July 15, 2020

Board Chair, Bobbie Shields, gavelled the North Carolina Board of Examiners into session at 9:01 a.m. on Wednesday, July 15, 2020 to conduct the regular order of business. The meeting was conducted via video conference. Member attendance was as follows:

Present:  
Bobbie Shields, PE, Chair  
John M. Logsdon, PLS, Vice-Chair  
Carl M. Ellington, Jr., PE, Secretary  
Andrew G. Zoutewelle, PLS  
Dennis K. Hoyle, PE, PLS  
Jonathan S. Care, Public  
Carol W. Salloum, Public  
Richard M. Benton, PLS  
Cedric D. Fairbanks, Ph.D., PE

Absent:

1. Ethics Awareness and Conflict of Interest Reminder – Chair  
Chair Shields 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 Shields introduced the Consent Agenda and entertained a motion for acceptance. Mr. Benton made a motion to approve the Consent Agenda as presented. Mr. Care seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The consent agenda included: a Request for Board Authorized Case Openings; Firm Applications for 11 Professional Corporations, 30 Professional Limited Liability Companies, 4 Business Firms, 3 Chapter 87 Corporations, 3 Name Change Requests, 4 Requests to Use Individual’s Name in Company Title, and 3 Requests for use of d/b/a; CPC Sponsor Application; Retired Status Requests; and Review Committee Agenda.

3. Committee Reports  
Chair Shields introduced the Committee Reports topic. The Chairs of the CPC, Engineering, and Surveying Committees each informed the Board of no report for each respective meeting. Mr. Ritter interjected to let the record show that Mr. Logsdon had submitted his Surveying Committee minutes to be attached to the May minutes.

4. Board Secretary Report – Executive Director and Board Secretary  
Mr. Ellington stated that he had reviewed the June budget, informed the Board that he found everything to be in order, and requested that Mr. Ritter provide an overview. Mr. Ritter informed the Board that revenue was slightly down due to small decreases in the numbers for firm and individual renewals. This was offset by a decrease in expenditures for staff and Board travel. Mr. Ritter provided explanations for the slight variances between actual and budgeted revenue and expenditures. He stated that the meeting with the internal auditor had been rescheduled from early July to August due to the auditor experiencing a medical emergency.

Mr. Ritter and Mr. Logsdon provided some details regarding the outcome of the internal audit and offered some possibilities as to how the recommendations could impact the Board and staff. Chair Shields sought clarification as to whether the findings of the auditor, the draft manual, would be more of a guidance document or a policy document. Mr. Ellington stated that he would defer to Mr. Logsdon and Mr. Ritter and asked that they review and prepare a presentation for the Board. Mr. Logsdon stressed the need to preserve internal processes and procedures to ensure a smooth and continuous flow of business in the event of unplanned turnover with executive staff, and the need to identify statute-driven matters, determine which matters can be delegated to staff and level of oversite the Board should retain. Mr. Ritter provided examples...
of financial related tasks that may need to be implemented and included. Ms. Salloum has requested all financials. Going forward Mr. Ritter will send financials to Ms. Salloum and Mr. Fairbanks for each month.

5. **Violations Activity – Assistant Executive Director**

Mr. Evans presented the Violations Report with data current as of July 9, 2020 and informed the Board that 53 cases had been opened for fiscal year 2020 and 54 cases had been closed. He provided information regarding the stage of completion of the 53 cases opened as of that date and informed the Board that the average number of days from case open to investigation complete is currently 130 days.

Mr. Care, noting the large number of repeat offenders under the unlicensed category, asked staff to determine the feasibility of involving the attorney general to see if there are any remedies available to the review committees. Mr. Tuttle was consulted regarding the protections afforded to non-licensed individuals. Mr. Tuttle informed the Board that there is no obligation to keep info/case details confidential as is the case when dealing with licensed entities. Mr. Benton would like to pursue legislative changes in order to have more oversight of unlicensed practice. He directs staff to gather information regarding the possibility. Mr. Ritter stated that there are a number of states that have enacted some protections. After further discussions, it is determined that the issue should be a planning session topic.

Mr. Evans resumed reporting regarding violations and agreed to adjust the line graph chart to assist with readability.

5. **NCEES Activities – Executive Director**

Mr. Ritter noted that the current copy of the June Licensure Exchange was included for review. He informed the Board that the second item required the Board to vote on the 2020 Annual Meeting Ballot. Chair Shields entertained a motion to designate Mr. Ritter as the individual to complete and return the ballot. Mr. Benton made the motion. Mr. Hoyle seconded the motion. A vote was taken, and it was unanimously approved that Mr. Ritter would complete and return the ballot. Chair Shields lead a vote to determine the Board’s disposition of each NCEES item follows:

