

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

November 10, 2021

Raleigh, North Carolina

Board Chair, John Logsdon, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, November 10, 2021, to conduct the regular order of business. Attendance of Board Members, verified by rollcall, was as follows:

Board Members on Teleconference Call:

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

Staff on Call:

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

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Logsdon 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 matter involved. There were no conflicts noted.

2. Consent Agenda – Executive Director

Chair Logsdon introduced the Consent Agenda. Mr. Benton made a motion to approve the Consent Agenda as presented. Mr. Care seconded the motion. Mr. Zoutewelle informed the Board that he suggested the addition of the word “engineering” to the first paragraph of the second page of the October minutes. In addition, Chair Logsdon noted the need to correct the page sequence of a review committee item. Messrs. Benton and Care restated their motion to include amendment of the two items. A vote was taken, and the amended Consent Agenda was unanimously approved.

The Consent Agenda included: Comity, Initial Licensure, PE Reinstatement, and SI Certification; Firm Applications for 14 Professional Corporations, 15 Professional Limited Liability Companies, 2 Business Firms, 2 Name Change Requests, 1 Request to Use Individual’s Name in Company Title, and 1 d/b/a Request; Minutes; Retired Status Requests; Review Committees, Settlement Conference, and the 2022 Board Calendar.

*Mr. Ritter informed the Board that the Fall issue of the Board’s newsletter was sent out overnight and advised the Members to expect calendar invitations for 2022.*

*Mr. Care made a motion to adjourn. Mr. Fairbanks seconded the motion. The Board voted and the motion to adjourn was unanimously approved. The Board adjourned at 9:05 a.m. The Board is next scheduled to meet on December 8, 2021.*

Respectfully submitted,



Dennis K. Hoyle, PE, PLS  
Secretary

Approved by the Board in Session

Date: December 8, 2021

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 13 - 14, 2021

Beaufort, North Carolina

Board Chair Logsdon gaveled the North Carolina Board of Examiners into session at 1:30 p.m. on Wednesday, October 13, 2021, to conduct the regular order of business. Attendance was as follows:

Present:

John M. Logsdon, PLS, Chair  
Jonathan S. Care, Public, Vice-Chair  
Cedric D. Fairbanks, Ph.D., PE  
Andrew G. Zoutewelle, PLS  
Carol W. Salloum, Public  
Richard M. Benton, PLS  
Brenda Moore, PE

Absent:

Carl M. Ellington, Jr., PE  
Dennis K. Hoyle, PE, PLS, Secretary

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Logsdon 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 matter involved. There were no conflicts identified.

2. Consent Agenda – Executive Director

Chair Logsdon introduced the Consent Agenda. Mr. Benton made a motion to approve the Consent Agenda as presented. Mr. Fairbanks seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The Consent Agenda included: Request for Board Authorized Case Openings; Firm Applications for 11 Professional Corporations, 21 Professional Limited Liability Companies, 1 Chapter 87 Corporation, 1 Request for use of d/b/a, and 1 Request to be Resident for Multiple Companies; and Retired Status Requests.

3. 2022 Board Officer Elections – Executive Director

*Nominations are deferred until day two.*

4. Planning Session – Vice-Chair Care

Mr. Benton made a request to add an item to the agenda. The Nutt case is added to the agenda as a closed session item.

a) Farewell Dinners

Members discussed the possibility of having a shared dinner for Mr. Shields, Mr. Smith, and Ms. Thurman. The period between December and February are considered. December 7<sup>th</sup> and January 11<sup>th</sup> are considered. Mr. Ritter, with the goal of having the dinners happen as soon as possible, will coordinate.

b) 100-Year Anniversary Dinner

The Board, being first established in 1921 reached its 100-year anniversary in 2021. The Board is in favor of a celebration. April of 2022 is considered since there will not be a Board Meeting. Board Members agree to assist. Mr. Hoyle and Mr. Care will report on progress from time to time. Efforts to secure notable speakers will commence.

c) NCEES – PS Exam Update

Mr. Zoutewelle gave a historical overview of the issues that have resulted in the efforts to modify the PS exam structure, explaining the goal of eliminating or greatly reducing the state specific surveying

exam. Consolidation of the exams was considered. The five new divisional exams are being considered focus on (1) core surveys, (2) PLS, (3) boundaries, (4) mapping sciences, and (5) incidental engineering.

d) NCEES – Engineering Licensure Task Force

Mr. Ritter gave a historical perspective regarding current practices. The topic was discussed in detail. The need to solve the problem of mobility while also ensuring rules and laws specific to North Carolina were preserved were considered. Education, exam, and experience were noted to be the methods to ensure core competencies. Tiered licenses, exam costs, the NCEES licensure model, and the environmental focus of the new generation of engineers were topics discussed.

