to the Board. The company seeks the Board's permission to use the name of the firm's founder, Morris Knowles, in their company name.

Staff recommends approval of the request. Following discussion, a motion was made to approve the request. The motion was seconded. The Board voted and the motion was unanimously approved.

10. Old Business - Executive Director

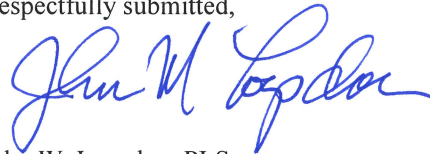
None

11. New Business - Executive Director

Mr. Ritter presented the 2018 – NC Occupational Licensing Board Report submitted in adherence to N.C.G.S. 93B-2(a). The second topic was the invitation of the University of North Carolina Wilmington. The invitation sought a representative to join the Coastal Engineering Advisory Board as they seek to establish a coastal engineering curriculum. Mr. Ritter will represent the Board as a member of the Coastal Engineering Advisory Board at the University of North Carolina at Wilmington. The project is in the developmental phases and is expected to result in the commencement of classes in 2021. Mr. Ritter will keep the Board informed of the progress.

Mr. Ellington made a motion to adjourn. Mr. Benton seconded the motion. The Board adjourned at 12:22 p.m. The Board is next scheduled to meet on June 12, 2019.

Respectfully submitted,



John W. Logsdon, PLS
Secretary

Approved by the Board in Session

Date

June 12, 2019

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 20, 2019

Raleigh, North Carolina

Board Chair Andrew G. Zoutwelle called the teleconference call meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, March 20, 2019. Board members on the conference call were:

Board Members on Teleconference Call:

Andrew G. Zoutwelle, PLS, Chair
Stacey A. Smith, PE, Vice-Chair
Carl M. Ellington, Jr., PE
Richard M. Benton, PLS
Linda A. Thurman, Public Member
Dennis K. Hoyle, PE

Absent:

John M. Logsdon, PLS, Secretary
Bobbie Shields, PE

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director
David S. Tuttle, Board Counsel
Cora A. Houston, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Chair Zoutwelle read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. It was noted that Mr. Benton was recused from the February 19th Land Surveying New Business Review Committee Agenda item and, in the event Mr. Logsdon was to join the call, he would also be recused from the February 19th Land Surveying New Business Review Committee Agenda item.

Chair Zoutwelle welcomed new Board Member, Dennis Hoyle, PE. Mr. Hoyle stated that he was excited and honored to be on the Board.

Following a brief discussion, plans for an April 17th hearing were confirmed.

2. Consent Agenda – Chair

Mr. Benton made a motion to approve the consent agenda. Mr. Smith seconded the motion. A vote was taken, and consent agenda was unanimously approved.

The consent agenda consisted of a Request for Board Authorized Case Openings; Comity Applications; CPC Consent Agenda; Consent Agenda for Firm Applications & Firm Requests: Applications for 16 Professional Corporations, 12 Professional Limited Liability Companies, 2 Business Firms, 4 Name Change Request, and 1 Request to Use Individual's Name in Company Title; Requests for Retired Status; Review Committee Agenda; and Settlement Conference Agenda.

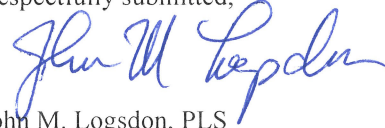
3. New Business – Executive Director

Mr. Ritter introduced the February 27th Review Committee New Business item. Mr. Benton recused himself from the matter. Ms. Thurman made a motion to approve, Mr. Smith seconded the motion. The Board voted and the motion was unanimously approved.

Mr. Ritter introduced a March 14th Surveying Settlement Conference Agenda item for consideration. Mr. Benton made a motion to approve the item. Mr. Smith seconded the motion. The Board voted and the item was unanimously approved.

Ms. Thurman made a motion to adjourn. Mr. Benton seconded the motion. A vote was taken, and the motion was unanimously approved. The Board formally adjourned Wednesday, March 20, 2019 at 7:38 a.m. The Board is next scheduled to meet Wednesday, April 17, 2019.