- President-Elect – Mr. Benton made a motion to accept the Western Zone’s nomination of Brian Robertson, P.E., Colorado for the office of president-elect. Mr. Hoyle seconded the motion. The Board voted and motion was unanimously approved.
- NCEES Treasurer – Mr. Care made a motion to check the box by the name of Andrew Zoutewelle for the office of NCEES Treasurer. Ms. Salloum seconded the motion. The Board voted and motion was unanimously approved by all who voted. Mr. Zoutewelle abstained from voting.
- Secretary-Treasurer – There is one candidate for secretary-treasurer. Mr. Benton made a motion to check the box by the name of Chris Ramseyer, Ph.D., Oklahoma. Mr. Fairbanks seconded the motion. The Board voted and the motion was unanimously approved.
- Motions for Council Vote endorsed by the NCEES Board of Directors.
  - Approval of the 2019 Annual Meeting Minutes – Mr. Benton made a motion to select “yes” that the 2019 annual meeting minutes be approved and published. Mr. Hoyle seconded the motion. The Board voted and the motion was unanimously approved.
  - Special Committee on Bylaws – Ms. Salloum moved to check “yes” that amendments to Bylaws Motions 1 - 5 be amended as shown on their respective pages of the Action Items and Conference Reports. Mr. Zoutewelle seconded the motion. The Board voted and the motion was unanimously approved.
  - Board of Directors Motion 1 – Ms. Salloum made a motion to select “yes” to approve the application of the American Society of Plumbing Engineers to become a member of the NCEES Participating Organizations Liaison Council (POLC). Mr. Hoyle seconded the motion. Following discussion, the Board voted, and the motion was unanimously approved.
  - Board of Directors Motion 2 – Mr. Fairbanks made a motion to select “yes” to ratify the proposed amendment to the NCEES Zone Meeting and Continuity Guidelines as shown on page 30 to the Action Items and Conference Reports to clarify that only member boards may make nominations.

July 15, 2020 2
Budget Motion 1 and Budget Motion 2 – Mr. Zoutewelle made a motion to select “yes” to Board Motions 1 and 2 to approve the operating budget and the capital budget shown on pages 37-42, and page 43, respectively. Mr. Ellington seconded the motion. Following brief discussion during which Mr. Ritter clarified the motion was simply to approve the budget and Mr. Zoutewelle noted that the budget included funding for the new staff position for a marketing professional for surveying. A vote was taken, and the motion was unanimously approved.

6. Informational Items - Executive Director

Mr. Ritter initiated a discussion regarding the handling of hearings and settlement conferences in light of the continuing pandemic. Chair Shields requested a motion to determine the effectiveness of video conferences for settlement conferences. Mr. Care motioned. Mr. Logsdon seconded the motion. Following discussion, Mr. Benton made a motion to amend the motion to “direct staff to seek volunteers to have settlement conferences by Zoom in order to determine the effectiveness of video conferences.” A vote was taken, and the amended motion was unanimously approved.

Chair Shields encouraged Board Member participation in the upcoming virtual NCEES Annual Meeting scheduled for August 27, 2020. Members must register to call in. Mr. Ritter gave an update regarding the upgrades to the Board Room. It was agreed that due to the delays the September meeting will be in Zoom format.

Mr. Ellington made a motion to adjourn. Mr. Benton seconded the motion. The Board adjourned at 10:39 a.m. The Board is next scheduled to meet on September 16, 2020.

Respectfully submitted,

[Signature]

Carl M. Ellington, Jr., PE
Secretary

Approved by the Board in Session

Date: September 16, 2020
Board Chair, Bobbie Shields, gavelled the North Carolina Board of Examiners into session at 9:01 a.m. on Wednesday, May 20, 2020 to conduct the regular order of business. The meeting was conducted via video conference. Member attendance was as follows:

Present:
Bobbie Shields, PE, Chair
John M. Logsdon, PLS, Vice-Chair
Carl M. Ellington, Jr., PE, Secretary
Andrew G. Zoutewelle, PLS
Dennis K. Hoyle, PE, PLS
Jonathan S. Care, Public
Carol W. Salloum, Public
Richard M. Benton, PLS
Cedric D. Fairbanks, Ph.D., PE

Absent:

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Shields 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 Shields introduced the Consent Agenda and entertained a motion for acceptance. Mr. Benton made a motion to approve the Consent Agenda as presented. Mr. Care seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The consent agenda included: a Request for Board Authorized Case Openings; Firm Applications for 23 Professional Corporations, 47 Professional Limited Liability Companies, 2 Business Firms, 7 Name Change Requests, 1 Request to be Resident for Multiple Companies, 7 Requests to Use Individual’s Name in Company Title, and 1 Request for use of d/b/a; CPC Sponsor Application; Retired Status Requests; Review Committee Agenda; and Engineering Committee Revision to Board Policy BP 1405-2.

3. NCEES Activities – Executive Director

Mr. Ritter gave an update regarding NCEES matters and informed the attendees that due to COVID-19, the National Meeting for 2020 has been canceled. He shared information gleaned from the Executive Director’s Meeting with NCEES’ CEO David Cox. The Annual Meeting is still scheduled to take place, but the format is planned to be webinar based. All exams are canceled until June 1, 2020 at which time the Pearson View Test Center is expected to reopen. Computer-based exams are expected to be back online in June and paper/pencil format is expected to resume in October with double the attendance expected. Mr. Zoutewelle provided his prospective as to the pandemic’s impact to NCEES. The 2022 Southern Zone Joint Meeting with the Central Zone will be held in Oklahoma City.

Mr. Ritter pointed out that information was included regarding the nomination of Robert “Bob” Stockton, PE, for the office of NCEES Treasures for 2020-22; however, Mr. Stockton passed away recently leaving a void as he was the presumptive victor. Mr. Zoutewelle and two other candidates will vie for the position. Mr. Benton formally nominated Mr. Zoutewelle to run for the office. Ms. Salloum seconded the motion. The Board voted, and Mr. Zoutewelle was unanimously nominated to run for the position of NCEES Treasurer.

Mr. Ritter provided an update regarding the 2021 Southern Zone Meeting. NCBELS will host the meeting in Asheville next April at the Renaissance. Plans are being developed for optional activities.