Concerns regarding how the issue of reciprocity is handled differently by certain states was considered when discussing mobility and what to expect in the next fifteen to twenty years. The need for older PEs to mentor the new generation of PEs was noted to be of value.

e) Settlement Conferences and Board Meetings by Zoom Discussion

It was noted that factors such as multiple and complex exhibits seem to make the use of Zoom for some settlement conferences cumbersome. Board members on the review committee may have the option of determining Zoom or in-person settlement conferences. As long as the option is not abused, Board members are afforded the courtesy of Zoom or in-person participation for Board Meetings.

f) Board Violations Report Discussion

Whether more information should be included in the report is discussed. Mr. Care asked and Mr. Ritter explained the process the staff uses to provide as much information as possible and to inform the Board Members that the goal is to try to process the actions within 180 days. The Board requested data regarding the processing of all cases that went to hearing in the last five years. The goal is to establish procedures that increase efficiency. The Board also seeks data to identify options to decrease the time between case approval and the scheduling of settlement conferences.

*The Board adjourned Wednesday, October 13, 2021, at 5:00 p.m. and reopened Thursday, October 14, 2021, at 8:03 a.m. The Board resumed the Planning Session.*

g) Board Outreach

Mr. Ritter shared his goal that the Board be considered one of the top boards in the country. There was unanimous agreement for moving forward with efforts to have the Board seen as a resource. It was acknowledged that outreach is linked to the interests of individual Board Members. Mr. Ritter will take steps to establish a list of contacts at key agencies and Board Members will supply interest points contacts.

h) Copyright Article

The Board engaged in extensive discussion regarding the use of copyrights on surveys. They discussed the subsequent reliance on existing plats, the need to secure a current survey in case conditions have changed, indiscriminate use and public protection. There was agreement that the surveyor has a reasonable right to control reproduction of his documents while the purchaser should also be able to use the survey for purpose solicited without fear of copyright violation. The surveyor's concern as to verifying that a survey actually is his or her survey and has not been altered is a valid concern. These concerns are to be addressed in upcoming article. Board Members will review article.

i) Electronic Seal/Signature Discussion

This topic will be revisited when Mr. Hoyle is available. In the meantime, Mr. Ritter will assemble rules used by other states for review.

j) Board Hearing Procedures

Mr. Care addressed the issue of providing information to the licensee. Mr. Care, Chair Logsdon, and Mr. Hanna will work to develop timelines and processes more in line with the court system.

k) Responsible Charge Discussion

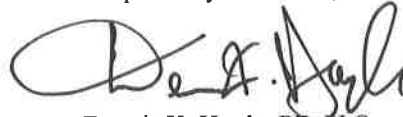
The differences in the ability to control the actions of a contractor and those of an employee are discussed. The goal of making sure the licensee is exercising responsible charge is paramount. It is requested that lines 33 – 36 be reviewed by Board Members prior to the December Board Meeting. There is a specific request to by Mr. Benton to change the word “research” in line 34 to “services.”

*The Board went into closed session at 11:38 a.m. to discuss legal matters facing the Board. The Board returned from closed session at 11:49 a.m. to continue its regular order of business.*

The following slate of Board officers were proposed for 2022: Mr. Care for Chair, Mr. Hoyle for Vice-Chair, and Mr. Fairbanks for Secretary. Each had individually expressed a willingness to serve as officers. Mr. Benton made a motion to accept the slate of officers. Ms. Salloum seconded the motion. The Board voted, and the individuals nominated for officers were selected unanimously by acclamation.

*Following a motion to adjourn, the Board adjourned at 12:00 p.m. The Board is next scheduled to meet on November 10, 2021.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. K. Hoyle", written over a horizontal line.

Dennis K. Hoyle, PE, PLS  
Secretary

Approved by the Board in Session

Date: November 10, 2021

# NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 15, 2021

Raleigh, North Carolina

Board Chair, John Logsdon, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, September 15, 2021, to conduct the regular order of business. Attendance was as follows:

## Board Members Present:

John M. Logsdon, PLS, Chair  
Dennis K. Hoyle, PE, PLS, Secretary  
Jonathan S. Care, Public Member, Vice-Chair  
Cedric D. Fairbanks, Ph.D., PE  
Carl M. Ellington, Jr., PE  
Carol W. Salloum, Public Member  
Brenda Moore, PE

## Absent:

Andrew G. Zoutewelle, PLS  
Richard M. Benton, PLS

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

Chair Logsdon 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 matter involved. There were no conflicts noted.