Respectfully submitted,



John M. Logsdon, PLS
Secretary

Approved by the Board in Session

Date

4-18-2019

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 13, 2019

Raleigh, North Carolina

Board Chair, Andrew G. Zoutewelle, gaveled the North Carolina Board of Examiners into session at 10:36 a.m. on Wednesday, February 13, 2019 to convene its regular order of business for the Board. Board attendance was as follows:

Present:

Andrew G. Zoutewelle, PLS, Chair
Stacey A. Smith, PE, Vice-Chair
John M. Logsdon, PLS, Secretary
Carl M. Ellington, Jr., PE
David L. Pond, PE
Bobbie Shields, PE
Richard M. Benton, PLS
Linda A. Thurman, Public Member
Jonathan S. Care, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Zoutewelle read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any Board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. Mr. Benton identified two Review Committee matters that he would refrain from participating in. Mr. Ritter noted that the items were under New Business.

Chair Zoutewelle presented a gift to Ms. Thurman in appreciation for her service and leadership as Chair last year.

Mr. Ritter informed the Board that two guests were expected and asked the Board's flexibility for the items on the Agenda that concerned the guests as the timing of their arrival was not precise.

2. Consent Agenda – Executive Director

Mr. Smith made a motion to approve the consent agenda as presented. Mr. Benton seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; Firm Applications for 11 Professional Corporations, 12 Professional Limited Liability Companies, and 1 Chapter 87 Corporation; 5 Name Change Requests; 1 Request to Use Individual's Name in Company Title; 2 Summary of d/b/a Requests; Minutes; Requests for Retired Status; Review Committees, and Settlement Conferences.

3. Powell Bill Maps – Gary Thompson – Chair

Chair Zoutewelle introduced former Board Member, Gary Thompson. Mr. Thompson introduced the issue of the Powell Bill Maps. Mr. Thompson stated that his agency is currently the source for State and County boundaries and, moving forward, will be the source for municipal boundaries. He emphasized the importance of accuracy as correct boundaries impact areas such as voting and revenue. Mr. Thompson referenced Board Rule .1608 and stressed the importance of the accuracy of metadata. Ms. Thurman asked for clarification of what the Powell Bill Maps consist of. Discussion ensued and following discussion, Mr. Thompson inquired about the use of Board Rule .1608 as an avenue to require greater accuracy. This GICC issue will be discussed in committee.

4. Committee Reports

Engineering Committee – Chair (Mr. Smith)

Mr. Smith informed the Board that the Committee met with five items of new business and five items of old business. The five new business items and two of the old business items were resolved as follows:

- **New Business:**

- Question from NC DEQ (Department of Environmental Quality) – Conflict of Interest - If a consultant/engineer is working with a product supplier and is getting paid by that supplier

for promoting that product, is that a conflict of interest? Noting that there was some ambiguity as to how the question was presented, Mr. Smith stated that the committee will craft a response that identifies the situation as one that should be disclosed and will respond in a manner that would make it clear that a consultant/engineer could not be compensated by two parties for one project. Additional questions by DEQ included:

- Do “O&M” (Operation and Maintenance) plans need to be sealed? Committee response – No
 - Engineering certification questions were not entertained by the committee as it was determined that such questions were not in the committee’s purview. Committee passed such questions to Mr. Tuttle as they were considered legal in nature.
- Breakaway Wall Certification – Questions from Gary Thompson, PLS
 - Board of Architecture asked if an architecture could do the simplified design as shown in the FEMA Handbook on a breakaway wall. The committee felt designing the breakaway wall was considered engineering and declined to address the issue, leaving the matter with the Board of Architecture and requested input from the Survey Committee also.
- Requests for Retired Status - Two PEs with previously resolved violations that, occurred several years earlier, have requested the use of the “Retired” status. Committee members felt that they should be allowed such designation.
 - Mr. Ritter noted that the issue was discussed by both the Engineering Committee and the Land Surveying Committee with different thresholds. Mr. Benton asked that the difference be addressed following the Land Surveying Committee Report.
- Licensure Law Requirements – North Carolina Energy Conservation Code – The question is whether energy rating is considered engineering. Mr. Smith mentioned that the question was presented years earlier and at the time it was determined that “rating” was not the practice of engineering. However, recently, more specific questions have been received regarding the process for gathering the data for the rating, the analysis. The committee determined that the analysis is considered engineering.
 - Messrs. Smith and Shields will prepare a response.
- Engineering Disclaimer – Request from individual to have the committee review a disclaimer on a document. Document did not appear to be finalized.
 - Committee referred individual back to the Rules of Professional Conduct.
- **Old Business:**
 - Administrative Conference – PE applicant with military experience
 - Applicant provided sufficient information and background. Applicant will be approved.
 - Sprinkler Contractor Design – Currently an installation company is permitted to do sprinkler design if performing the installation. Whether an installation company can do the design if not performing the installation was considered. Mr. Smith noted; and Board counsel confirmed, that years earlier, the question was considered. At the time, the Board determined that designing the sprinkler system without the installation component would be considered engineering. Mr. Smith states that committee’s current stance is consistent with the earlier determination. Further noting that there was a statute revision in the nineties that allowed the practice.
 - Mr. Smith stated that the committee had requested that Mr. Tuttle research the issue and although he found that there was some legislative history on the statute, the committee’s opinion is unchanged. Mr. Tuttle confirmed that the initial exemption occurred in 1995.
 - Following discussion, the Board concurred that the position was consistent with the past.
 - Messrs. Smith and Shields will prepare a response.

CPC Committee - Chair (Mr. Care)

New Business:

- Mr. Care stated the committee reviewed and approved two sponsor applications.
 - PDH365.COM, LLC was approved
 - Environment One Corporation is pending firm inquiry
- Mr. Care stated that there were five CPC exemption requests:
 - Underwood, PE – approval recommended
 - Styers, PLS – recommends changing license status to current and allowing 3 months to make up 14 PDHs, and if not obtained it is recommended that the status is changed back to inactive
 - Collier, PE – approval recommended
 - Brody, PE – recommends allowing six months to obtain 7 ½ PDHs with the requirement of obtaining full 15 PDHs for the next year
 - O'Connor, Jr, PLS – recommends changing his license status to current and allowing 6 months to obtain 15 PDHs with expectation of full PDHs for the next year

Old Business:

- Sponsor audit as a result of a course critique from a PE
 - McKissock, LLC will update course content – recommendation for follow-up
- Following brief discussion, there is a motion from committee for the slate of items. The Board voted and the motion was unanimously approved.

Mr. Zoutewelle, noting that he had provided proposed charges, asked Ms. Thurman if she had all she needed to proceed with the CPC Task Force. Mr. Ritter to provide feedback.

Land Surveying Committee – Chair (Mr. Benton)**New Business:**

- Review of Request for Retired Status – All approved
 - Committee seeks to set parameters for requests for Retired Status coming to committee for determination. Only instances where a licensee has multiple cases or has case(s) within the ten years prior to retirement, will need the approval of the committee. Otherwise, staff can approve, subject to consent agenda approval by the Board.
 - Discussion ensued regarding statutory guidelines and Board rules as it relates to bestowing a retired status designation.
 - Issue is to be reviewed for rule revision
 - Land Surveying Committee and the Engineering Committee agree to the Engineering Committee parameters for when the request for retired status is to go to committee for determination rather than be approved by staff.
 - Going forward, if a licensee – whether PLS or PE - is in good standing, staff may approve request for Retired Status, subject to consent agenda approval by the Board.
- Breakaway Wall Certification – Committee determined that the surveyors would be responsible for providing the elevations. Mr. Benton stated that the recommendation of the Land Surveying Committee is that a FEMA Elevation Certificate or other certified survey accompany the breakaway wall certificate when filled out. Engineering Committee members advised of their concurrence.
- Annexation Question – City of Rocky Mount – Town Surveyor questioned a particular annexation map. Noting that there is some confusion among engineers and surveyors regarding who can prepare an annexation map, Mr. Benton stated that the particular map was prepared by a firm that provides engineering, surveying, and planning services but the plat had no certification and was not signed and sealed by any licensee. There were areas on the plat for the signature of the Town Engineer and the City Clerk but not certification as to where the information had come from. The determination from the Surveying Committee is that the exemption for annexation plats falls under N.C.G.S. 47-30(j). This relates to how the plat is prepared and presented to the Register of Deeds for recordation. It does not exempt the plat from N.C.G.S. 89C when prepared by a licensee. If prepared by a PLS, it must meet the standards of N.C.G.S. 89C and the Board Rules.
- Map for Exhibit Attachment – When prepared by a licensee, should an exhibit map be signed and sealed? If not signed and sealed, should the disclaimer language, “may not be a certified survey,”

be added? Historically, the Board has opined that a surveyor cannot place the disclaimer statement on a plat. Discussion continuing.