4. Committee Reports

Chair Shields introduced the topic of Committee reports and requested updates of the respective committee chairs.
CPC Sponsor Applications (Care)

1) Jet Filter Systems' application was approved via the Consent Agenda.

2) The committee discussed procedures for Board guidance; PE and PLS CPC audits; and Sponsor audits during the ongoing pandemic.

Engineering Committee – Chair (Hoyle)

NEW BUSINESS

1. On-site Wastewater Treatment Systems (Informational): Mr. Hoyle advised that through work with Board Counsel, David Tuttle, it was determined that the Board policy regarding when a PE is needed does not need to be reissued.

2. Matrix Design Group – The committee reviewed a request for a non-objection letter. The issue was whether the company was engaging in engineering. The Engineering Committee will not recommend the issuance of a non-objection letter. Pending review by Surveying Committee.

3. Electric and Communication Utility – G.S. 89C Interpretation. In response to an inquiry by Gregory Booth, the committee considered whether engineering needs to be done in advance of any construction or whether an engineering certificate be provided after construction is complete. (Not related to sealed design drawings.) Committee concurred. Engineering should precede construction.

OLD BUSINESS

1. Action taken - May 13, 2020 to the following Board Policies:
   B. BP-1005-3 - Engineering Surveys – Reviewed – Engineering and Surveying
      - Minor revision
   C. BP-1112-1 - Elevated Recreational Facilities – Reviewed – Engineering and Surveying
   D. BP-1405-1 - Roofing Systems – Reviewed
   E. BP-1405-2 - Inspections of Residential Buildings Reviewed – Engineering and Surveying
      - Minor revision
   F. BP-1603-1 - Design/Installation of Petroleum Storage Tanks – Reviewed
   G. BP-1709-2 - Spill Prevention Control and Counter Measure Plans – Reviewed
   H. BP-9906-1 - Truss Placement – Commercial – Reviewed

2. Standing Agenda Items
   A. Annual Rules review per G. S. 150B-19.1(b)/Proposed statute changes
   B. Engineering Committee Outreach

3. Monitored Items
   A. Copyright issue
   B. Interior Design Profession Act – Draft
   C. Farm Bill Amendment (SB 315 – G. S. 89C – Revision)
   D. NTSB Safety Recommendations
   E. ASCE Utility Engineering and Surveying Institute

Surveying Committee – Chair (Logsdon)

New Business

1. Matrix Design Group, Inc. – Committee recommended that staff issue non-objection letter
2. Certification Qualifiers - Committee will make decisions on a case-by-case basis at this time. The committee determined that, for the current case, a certificate was not deemed to be appropriate. The committee also advised that a Report of Survey would be required. It was noted that if the certification includes accuracy, then the surveyor must do sufficient work in the field to verify the DTM information. Mr. Tuttle to prepare a response.

3. DTM Certification - In this case the committee advised a Report of Survey would be required. If the certification includes accuracy, then the surveyor must do sufficient work in the field to verify the DTM information. Mr. Tuttle will prepare a response.

4. Subdivision Question - The Committee reviewed and approved an amended response.

5. Real Estate Matter - The Committee declined to take the suggestion for NCBEES to include in the policies a requirement for a reference to G.S. 136. Staff was directed to prepare a response. Further, the Committee has determined that if the public or private nature of the street is a factor, the PLS must investigate and cite the supporting documents as the source of the information.

6. Rule Interpretation Question - Railroad Issue #1 - Committee advised that the rule should be acknowledged but in this case a note in the plat would be sufficient. Issue #2 - Duke Power Lease Agreement. It was determined that the termination language in this document is not the same as in the railroad information. Staff to respond.

7. Gary as Vice Chair of GICC - Informational Item

8. Jeff Lucas Definition of Surveying - No action required

Old Business

1. Online State Exam Update
2. Review of Board Policies
3. Minimum Requirements for an Airborne Survey
4. GICC Work Group - Committee Information
5. Copyright
6. ASCE Utility Engineering and Surveying Institute
7. Review of Draft Board Rule Change .0701(c)(3)

5. Board Secretary Report - Executive Director and Board Secretary

Mr. Ellington provided an overview of the March and April 2020 monthly reports. Mr. Ritter provided a historical prospective of how applications typically behave during turbulent economies and provided an update regarding the internal and external audits.

6. Violations Activity - Executive Director

Mr. Evans presented the Violations Report with data current as of May 20, 2020 and informed the Board that 37 cases had been opened for fiscal year 2020 and 35 cases had been closed. He provided information regarding the stage of completion of the 75 cases opened as of that date and informed the Board that the average number of days from case open to investigation complete is currently 131 days. Due to COVID-19 there was no Board outreach activity since February.

7. Applications - Director of Business Licensure

PCB Engineering Professional Association of the Carolinas - Following discussion, Mr. Benton made a motion to deny approval of the non-objection letter. Ms. Salloum seconded the motion. The Board voted and the motion was unanimously approved.

Engineered Retaining Walls, LLC - Mr. Benton made a motion to approve the non-objection letter. Ms. Salloum seconded the motion. Discussion ensued. The Board voted. Two members opposed. The motion was approved.
Engineered Networks – Following extensive discussion, Mr. Care made a motion to deny the non-objection letter. Mr. Hoyle seconded the motion. The Board voted. The motion to deny the non-objection letter was unanimously approved.

8. Informational Items - Executive Director

Mr. Ritter initiated a discussion regarding future Board activity during the pandemic. Following discussion, Mr. Zoutewelle made a motion that if the stay-at-home order were lifted, in-person meetings could resume but there would be an allowance for individuals to participate remotely. Mr. Benton seconded the motion. The Board voted. The motion was approved. Questions regarding hearings and settlement conferences are to be revisited at the July meeting.