### 2. Consent Agenda – Executive Director

Chair Logsdon introduced the Consent Agenda. Mr. Care made a motion to approve the Consent Agenda as presented. Ms. Salloum seconded the motion. A roll call vote was taken, and the Consent Agenda was unanimously approved.

The Consent Agenda included: Comity, Initial Licensure, PE Reinstatement, and SI Certification; Firm Applications for 22 Professional Corporations, 41 Professional Limited Liability Companies, 5 Business Firms, 1 Chapter 87 Corporation, 4 Name Change Requests, 1 Request to be Resident for Multiple Companies, 2 Requests to Use Individual's Name in Company Title, and 2 Summary of d/b/a Requests; Minutes; Retired Status Requests; Review Committee Agenda; Requests for Board Authorized Cases; and Settlement Conference Agenda.

*Mr. Ritter introduced the Board to a guest, Jennifer Bell, and new employee, Iva Karcevski. Ms. Karcevski replaces Dawn Taylor.*

### 3. Review Committees

#### **CPC Committee – Chair Salloum**

- Review CPC Materials of Edward W. Pence, Jr. - Committee granted Mr. Pence a total of 8 PDHs (6 PDHs for his work with students at Old Dominion University on engineering project management and business practices [2020 and 2021] and 2 PDHs for two courses completed with the American Arbitration Association [2020 and 2021]). Mr. Ritter suggested that the item be discussed by the full Board.

#### **Engineering Committee – Chair Fairbanks**

- Schuch Package Engineering – Request to operation under alternate name - Approved with modification - Staff will advise Mr. Schuch that the Board will issue a letter to Secretary of State's office. Mr. Schuch will be cautioned to not offer or provide engineering services.
- LiDAR Data Question - Robert L. Burkholder, PE - Board is developing a policy, which will address the question posed about using the publicly available NC Spatial Data Download <https://sdd.nc.gov/> to supplement conventional method ground topographic surveying. Item will remain on Committee's agenda. Board Counsel will communicate item status to Mr. Burkholder. Board Members Logsdon and Benton lead efforts to draft Policy.
- Motorsports Engineering - Tamos Erdos Inquiry – Pending applicant's additional information, as requested. Board Member Fairbanks and staff to draft response.

## Surveying Committee – Chair Logsdon

- Mr. Logsdon gave the Surveying Committee report in Mr. Zoutewelle's absence. The first matter is the result of a question from a licensee regarding a plat. No specifics were discussed since a case is being opened. Question from Gary Thompson regarding the use of LiDAR. The consensus is that references can be used but the source must be referenced. Messrs. Logsdon and Benton will draft a Board rule.
- Mr. Hoyle addressed data provided by non-licensed sources. Chair Logsdon noted that the professional must take steps to be confident in the data.
- Mr. Logsdon requested that the clean version of Board policies, without strikethroughs and underlines, be posted. The revisions can be noted under Current Board news.
- Surveys in a language other than English was explored. It was noted that the Secretary of State for Registers of Deeds requires all documents be in English. The option of use of a two-page version with English and the non-English version was considered.
- Mr. Tuttle and Mr. Evans conferred on the method for suggested rule changes with respect to carry-over on the topic specific annual PDH requirements. A rule-by-rule strategy was decided.
- After discussion and agreement as to the establishment of an annual one-hour ethics requirement, it was determined that Chair Logsdon and Mr. Tuttle will work together to draft.