- Merger Plat (Combination/Recombination Plats) – The committee considered the issue of how much surveying is required and whether existing recorded documentation can be utilized. Discussions are continuing.

Mr. Ritter reminded the Board of three Surveying Committee agenda items scheduled for status updates.

- The GICC Task Force
 - Mr. Zoutewelle made note of recent efforts to finalize the land surveying “Use Cases” and expressed his appreciation to the Engineering Committee members for their interest and contributions. He stated that efforts to finalize the Use Cases included a recent conference call with the GICC Working Group. Mr. Zoutewelle mentioned Use Case 19, a case which focuses on the creation of surface model contours, and noted that Mr. Logsdon would elaborate further. Mr. Zoutewelle emphasized the importance of Board representation and participation at an upcoming GISP meeting to be held in Winston Salem on February 27 - March 1, 2019 and requested an update from Mr. Ritter once the program is complete and logistical details are known.
 - Mr. Logsdon provided an update regarding Use Case 19 – Use Case 19 focuses on the creation of digital elevation models from LiDAR data points. Mr. Logsdon summarized the opposing position of the GIS community with that of the members of the Board’s Land Surveying Committee. He stated that, following a lengthy conference call the two groups were able to end with a final recommendation. Mr. Logsdon credited Chair Zoutewelle’s guidance and insistence that the outcome of the efforts of the working group result in a final determination to be used as guidance for the GIS community. It was agreed that Mr. Logsdon would draft language to encompass what was agreed to on the call and provide to Tim Johnson. The proposed language follows:
“The creation of a digital elevation model or contour lines from LiDAR data points requires a PLS. Nothing in this recommendation is intended to limit a GIS professional from importing DEM or contour lines from either (a) a map or report signed and sealed by a PLS or (b) contour lines or DEMs that are publicly available, for example – from NC OneMap.”
 - Mr. Logsdon stated that consensus was reached by conference call participants. He summarized the agreed to intent of the language and stated that the language was to permit GIS professionals the ability to take a contour map that is available on NC OneMap and import it into what they are doing. However, the language is tailored to prevent a GIS professional from taking raw LiDAR data and creating a digital elevation model or creating contour lines, an act that would be considered surveying.
 - Chair Zoutewelle solicited comments and emphasized the importance of this matter as it will be going out as guidance to the GIS community. He sought input from the engineering members. Mr. Gary Thompson was present, and his input was sought. Following discussion, Mr. Logsdon suggested modifying the first sentence of his proposed language as follows:
“The creation of a digital elevation model or contour lines from LiDAR data points is the practice of surveying.”
 - Exam writing workshop was reported to have been successful.
 - Mr. Ritter informed the Board of participation in the NCSS Institute.

5. NCEES Activities (National Council of Examiners for Engineering and Surveying)

Executive Director

- Mr. Ritter presented recent communications from NCEES related to NCEES leadership visit options and the Board’s upcoming duty to host the Southern Zone Meeting in 2021. Mr. Ritter also provided information related to the Louisiana Professional Engineering and Land Surveying Board’s nomination of Christopher P. Knotts, PE, for the Southern Zone nominee for NCEES President Elect. In addition, the Board’s submission of Gary Thompson, PLS, for the NCEES National

Awards Nomination for Distinguished Service Award with Special Commendation was discussed. February's NCEES Licensure Exchange was also noted.