Mr. Benton made a motion to adjourn. The Board adjourned at 12:05 p.m. The Board is next scheduled to meet on July 15, 2020.

Respectfully submitted,

[Signature]

Carl M. Ellington, Jr., PE
Secretary

Approved by the Board in Session

Date: July 15, 2020
Board Chair, Bobbie Shields, gavled the North Carolina Board of Examiners into session at 10:32 a.m. on Wednesday, March 4, 2020 to conduct the regular order of business. Attendance was as follows:

Present:
Bobbie Shields, PE, Chair
John M. Logsdon, PLS, Vice-Chair
Carl M. Ellington, Jr., PE, Secretary
Andrew G. Zoutewelle, PLS
Dennis K. Hoyle, PE, PLS
Jonathan S. Care, Public
Richard M. Benton, PLS
Cedric D. Fairbanks, Ph.D., PE

Absent:
Carol W. Salloum, Public

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Shields 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 Shields introduced the Consent Agenda and entertained a motion for acceptance. Mr. Zoutewelle made a motion to approve the Consent Agenda as presented. Mr. Hoyle seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The consent agenda included: a Request for Board Authorized Case Openings; Comity, Initial Licensure, and PE Reinstatement Applications; Firm Applications for 5 Professional Corporations, 9 Professional Limited Liability Companies, 2 Business Firms, 1 Chapter 87 Corporation, 2 Name Change Requests, and 1 Request for d/b/a; November and December Minutes; CPC Sponsor Applications; Retired Status Requests; Review Committee Agenda; and Settlement Conference Agenda.

3. Committee Reports

Chair Shields introduced the topic of Committee reports and requested updates of the respective committee chairs.

CPC Sponsor Applications (Care)

1) Three Oaks Engineering and Johnson Controls Continuing Education Programs were approved via the Consent Agenda.

2) 2019 Board Planning Session CPC Directives addressed the topics:
   a. Should the Board consider changes to G. S. C to give the Board the ability to give grants?
      - Committee Recommendation: The committee provided material for consideration and advised the Board that the committee recommends taking steps to gain approval of changes to G.S. 89C to permit certain engineering and land surveying organizations to be eligible for grants by the Board. The topic will be revisited at a later date after the Board Members have time to review the materials. Looking forward, the committee notes that should the requested change be approved, there may need to be changes to Board policies and rules.
   b. Credit for Outreach Activities
      - Committee Recommendation: The committee wants to encourage outreach activities but believes PDH credits for such activities must be limited to no more that 3 PDHs. The language of such limitation is to be consistent with NCEES Model Law. This committee
recommendation will require revisions to Board rules. Necessary revisions to be included in the next round of rulemaking.

c. Sponsor Renewal Fee

- Committee Recommendation: Committee requests that language in .1713(a) is revised to allow flexibility for the Board to have sponsors but not require Board to have sponsors by changing the phrase from “The Board shall” to “The Board may.”

3) NCEES UPLG Committee “self-study” for CPC credit - Model Rules has a provision which allows self-study. Chair Shields provided historical perspective and informed the Board that there were a number of UPLG Committee participants with concerns about allowing self-study to count as CPC credit. It is noted that CPC guidelines do not permit self-study. Modifications were made to the language to bring in line with NCEES Model Rules allowing the UPLG to recommend that the NCEES Education Committee review the definition of self-study.

4) Texas Tech University, Murdough Center for Engineering Professionalism, Engineering Ethics course for Professional Land Surveyors. Staff directed to contact Texas Tech University to see if the university is willing to make adjustments to its ethics course that would make the Texas Tech ethics course an option for land surveyors.

Engineering Committee – Chair (Hoyle)

NEW BUSINESS

1. NCGS 133-1.1 - Certain buildings involving public funds to be designed, etc. by architect or engineer (Informational Item) Question from Scott Hensley, PE. Statute puts monetary thresholds on public works projects when a design professional is required. Mr. Tuttle responded on 1/24/2020.

2. Live Remote Inspections - NC Code Officials Qualification Board Paper (Informational Item) Cliff Isaac, PE with NCDOI provided information to Mr. Tuttle. Pertains to use of smart phones, etc. for permit holder to demonstrate code compliance without inspector being physically present. Mr. Tuttle suggests it may have application for the Board’s interpretation of responsible charge.

3. Statewide Uniform Requirement of Inspection Procedures for Solar Photovoltaic Systems Installed on Residential rooftops - NCDOI Paper (Informational) Cliff Isaac, PE with NCDOI provided information to Mr. Tuttle. Paper is directed towards inspectors and installers. It also addresses when a design professional is required.

4. PE Application Review – J. L. Keaton, PLS (20 Year/FE Waiver Request) Committee needs to evaluate whether applicant has 20 years of progressive engineering experience. Provided suggestions as to approach to gain needed experience.

5. PE Application Review – J. L. Edwards, PLS (20 Year/FE Waiver Request) Committee needs to evaluate whether applicant has 20 years of progressive engineering experience. Provided suggestions as to approach to gain needed experience.

OLD BUSINESS

1. Review Board Policies

A. BP-0607-2 - 3D Modeling Policy, Committee will consider Policy on 3D Modeling when it receives the ASCE Memorandum of Understanding regarding ASCE Utility Engineering and Surveying Institute.