## 4. NCEES – Executive Director

Mr. Ritter reminded the Board that he, Mr. Care, and Mr. Benton were to attend an NCEES meeting in New Orleans; however, he informed the members that the trip was canceled. Chair Logsdon and Mr. Ritter will participate in an NCEES webinar following the Board Meeting today. All Board Members are invited to sit in but not required to. Mr. Ritter mentioned that Chair Logsdon has been provided with a method to vote on issues during the meeting. He explained that NCEES has various committee issues that member boards are requested to provide their input. Currently, one such issue comes from NCEES' Exam Policy Committee (EPC). Specifically, there is a vote regarding the structural engineering exam, the last exam given by NCEES in paper and pencil format. This exam is not given frequently when compared to other exams. Further, there are states that have no participants to sit for the SE exam but, for those states that do require the SE exam, they have higher numbers. The EPC proposes to regionalize the SE exam reducing from 55 to 16 testing jurisdictions and waiving the state requirement, for those states who have such a requirement. Richmond, VA would be the regional location for North Carolina. After discussion and input from the Board Counsel who, speaking from the public protection standpoint, stated that there is a benefit to the public if more structural engineers took the SE exam and it is made as easy for the applicant to do so. Chair Logsdon expressed an understanding that each member state should be able to give each exam offered by NCEES within their borders but underscored that he had no strong opinion. Chair Logsdon took a poll, and the result of the poll dictates that the Board vote on the issue will be "No."

## 5. Board Secretary Report – Board Secretary and Executive Director

Board Secretary Hoyle reviewed the revenue and expenses and briefly discussed revenue and expenses for the July and August reports. Mr. Hoyle focused on the increase in expenses related to lawsuits contained in the July report. Chair Logsdon and Mr. Ritter explained how the legal fees impacted the expenses. The August report was then reviewed and discussed. Mr. Hoyle noted that overall, the revenue over expenses is positive. Mr. Ritter noted that the individual and firm renewal rates did not reflect a negative impact.

## 6. Violations – Assistant Executive Director

Mr. Evans presented the Violations Report with data current as of July 14, 2021. He informed the Board that 80 cases had been opened for fiscal year 2021 and 63 cases had been closed. He provided information regarding the stage of completion of the 79 cases currently open and informed the Board that the average number of days from case open to investigation complete is currently 50 days. Mr. Evans noted that there was a slight decrease in the number of surveying cases. In addition, Mr. Evans informed the Board of the breakdown and percentages of non-licensed cases for both engineers and surveyors. He also reported the number of respondents with prior cases. He noted that 13 respondents had 19 prior disciplinary actions. He provided a breakdown as to the stage of completion of the cases currently under investigation as of July 6, 2021.

## 7. Special Agenda – Director of Business Licensure

Mr. Mazanek gave an overview of a request by Engineered Floors, LLC for a non-objection letter. The request was briefly discussed. Mr. Ellington moved to issue a non-objection letter. Ms. Salloum seconded the motion. Chair Logsdon took a roll-call vote, and the motion was unanimously approved.

8. New Business: Chair Logsdon

Mr. Logsdon introduced a request for a refund of a \$100.00 late fee. Noting that the charge is statutorily allowed, he asked Mr. Tuttle to give his opinion. Mr. Tuttle stated that the Board generally does not stray from statute unless there are extenuating circumstances. Mr. Ritter explained that there has been a great decrease in the number of such requests since the Board has started sending out electronic notices. Chair Logsdon noted that there are no statutory exceptions or authority to waive. After discussion, Mr. Care made a motion to deny the request. The motion was seconded by Ms. Moore. A roll-call vote was taken. All voted yes, except Mr. Fairbanks.

9. Informational Items – Mr. Ritter explained a legislative item brought forward by Senator McGinnis, regarding years of experience for surveyors with high school level education. He informs the Board that efforts are still ongoing but there has been no movement in the bill since April.

Mr. Ritter updated the Board regarding the hearing that was initially scheduled for today. The respondent cancelled his request for a hearing and instead accepted the earlier settlement conference recommendation. The settlement conference recommendation was approved on the consent agenda. He noted that there is another respondent with a potential hearing. He is not currently licensed but, if prompted, the hearing would likely be in December.

Mr. Ritter noted that the Board's newsletter is planned for November. Mr. Care, Chair Logsdon, and Mr. Benton are reminded of the need to finalize a news article.

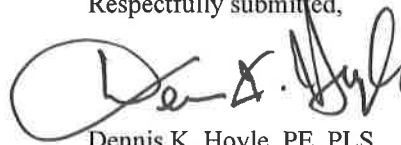
Mr. Ritter noted that he and Mr. Hoyle participated in the ACEC and the PENC meetings. Mr. Hoyle noted that Mr. Ritter gave excellent presentations at both meeting. Mr. Ritter plans to go to Blowing Rock for a meeting on Friday.

Mr. Ritter gave the logistics for the upcoming planning sessions and requested that those topics be shared with him and/or Mr. Care.

Mr. Logsdon informed the Board that NCEES sent a copy of a book titled The History of NCEES which will be available for review.