- The Board agreed to host the Southern Zone Meeting in 2021. Discussion ensued and Asheville was selected as the venue. Other considerations are being taken into consideration before making the determination as to whether it will be a joint or unilateral meeting.
- Mr. Ritter discussed the upcoming Southern Zone Meeting. He noted that the agenda did not follow the historical format and stated that Ms. Thurman and Messrs. Ritter, Zoutewelle, and Logsdon would attend as funded delegates. Messrs. Smith and Ellington were noted to have conflicts and would not be in attendance. Mr. Benton had independently made his arrangements leaving staff to make hotel arrangements for Messrs. Shields and Logsdon.
- Chair Zoutewelle passed the gavel to Mr. Smith and the topic of how matters should be handled should certain members not be reappointed. Ms. Thurman made a motion that should Messrs. Zoutewelle or Care's tenure be affected by the upcoming appointments to be made by the Governor, either may, along with Mr. Pond, attend the Southern Zone Meeting as an emeritus member. The motion is seconded by Mr. Ellington. The Board voted and the motion is unanimously approved. Chair Zoutewelle reclaims the gavel.
- Mr. Ritter stated that he and Mr. Zoutewelle attended the Board Presidents' Assembly. Each present discussed items they felt were unique to their state.

Board Members provided NCEES Committee Updates:

- Mr. Shields provided an update on the UPLG Committee – Mr. Shields stated that the UPLG Committee met on January 25, 2019. It was a very quick meeting that addressed two items submitted by the Committee on Education. The first issue was related to continuing education credits and individuals who are members of an accredited agency to count that time. The committee was in agreement but sent the issue back to the Committee on Education with instructions to clarify the language in the Model Rules. Their second request was for information about BIM to be added to the Model Rules. This request was considered, and it was determined that a separate document would be a more appropriate solution. Chair Zoutewelle questioned the status of the document. Mr. Shields informed him of ongoing discussions at the national level.
- Chair Zoutewelle provided an update on his Exam Development Committee. He stated that the committee met in January and he also attended EPS as PS Exam Development Chair. The PS Exam Task Force is increasing the push towards creating a "public lands states exam." Chair Zoutewelle also mentioned upcoming meetings for the Finance Committee and the Colonial States Meeting in New Hampshire.
- Mr. Smith provided an update on his attendance of the EPE Committee. He noted that there was an emphasis on data. The committee is focused, among other topics, on trying to alleviate some of the inconsistencies in exam categories. The group worked towards a charge of increasing the diversity and will collect demographic, gender, and regional data and revisit.
- Mr. Benton stated that he will attend the Colonial States Meeting in May and will act as an informal representative of a Colonial States/Future of Surveying Task Force.
- Mr. Ritter is on the ACCA Committee and reported on a discrepancy identified and the source of resistance to correct the discrepancy.

The Board recessed for lunch at 12:15 p.m. The Board went back into session at 12:45 p.m. and immediately went into closed session at 12:45 p.m. for a personnel matter. The meeting was gavelled back into session at 2:12 p.m. to continue at item #7 of its regular order of business.

6. Closed Session

Chair Zoutewelle notes that the meeting is back in open session and informs that Board that Mr. Logsdon served as secretary to closed session.

7. Board Secretary Report - Executive Director and Board Secretary

- Mr. Logsdon reported on the November and December financials. Mr. Ritter informed the Board of a spotless Audit Report.

8. Violations Activity - Assistant Executive Director

- Mr. Evans reported on FY-2018 case activities as well as new activities for FY-2019. He noted the average number of days from case opening to investigation completion is 116 days. Following inquiry, Mr. Evans explained why some Board members appeared to have handled a greater number of cases. Mr. Evans explained the process for handling firm inquiries.

9. NCSS Request Regarding CPC Rules for Ethics and Standards of Practice

Chair Zoutewelle introduced the topic and asked Mr. Ritter to give a synopsis of the issue after which the issue will go to committee for consideration. NCSS has made a formal request that NCEES require one hour of ethics continuing education and one hour of standards of practice education every year for land surveyors. Mr. Ritter explained that this would require a rule change and mentioned that this topic has been considered in the past. Following discussion, it was determined that the issue requires further discussion.

10. New Business - Executive Director

Mr. Ritter discussed the UNCW Coastal Engineering Program, the Industry Roundtable Discussion Agenda, the Registry of Landmen, and a communication from Dr. Nave of NC A&T regarding the possible development of an ethics program.