B. BP-1005-3 - Engineering Surveys, Committee will consider Policy on Engineering Surveys when it receives the ASCE Memorandum of Understanding regarding ASCE Utility Engineering and Surveying Institute.

C. BP-1112-1 - Elevated Recreational Facilities
D. BP-1405-1 - Roofing Systems

E. BP-1405-2 - Inspections of Residential Buildings, Mr. Tuttle recommends that revised “NCDOI Guidance Paper: Acceptance of Licensed Architect or Licensed Engineer Inspections” not be tied to the Policy.

F. BP-1603-1 - Design/Installation of Petroleum Storage Tanks

G. BP-1709-2 - Spill Prevention Control and Counter Measure Plans

H. BP-9906-1 - Truss Placement - Commercial

2. ASCE Utility Engineering and Surveying Institute

Committee requested this item be moved to old business to determine whether a newsletter article was in order once the Board Policies were reviewed. Shields provided ASCE Memorandum of Understanding, which has been uploaded to ShareFile.

3. Standing Agenda Items

A. 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)]

B. Engineering Committee Outreach

4. Monitored Items

A. Copyright Issue, Copyright questions sent to attorney Arlene Hanks on 2/10/2020/letter uploaded to ShareFile.

B. Interior Design Profession Act Draft As of 4/30/2019, HB 858 referred to Committee on Finance.

C. HB 675 - Session Law 2019-174 - Request from NCDOI for Board Comment 2/11/2020, NCDOI updated its “Guidance Paper: Acceptance of Licensed Architect or Licensed Engineer Inspections.” The Paper is uploaded to ShareFile and has been posted to the Board’s web site replacing the earlier version. Perhaps there could be a newsletter article to highlight the guidelines, and inspections in general. Item can probably be removed from agenda after March 4, 2020 meeting.

D. Farm Bill Amendment (SB 315 - G. S. 89C-25 Revision), This Bill did not pass but may come back up.

E. HB 268 - Session Law 2019-151 & On-Site Wastewater Task Force, Smith provided final Task Force report, which has been uploaded to ShareFile. Item can be removed from agenda after March 4, 2020 meeting.

F. NTSB Safety Recommendations. Mr. Tuttle sent follow-up email to Representative Arp's office about the possibility of obtaining an AG's opinion [G. S. 89C-25(7a)].

G. Review Draft Board Rule Change - .0701(c)(3) - Committee appointed Shields to serve in place of Smith. Shields, Logsdon, and Tuttle to work on draft language for the Board's consideration.

Surveying Committee – Chair (Logsdon)

New Business

- Policy Revision - BP 1005-4

Wetlands policy discussed. For restricted use areas on properties with wetlands, monuments are not required to be set at every turning point but it is required that the area be surveyed and tied to the outside boundary line in a manner sufficient to allow future surveyors to retrace.

March 4, 2020
Chair Shields entertained a motion to revise BP 1005-4 to include an item “C” to provide instructions in cases where a survey exhibit is applicable. Discussion ensued. A vote was taken. The motion to revise BP 1005-4 was unanimously approved.

- Survey Regarding Restructuring of PS Exam – NCEES Exam to be divided into five modules:
  - Core professional surveyors’ exam
  - Boundary
  - Public lands surveying system
  - Mapping science
  - Incidental drainage design

Prior to beginning work to customize modules for surveying exams, NCEES has requested that each board review the module choices and make a determination regarding the likelihood of use of each module due to the particular needs of each state. Following discussion, a vote was taken to determine those in favor of the committee’s recommendations. Eight members were in favor of the recommendation and one member voted against the recommendation. The recommendation was approved.

The committee will recommend to NCEES that for North Carolina, the core professional surveyors’ exam module, followed by either the boundary module or the mapping science module, is essential. The committee will not recommend that the public lands surveying system module be required for North Carolina land surveyors. Although not being recommended as an essential exam module, for the incidental drainage design module, the committee is exploring the need for a separate module or whether, for North Carolina, it would be more practical to integrate key incidental drainage design questions into those modules being recommended for North Carolina.

For the foreseeable future, North Carolina will continue to have a state specific exam.

- The committee reported, as an informational item, regarding a question from a surveyor concerning data received from an external source. In a situation where “surveyor 2” receives, from an external source, raw topographic data gathered by “surveyor 1” and is tasked with creating a digital terrain model; what certification should be used by surveyor 2 for the digital terrain model? The committee determined that a field check of the model is required before surveyor 2 can certify that the points on the model meet the 95% competency requirements, but that other factors must also be considered. Discussions are continuing.

- The committee reviewed Mr. Tuttle’s completed responses to address licensee items from the last meeting’s review list.

Old Business

- Review of Board Policies
- Minimum Requirements for an Airborne Survey
- GICC Work Group-Committee Information
- Copyright
- ASCE Utility Engineering and Surveying Institute
- Review of Draft Board Rule Change .0701(c)(3)

Task Force Report

- Review procedures that the Board uses in disciplinary procedures. Task Force members: Logsdon (Chair), Care, Ellington, Salloum.

Members Logsdon and Care recently meet with Doug Hanna. Of particular interest is the timeframe between review committee recommendation and settlement conferences, and the timeframe between settlement conference and hearing in cases that do not settle. Additionally, the task force is considering what information the Board could provide to the respondent to make the settlement conference more productive. If a case is going to hearing, is there additional information that the
Board should provide to respondent? Mr. Hanna is to prepare a memorandum for circulation to other members of the task force. Periodic updates will be made to the Board.