*Ms. Salloum made a motion to adjourn. Mr. Fairbanks seconded the motion. The Board adjourned at 11:32 a.m. The Board is next scheduled to meet on October 13 – 14, 2021.*

Respectfully submitted,

  
Dennis K. Hoyle, PE, PLS  
Secretary

Approved by the Board in Session

Date: November 10, 2021

# NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 14, 2021

Raleigh, North Carolina

Board Chair, John Logsdon, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, July 14, 2021 to conduct the regular order of business. Attendance was as follows:

## Board Members Present:

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

## Absent:

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

Chair Logsdon 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 matter involved. There were no conflicts noted.

### 2. Consent Agenda – Executive Director

Chair Logsdon introduced the Consent Agenda. Mr. Zoutewelle made a motion to approve the Consent Agenda as presented. Mr. Benton seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The Consent Agenda included: Firm Applications for 9 Professional Corporations, 12 Professional Limited Liability Companies, 2 Business Firms, 2 Chapter 87 Corporations, 5 Name Change Requests, and 6 Requests to Use Individual's Name in Company Title; Minutes; and Review Committee Agenda.

### 3. Review Committees

#### **CPC Committee – Chair Salloum**

- CPC Application (Consent Agenda)
- NCEES UPLG Motions – Clarifying motions approved
- Ethics training proposals are being considered. David Tuttle has been asked to draft bullet points for the contents and goals for an ethics program.

Mr. Ritter gave a brief history of options previously considered to establish ethics training, the costs, and staff participation. Board Members discussed various options for funding, the need for CPC education, and possible regulatory changes necessary. Mr. Care requested an update regarding earlier efforts to seek the opinion of the Attorney General and Ms. Moore asked to see the historic documents which detail the path thus far. Mr. Tuttle gave an example of two boards with staff dedicated to ethics training and compared how each utilized their staff. Following continued discussions, Chair Logsdon tabled the issue.

#### **Engineering Committee – Chair Fairbanks**

- Mandatory Education
  - The topic will remain under review.
- PE Application Review – Initial – Mark Bertagna
  - Past and present issues were briefly reviewed. Pending applicant's additional input as requested.
- NCEES Fire Protection Task Force Motion

- Approved
- PE Application Review – Initial Saurabh Nomula
  - Approved
  - Mr. Ritter explained the requirements for foreign applicants and explained the options offered to the applicant.

#### **Surveying Committee – Chair Zoutewelle**

Mr. Zoutewelle informed the Board that the Surveying Committee did not meet but gave an overview of their topics as information is still pending information. Mr. Zoutewelle noted that there will be Board presence at the NCSS Institute including Mr. Ritter, Mr. Benton, and Chair Logsdon.

#### **4. NCEES – Executive Director**

Mr. Ritter explained the history and the nature of the Washington Accord based ABET equivalency. The Board will continue to ensure the Washington Accord guidance is in line with individual state requirements. Mr. Ritter noted differences in surveying and engineering educational requirements and how ABET played a role. Discussion ensued.

Board Visits – As one of the few Boards that has not had a visit, we may expect a visit in 2022. Mr. Ritter explained what occurs during a Board visit.

Mr. Ritter discussed committee assignments. Mr. Fairbanks informed the Board that he received a committee assignment. He has been assigned to the Committee on Examination Audit Abstract.

*Chair Logsdon asked that Board take a matter out of order since Mr. Hanna had joined the meeting. The Review Committee item will be heard ahead of the Board Secretary's Report.*

Mr. Benton made a motion to go into closed session to obtain the advice and direction of counsel regarding pending litigation for two matters against the Board. Mr. Fairbanks seconded the motion. Mr. Ritter asked for Chair direction as to which members of the staff would attend the closed session. Chair Logsdon asked that the Executive Director and the Assistant Executive Director participate in the closed session. Following a vote, the motion was unanimously approved.

*At 10:09 a.m. the Board took a brief break and thereafter immediately went into closed session. The Board Meeting reconvened at 1:05 p.m. to continue the regular order of business.*

#### **5. Board Secretary Report – Board Secretary and Executive Director**

Board Secretary Hoyle reviewed the revenue and expenses and briefly discussed revenue and expenses. Following discussion regarding allocation of legal fees, Ms. Salloum made a motion to have the funds for the Nutt case drawn from the legal reserve fund. Mr. Fairbanks seconded the motion. The Board voted and the motion was unanimously approved. Discussion ensued regarding the merits of the case that would support a determination enabling the ability to recover attorney fees. Mr. Logsdon explained the limited circumstances and possible circumstances that would allow for recovery.