Mr. Ritter requests Board approval to change a hearing from March to April. Secondly, Mr. Ritter seeks the Board's guidance for seeking information regarding the status of the appointments.

Mr. Ritter requests approval of a draft letter prepared by Mr. Tuttle of a request for an advisory opinion. Mr. Care and Mr. Tuttle will finalize.

11. Old Business - Executive Director

Mr. Logsdon's January 7, 2019 Review Committee action is up for approval. Mr. Benton is recused. A motion to approve from Mr. Pond and a second by Mr. Smith. A vote is taken, and the recommended action is unanimously approved.

Mr. Logsdon's January 28, 2019 Review Committee actions are up for approval. Mr. Benton is recused. A motion to approve from Mr. Smith and a second from Mr. Care. A vote is taken, and the recommended actions are unanimously approved.

Chair Zoutewelle inquired as to the AECOM computer exam status and the status of the retreat. Mr. Ritter will have a full report at the next meeting.

Ms. Thurman advised of the ShareFile page for the CPC Task Force.

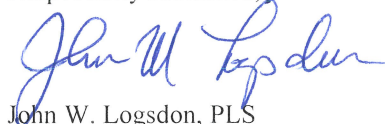
12. Informational Items - Executive Director

Climate Change Interagency Council. Mr. Ritter notes that this is an item of public interest. The Governor is requesting feedback from the public. Board members are advised that their comments would be as a member of the public unless they consider it to be an item for the Board for consideration.

Governor Cooper has declared February 17 – 23, 2019 as National Engineers Week.

Ms. Thurman made a motion to adjourn. Mr. Ellington seconded the motion. The Board adjourned at 3:12 p.m. The Board is next scheduled for a conference call on March 20, 2019.

Respectfully submitted,



John W. Logsdon, PLS
Secretary

Approved by the Board in Session

Date 4-18-2019

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 16, 2019

Raleigh, North Carolina

Board Chair Andrew G. Zoutewelle called the teleconference call meeting of the North Carolina Board of Examiners into session at 7:31 a.m. on Wednesday, January 16, 2019. Board members on the conference call were:

Board Members on Teleconference Call:

Andrew G. Zoutewelle, PLS, Chair
Stacey A. Smith, PE, Vice-Chair
John M. Logsdon, PLS, Secretary
Carl M. Ellington, Jr., PE
David L. Pond, PE
Bobbie Shields, PE
Richard M. Benton, PLS
Linda A. Thurman, Public Member
Jonathan S. Care, Public Member

Absent:

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director
David S. Tuttle, Board Counsel
Cora A. Houston, Assistant

1. Ethics Awareness and Conflict of Interest Reminder- Board Chair

To initiate the meeting, Chair Zoutewelle read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. None were noted.

2. Consent Agenda – Chair

Mr. Benton made a motion to approve the consent agenda. Mr. Smith seconded the motion. A vote was taken, and consent agenda was unanimously approved.

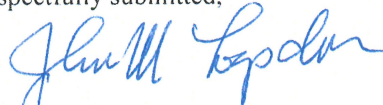
The consent agenda consisted of a Request for a Board Authorized Case Openings; Comity Applications; Consent Agenda for Firm Applications & Firm Requests: Applications for 6 Professional Corporations, 11 Professional Limited Liability Companies, 2 Business Finns, 2 Name Change Request, 4 Requests to Use Individual's Name in Company Title, and 1 d/b/a Request; Minutes, and Requests for Retired Status.

3. New Business – Executive Director

Mr. Ritter introduced the GICC matter. Mr. Logsdon presented proposed revisions to GICC Use Case 19 of the GICC working group of what GIS practice use cases are included or excluded from the definition of the practice of surveying as to the requirement for a PLS. Discussion ensued. The proposed revisions were voted upon, seconded and approved. These will now be discussed with representatives of the GICC working group.

Mr. Smith made a motion to adjourn. Mr. Pond seconded the motion. A vote was taken, and the motion was unanimously approved. The Board formally adjourned Wednesday, January 16, 2019 at 8:07 a.m. The Board is next scheduled to meet Wednesday, February 13, 2019.

Respectfully submitted,



John M. Logsdon, PLS
Secretary

Approved by the Board in Session

Date February 13, 2019