The Board broke for lunch at 12:18 p.m. and reconvened at 12:50 p.m. Mr. Benton was excused from the remainder of the meeting.

4. NCEES Activities – Executive Director
Mr. Ritter presented various NCEES matters, including the February edition of the NCEES Licensure Exchange and he shared a reminder regarding the Southern Zone Secretary/Treasurer nominations; a follow up request from Mr. Paul J. Tyrell, a civil engineer in Massachusetts, who seeks support of his nomination for Treasurer; information regarding the 2020 Zone Interim Meeting scheduled for April 23 – 25, 2020 in Houston, Texas; and information regarding the 2020 NCEES Annual Meeting scheduled for August 26 – 29, 2020 in Chicago, Illinois. Mr. Ritter solicited funded delegates. Logsdon, Hoyle, and Salloum.

5. Board Secretary Report– Executive Director and Board Secretary
Mr. Ellington provided an overview of the December 2019 and January 2020 monthly reports. He explained variances and relayed that the budget is tracking as expected. Mr. Ritter stated that the auditors start the external audit within two weeks. He gave an update regarding the internal audit and informed the Board that he found the process to be of value. It is anticipated that both the external and the internal audit reports will be available for the May Board meeting.

6. Violations Activity – Executive Director
Mr. Evans presented the Violations Report with data current as of February 26, 2020. Advising the Board that 22 cases had been opened for fiscal year 2020 and 22 cases closed thus far for 2020. He provided information regarding the stage of completion of the 74 cases opened as of that date and informed the Board that the average number of days from case open to investigation complete is currently 103 days. 2020 Board Outreach activity data was provided and there was data provided regarding firm inquiries as of the current data period.

7. Old Business - Executive Director
Mr. Tuttle provided an update regarding the adoption of proposed rules for review by the Rules Review Commission. The comment period has ended without any comments or objections. It is anticipated that the rules will have an effective date of May 1st. Chair Shields entertained a motion to adopt the rules. Mr. Ellington motioned to adopt the rules. Mr. Logsdon seconded the motion. Discussion ensued. A vote was taken. The motion was unanimously approved.

8. New Business - Executive Director
Mr. Ritter advised the Board that action was required on Mr. Ellington’s February 11, 2020 Review Committee item. Mr. Fairbanks has a conflict and is recused from voting on this item. Mr. Zoutewelle moved to accept the Review Committee action to Close the case. A vote was taken, and the motion was approved.

Governor Cooper’s proclamation: National Engineers Week is proclaimed for February 16 through February 22, 2020.

Mr. Ritter provided data for 2020 renewal for engineers and surveyors. The renewal data supports an overall increase of two percent.

Mr. Ritter informed the Board of the well-received contributions of Board Members and staff during the North Carolina Surveyors Society Meeting. Mr. Evan and Mr. Benton gave a three-hour program on ethics and enforcement and, Mr. Zoutewelle and Mr. Logsdon gave an hour-long presentation on current Board polices and Board activities. Mr. Ritter and Mr. Benton gave a lunch time presentation to an audience of approximately two hundred attendees. Former Board Member Linda Thurman and three others participated in a panel discussion that tackled the issue as to why there are so few women in the field of surveying.

Mr. Ritter sought input from the Board Members regarding a possible hearing in May and the possibility of needing to have a two-day meeting.
Upgrades to Audio Video Conference System is planned. Mr. Ritter advised the Board that he has proposals from three vendors that would greatly update the capabilities of the system. He advised that Mr. Ellington has reviewed and approved the staff recommendation. Chair Shields entertained a motion to update the Audio Video Conference System. Mr. Ellington moved to approve the motion. Mr. Logsdon seconded the motion. Discussion ensued and cost, need, and current maintenance costs for the old system were explored. The capabilities of how the enhanced system could benefit the Board activities were explored. A vote was taken and the motion to upgrade the system was approved. Next Chair Shields entertained a motion to establish the funding level for the system. Following discussion, Mr. Zoutewelle made a motion to move ahead with Unified Technology as the vendor and allocate a budget not to exceed $50,000. Mr. Logsdon amended the motion. Mr. Ellington seconded the amended motion. A vote was taken and the motion to move ahead with Unified Technology as the vendor with an allocated budget of $50,000, and staff latitude for budget variance of plus or minus ten percent before seeking approval from the Board Secretary is unanimously approved.

Mr. Ritter to update.

Mr. Ellington made a motion to adjourn. The Board adjourned at 2:49 p.m. The Board is next scheduled to meet on May 20, 2020.

Respectfully submitted,

Carl M. Ellington, Jr., PE
Secretary

Approved by the Board in Session

Date: July 15, 2020
Board Chair Bobbie Shields called the teleconference call meeting of the North Carolina Board of Examiners into session at 7:31 a.m. on Wednesday, February 12, 2020. Board members on the conference call were:

**Board Members on Teleconference Call:**
- Bobbie Shields, PE, Chair
- John M. Logsdon, PLS, Vice-Chair
- Carl M. Ellington, Jr., PE, Secretary
- Andrew G. Zoutewelle, PLS
- Richard M. Benton, PLS
- Carol W. Salloum, Public Member
- Jonathan S. Care, Public Member
- Dennis K. Hoyle, PE, PLS

**Absent:**
- Cedric D. Fairbanks, PhD, PE

**Staff on Teleconference Call:**
- Andrew L. Ritter, Executive Director
- Cora A. Houston, Assistant

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

   To initiate the meeting, Chair Shields 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 appearances of conflict were identified.