In response to a question by Mr. Care, Mr. Ritter reported firm growth and renewal numbers. He further explained the slight increase in the number of land surveyors. He attributed the increase to the sole efforts of staff member Stephanie Bryant who had recently took ownership of the duties following the exit of a previous employee. Chair Logsdon stated that Ms. Bryant's and Mr. Mazanek's efforts of previewing the maps have been greatly appreciated and of good quality.

Mr. Ritter informed the Board that there were some slight increases regarding building expenses due to an increase in shared tenant costs due to turnover related to Covid-19. It was also noted that the building was purchased by a new owner and is also under new management.

#### **6. Review Committee**

Chair Logsdon advised that both the 360 Drone case and the Wayne Nutt lawsuits were discussed with Mr. Hanna. Further, he stated that the Board's investigation of Mr. Nutt, which was underway prior the lawsuit, was also discussed. He stated that Board Counsel, David Tuttle, has prepared a draft letter to Mr. Nutt. Chair Logsdon confirmed with Mr. Fairbanks that the Review Committee agreed with the content. The letter was further reviewed

by Board Members and will be sent on behalf of the Board. Board Members approved the recommendation of the Review Committee. So moved by Mr. Benton. Seconded by Ms. Moore.

7. Violations – Assistant Executive Director

Mr. Evans presented the Violations Report with data current as of July 14, 2021. He informed the Board that 69 cases had been opened for fiscal year 2021 and 63 cases had been closed. He provided information regarding the stage of completion of the 86 cases currently open and informed the Board that the average number of days from case open to investigation complete is currently 97 days. In addition, Mr. Evans informed the Board of the breakdown and percentages of non-licensed cases for both engineers and surveyors. He also reported as to the number of respondents with prior cases. Lastly, he provided a breakdown as to the stage of completion of the cases currently under investigation as of July 6, 2021.

Hearings: Discussion ensued regarding the number of hearings. The Executive Director requested the Board Chair give his position regarding a hearing in September. Chair Logsdon was in agreement to hold the hearing in September.

8. Old Business:

Mr. Ritter discussed the topic of the use of Zoom for Review Committees and Settlement Conferences. He asked members if there is a preference or if we should continue the practice of member choice. Chair Logsdon agreed with the group but requested that the Executive Director monitor the success of the use of Zoom and report back periodically. Mr. Care suggests setting parameters to establish a more systematic approach to scheduling settlement conferences. The group discussed the merits of maintaining the use of Zoom or a combination of Zoom and in-person. Chair Logsdon expressed his preference to the use of in-person settlement conferences but is willing to continue to use Zoom or a hybrid based on the particulars of each case.

Mr. Care, in keeping with the question of whether to use Zoom or require in person settlement conferences, expressed the burden of scheduling settlement conferences. Staff will work with Public Members to establish a more structured approach to scheduling settlement conferences which includes staff first checking with Public Members for availability.

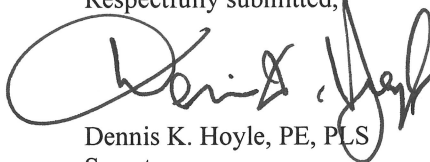
The following items were introduced for discussion:

- 100-Year Celebration – Chair Logsdon suggests postponing until Spring of 2022
- Celebratory Dinners for recently departed Board Member will be discussed at the Planning Session.
- Planning Session – October 13 – 14, 2021. It was agreed to use the in-person format. Outlook reminders to be sent out. Pending Vice Chair recommendation. (Ms. Moore wanted proof of ethics training in the Minutes. Members request emailed reminders.) Mr. Ritter noted that the member list will be added to the Minutes, and he informed each member of when their next training was due.
- Mr. Ritter informed the Board that Respondent Miller appealed the Board's decision. Chair Logsdon informed the Board that the Board has opposed the stay. A date has yet to be established.
- Mr. Ritter turned the meeting over to Mr. Tuttle to review possible rules revisions from previous Board and committee discussions. Mr. Tuttle explained the items under consideration. Mr. Benton suggested that each committee review the suggested changes. The matter was tabled pending review by CPC, Engineering, and Surveying Committees.
- 2020 Planning Session Items – Mr. Ritter summarized the planning sessions topics.