2. **Consent Agenda – Chair**

   Chair Shields presented the Consent Agenda. Mr. Zoutewelle moved to approve the Consent Agenda as presented. Ms. Salloum 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 Reinstatement; Consent Agenda for Firm Applications & Firm Requests: Applications for 6 Professional Corporations, 13 Professional Limited Liability Companies, 3 Name Change Requests, 1 Chapter 87 Corporation, and 1 d/b/a Request; Requests for Retired Status; and 1 Settlement Committee Agenda

   *Chair Shields entertained a motion to adjourn. Mr. Benton motioned to adjourn. The Board formally adjourned Wednesday, February 12, 2020 at 7:33 a.m. The Board is next scheduled to meet Wednesday, March 4, 2020.*

Respectfully submitted,

Carl M. Ellington, Jr., PE
Secretary

Approved by the Board in Session

Date: March 4, 2020
January 15, 2020

Board Vice-Chair, Bobbie Shields, gavelled the North Carolina Board of Examiners into session at 11:07 a.m. on Wednesday, January 15, 2020 to conduct the regular order of business. Attendance was as follows:

Present:
- Bobbie Shields, PE, Vice-Chair
- Carl M. Ellington, Jr., PE, Secretary
- John M. Logsdon, PLS
- Andrew G. Zoutewelle, PLS, Chair
- Dennis K. Hoyle, PE, PLS
- Carol W. Salloum, Public
- Jonathan S. Care, Public
- Richard M. Benton, PLS (by phone for Board Election)
- Cedric D. Fairbanks, Ph.D., PE

Absent:
- Richard M. Benton, PLS

1. Ethics Awareness and Conflict of Interest Reminder – Vice-Chair

Vice-Chair Shields 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. No conflicts or appearances of conflict were identified.

2. Board Elections – Executive Director

During the October Board Meeting, with the expectation that Mr. Smith would be confirmed for a second term following the expiration of his first term on December 31, 2019, he was elected to the position of Board Chair. He was scheduled to begin those duties effective January 1, 2020. However, Mr. Smith’s term expired on December 31, 2019 making it necessary for the newly elected Vice-Chair to assume the duties of the Chair until a new Chair was elected. Nominations were opened for the position of Chair. Mr. Benton called in to participate in the election by phone.

Mr. Shields was nominated, his nomination seconded, and a vote was taken. Mr. Shields was unanimously elected to fill the position of Board Chair for 2020.

3. Public Hearing and Comments for Amendments to Rules – Chair

Chair Shields announced the commencement of the Public Hearing for Amendments to Rules published in NC Register Volume 34, Issue 12, Pages 1147 through 1158. A Speaker’s List was in place. Chair Shields introduced all Board Members in attendance and sought to acknowledge speakers in attendance. There were none. Chair Shields explained that notice was given in accordance with G.S.150B-21.2 and that the proceeding was an informal proceeding, but definite rules would be observed. As there were no speakers in attendance, the proceeding was concluded. Chair Shields announces that the public comment period will end by close of business on February 14, 2020.

4. Consent Agenda – Executive Director

Chair Shields introduced the Consent Agenda and entertained a motion for acceptance. Mr. Zoutewelle made a motion to approve the Consent Agenda as presented. Mr. Care seconded the motion. A vote was taken, and the motion was unanimously approved.

The consent agenda included: Request for Board Authorized Case Openings; Comity and Initial Licensure, PE and PLS Reinstatement; CPC Committee, Firm Applications for 9 Professional Corporations, 10 Professional Limited Liability Companies, 1 Business Firm, 1 Name Change Request, and 3 Summaries of d/b/a; CPC Sponsor Applications; Retired Status Requests; and Review Committee Agenda.
Following the approval of the Consent Agenda, Chair Shields presented Mr. Zoutewelle with a gift on behalf of the Board for his service as Board Chair for 2019. Mr. Zoutewelle opened the gift and expressed his appreciation for the gift, for the experience of serving as Board Chair, and the experience of working with fellow Board Members and staff.

5. NCEES Activities – Executive Director

Mr. Ritter acknowledged the presence of the Board’s two new Board Members. Mr. Cedric Fairbanks and Mr. Jonathan Care made brief self-introductions.

Mr. Ritter presented various items emanating from the NCEES, including a copy of the NCEES Licensure Exchange and an announcement from Mr. Paul J. Tyrell, a civil engineer in Massachusetts. He is a nominee of the Massachusetts Board of Registration of Professional Engineers and Land Surveyors for the position of Treasurer for the NCEES. He is seeking the support of the Southern Zone. Mr. Ritter also shared information, the delegate form, and the meeting summary for the upcoming NCEES Zone Interim Meeting. The meeting is scheduled for April 23-25, 2020.

6. Committee Reports

Chair Shields introduced the topic of committee reports and turned the meeting over to the chairs to respective committees.

Engineering Committee – Chair (Hoyle)

NEW BUSINESS

1. Kaufmann Engineering – The Committee reviewed affidavit to determine if services could be considered engineering. Firm to use assumed name.

2. D. Mantone - PE Comity Application - Approved

3. Joel T. Billingsley - PE Comity Application Review – Applicant requests to be licensed without having taken the Principles and Practice of Engineering examination. Mr. Ritter gave historical perspective for early NCEES input. Applicant to seek input from NCEES as to applicability of 1968 exam.