9. Informational Items – Mr. Ritter explained that President Biden’s Executive Order was shared by NCEES. He noted that there were different types of Boards and explained that those that have educational and experience requirements were not targeted. Mr. Tuttle further explained the differences in the various types of boards and the differences in those that have licensees in each state, and where the Board falls within the sphere.

*Mr. Fairbanks made a motion to adjourn. Mr. Ellington seconded the motion. The Board adjourned at 2:53 p.m. The Board is next scheduled to meet on September 15 – 16, 2021.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis K. Hoyle", written over a large, loopy circular flourish.

Dennis K. Hoyle, PE, PLS  
Secretary

Approved by the Board in Session

Date: September 15, 2021

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 9, 2021

Raleigh, North Carolina

Board Chair, John Logsdon, gavelled the North Carolina Board of Examiners into session at 8:30 a.m. on Wednesday, June 9, 2021 to conduct the regular order of business. Attendance was as follows:

Board Members on Teleconference Call:

John M. Logsdon, PLS, Chair  
Dennis K. Hoyle, PE, PLS, Secretary  
Cedric D. Fairbanks, Ph.D., PE  
Carl M. Ellington, Jr., PE  
Andrew G. Zoutewelle, PLS  
Carol W. Salloum, Public Member  
Brenda Moore, PE

Absent:

Jonathan S. Care, Public Member, Vice-Chair  
Richard M. Benton, PLS

Staff on Call:

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

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Logsdon 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 matter involved. There were no conflicts noted.

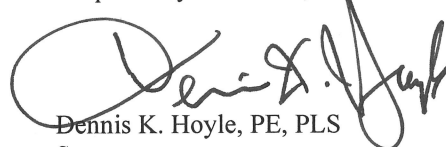
2. Consent Agenda – Executive Director

Chair Logsdon introduced the Consent Agenda. Mr. Zoutewelle made a motion 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 included: Firm Applications for 10 Professional Corporations, 15 Professional Limited Liability Companies, 4 Business Firms, 1 Name Change Request, and 3 Requests to Use Individual's Name in Company Title; Retired Status Requests; and Review Committee Agenda.

*Mr. Fairbanks made a motion to adjourn. Ms. Moore seconded the motion. The Board voted and the motion to adjourn was unanimously approved. The Board adjourned at 8:37 a.m. The Board is next scheduled to meet on July 14, 2021.*

Respectfully submitted,



Dennis K. Hoyle, PE, PLS  
Secretary

Approved by the Board in Session

Date: July 14, 2021

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

May 12 - 13, 2021

Raleigh, North Carolina

Board Chair, John Logsdon, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, May 12, 2021, to conduct a hearing and to attend to the regular order of business. Attendance was as follows:

Present:

John M. Logsdon, PLS, Chair  
Dennis K. Hoyle, PE, PLS, Secretary  
Andrew G. Zoutewelle, PLS  
Brenda Moore, PE  
Carol W. Salloum, Public  
Richard M. Benton, PLS  
Cedric D. Fairbanks, Ph.D., PE

Recused and not in attendance:

Jonathan S. Care, Public, Vice-Chair

Excused

Carl M. Ellington, Jr., PE

Also Present:

Other Board Hearing Attendees

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Logsdon 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 matter involved. Mr. Benton mentioned a case that he had reviewed and asked if a determination had been made as to whether he would be conflicted out of participation in discussions in the related suit. It was discussed and determined that Mr. Benton was not in conflict. No other conflicts or appearances of conflict were identified.

2. Hearing – David E. Miller (V2019-001)

May 12, 2021, the Board recognized individuals present for the hearing. The hearing was conducted. Following the hearing, Members determined that they would reconvene at 8:00 a.m. on Thursday, May 13, 2021 to deliberate the outcome. The Board reconvened at 8:00 a.m. on Thursday, May 13, 2021.

Following the Chair's introduction of the issue at hand, Ms. Salloum made a motion to go into closed session to discuss the Michael Jones drone case and to receive advice of counsel, Mr. Hanna who was present. Mr. Benton seconded the motion. Mr. Logsdon informed the Member that Mr. Ritter would also be in attendance during closed session. The Board Members immediately went into closed session. The Board returned from closed session at 11:40 a.m. to continue its regular order of business.

3. Consent Agenda – Executive Director

Chair Logsdon introduced the Consent Agenda. Mr. Benton made a motion to approve the Consent Agenda as presented. Mr. Fairbanks seconded the motion. A roll-call vote was taken, and the Consent Agenda was unanimously approved.