4. DSM Plastics Engineering, Inc. - Reviewed services to determine if engineering.

Old Business

1. Annual Rules review per G. S. 150B-19.1(b)/Proposed statute changes (Standing agenda item - keep under old business.)
   a. 8 Year Experience Requirement [G. S. 89C-13(a1)(3)]
   b. Long Established Practice [G. S. 89C-13(a(a3)]

2. Review Board Policies – Noted policies were reviewed.
   a) BP-1012-01 - Subsurface Utilities Location Data Policy
   b) BP-1005-3 - Engineering Surveys
   c) BP-1012-1 - Subsurface Utilities Location Data Policy
   d) BP-0607-2 - 3D Modeling Policy
   e) BP-0512-1 - Audiovisual System Design – Reviewed – 01/15/2020
   f) BP-0501-1 - Commissioning Policy – Reviewed – 01/15/2020
   g) BP-0507-1 - Commissioning Validation – Reviewed – 01/15/2020
   h) BP-1003-1 - Construction Staking
   i) BP-1603-1 - Design/Installation of Petroleum Storage Tanks
   j) BP-1112-1 - Elevated Recreational Facilities
Mr. Zoutewelle made a motion to accept policies noted to have been reviewed January 5, 2020. Mr. Logsdon seconded the motion. The Board voted and the motion was unanimously approved.

3. Engineering Committee Outreach – open for discussion.

4. Copyright Issue – Will be uploaded to Sharefile once available.

5. Interior Design Profession Act Draft – Monitoring

6. HB 675 - Request from NCDOI for Board Comment - Monitoring

7. Farm Bill Amendment (SB 315 - G. S. 89C-25 Revision) Continued monitoring as failed bill may be revisited.

8. HB 268 - Session Law 2019-151 & On-Site Wastewater Task Force Mr. Smith will remain the Board’s representative on the Task Force. The Task Force has concluded its meetings and is currently preparing a final report back to the legislature with the conclusions and recommendations.


10. Plitt Package Engineer - D. Tuttle and M. Mazanek to follow-up with Plitt and advise that services reviewed can be the practice of engineering and that they can't use "Engineer" in the company name. Update at March Board Meeting.

11. NTSB Safety Recommendations – Board Counsel to draft memo regarding application of exemption [G. S. 89C-25(7a)]. Updates will be posted to Sharefile.

12. Review Draft Board Rule Change .0701(c)(3) – Mr. Logsdon and Mr. Tuttle to work on draft language for the Board’s consideration.

Surveying Committee – Chair (Logsdon)

New Business:

1. Exam Question Review of Non-Approved Questions
2. Exam Questions MUST have
3. Map Review
4. Subdivision Question
5. Policy Revision

January 15, 2020
Items 1 – 5 were covered. Review of these items resulted in discussions regarding the possibilities of whether staff could review maps that were clearly deficient. The goal is to shorten the map review process.

6. High Water Mark
7. Certified Acreage Question

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

1. Review of Board Policies
2. Minimum Requirements for an Airborne Survey
3. GICC Work Group-Committee Information
4. Copyright
5. ASCE Utility Engineering and Surveying Institute
6. Review of Draft Board Rule Change .0701(c)(3)

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

Mr. Ritter presented various NCEES items including the Licensure Exchange and Paul Tyrell’s notification of his nomination to run for Treasurer of NCEES. The election will be held in August at the Annual Meeting. Mr. Ritter also shared information regarding the 2020 NCEES Zone Interim Meeting and Funded Delegate Notification. Bobbie Shields, Carol Salloum, and Dennis Hoyle will attend as funded delegates.

8. Board Secretary Report – Executive Director and Board Secretary

Mr. Ellington provided an overview of the report and explained resources available for Board members to stay abreast of budget expenditures. Mr. Ellington further explained his role as Board Secretary and encouraged each member who has not yet served in the role to do so.

- Mr. Ritter and Mr. Ellington provided a review of budget performance as of December 6, 2020.

9. Violations Activity – Executive Director

Mr. Evans presented the FY2019 Violations data along with information regarding the six cases opened in FY2020. 107 cases were opened in 2019. The Board conducted 19 Review Committee Meetings. Mr. Evans further informed the Board that 99 cases had closed during FY2019. He provided information regarding the stage of completion of the open cases as of that date, the average number of days from case open to investigation complete, currently 92 days. There were 264 firm inquiries.

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

- Mr. Mazanek introduced the request of DSM Engineering Plastics, Inc. – Firm seeks Board’s approval for a Certificate of Authority to use their legal name.
  - Following discussion, a motion was made to disapprove the request for a non-objection letter. The motion was seconded, he Board voted and the motion was unanimously approved.
    - The Board directed staff to deny the request.

10. Old Business - Executive Director

Mr. Ritter asked for the Board’s approval to change the date of the Board Meeting scheduled for May 13, 2020. He requested that the meeting be rescheduled for May 20, 2020. A motion was made to change the May meeting date to May 20, 2020. The motion was seconded. The Board voted and the motion was unanimously approved.
11. **New Business - Executive Director**

Mr. Ritter gave control of the meeting to Mr. Tuttle to provide an update regarding the Electronic Records and Imaging Policy. Mr. Tuttle summarized the contents and explained that the document required signatures. After discussion, the Board approved signatures by Mr. Ritter, Mr. Stone, and Mr. Miranda in order that the document may be submitted to the NC Department of Natural and Cultural Resources – Division of Archives and Records.

*A motion to adjourn was made and seconded. The Board adjourned at 3:19 p.m. The Board is next scheduled to meet by conference call on February 12, 2020.*

Respectfully submitted,

[Signature]

Carl M. Ellington, Jr., PE
Secretary

Approved by the Board in Session

Date: March 4, 2020