The Consent Agenda included: Request for Board Authorized Case openings; Comity Licensure, Initial Licensure, and PE Reinstatements; Firm Applications for 26 Professional Corporations, 29 Professional Limited Liability Companies, 10 Business Firms, 4 Chapter 87 Corporations, 1 Name Change Request, 1 Request to be Resident for Multiple Companies, 3 Requests to Use Individual's Name in Company Title, and 1 Summary of d/b/a/ Request; Minutes, and Retired Status Requests.

4. Committee Reports – Committee Chairs

**Engineering Committee – Chair Fairbanks**

New Business:

- HB291 Timeline for Review and Approval of Plans (Informational Item) – Informational item. Committee members reviewed the bill. Chair directed item be moved to old business for monitoring.
- Mini Brooks Question – The Committee was contacted by the Cape Fear Public Utility Authority. Committee discussed and directed Board Counsel to respond.
- PE Comity Application Review – Sean P. Pic-kell: Committee review and directed staff to schedule applicant for administrative conference.
- Testimony Question – Committee discussed Attorney Kyle Nutt’s request for interpretation as to the Board’s position regarding a non-licensee testifying regarding engineering matters. The Committee concurred with a prior response provided to Mr. Nutt by Board Counsel. Committee directed Mr. Tuttle to draft a response to Mr. Nutt for review.
- PE Initial Application – Carl Anderson: Committee reviewed and approved the applicant.

**Surveying Committee – Chair Zoutewelle**

New Business:

- SI Felony Review – Reviewed and requires additional information.
- Invalidation – Robert White - Reviewed
- Visual Surveys Only – Clear and factual limited reports are acceptable and need to be signed and sealed.
- Surveying Question new NC/SC State Lines – Regarding property surveying along state lines. Determined that Board staff has given consistent response to such inquiries in light of updated survey of NC/SC state lines, that requires licensure required by both States.
- GICC Cases – Committee requests that Mr. Ritter follow-up GICC to move forward with the use cases to close out the matter and secure the final work product.

**CPC Committee – Chair Salloum**

New Business:

- Request for PDH Consideration – David B. Scott, Ph.D., PE – The Committee directed staff to respond to Mr. Scott.
- Training Folks – Reviewed product and made determination.
- CPC Rule – David Tuttle to draft CPC Rule change regarding ethics course.

5. NCEES – Executive Director

Mr. Ritter informed the Board that Mr. Zoutewelle will assume the role of Southern Zone Vice President, starting in August and continuing for a period of two years and is expected to subsequently move into the role of President. It was announced at the Southern Zone Meeting that our Board will host the 2024 Southern Zone Meeting. Oklahoma then Arkansas are the next states in line to host the Southern Zone Meetings. Mr. Ritter informed the Board that Mr. Zoutewelle presented, and others sat in on the Colonial States Meeting where the dominant topics discussed were surveying exam and modules, and the need to update the mapping science exam. Brief discussion ensued. Mr. Logsdon mentioned that there was a North Carolina resident that took the mapping science exam and passed the exam. There have been few requests to take the exam, often with multiple years between requests. He mentioned that the exam has been historically underutilized which contributes to hesitancy for various boards to obligate funding. Mr. Ritter gave a historical prospective of the two types of PS exams and explained how the traditional type did not include software-based components such as photogrammetry, use of drones, and GIS. The secondary PS exam has been available for

approximately 15 years and the request to take the exam is noted as only the second such request within that time period.

Discussion ensued regarding the Annual Conference in New Orleans. It was reiterated the previous determination that Mr. Zoutewelle will attend as Zone Vice President, and Mr. Ritter and Mr. Benton also to attend. Mr. Logsdon informed the Members that an additional slot was added and suggested that Mr. Care attend. Mr. Care agreed.

Mr. Zoutewelle made a statement to assure new members that participation in national activities is fulfilling and although greatly impacted by the epidemic, is something to look forward to once things return to normal.

6. Board Secretary Report – Board Secretary and Executive Director

Mr. Hoyle reviewed the budget and noted the positive steady trend. There were no abnormalities noted with the exception of the anticipated legal expenses. Brief discussion ensued. Mr. Ritter expressed his views and stated that the Board continues to be well positioned to weather what is, hopefully, the end of the effects of the pandemic.

7. Violations Activity – Assistant Executive Director

Mr. Evans presented the Violations Report with data current as of April 28, 2021 and informed the Board that 48 cases had been opened for fiscal year 2021 and 41 cases had been closed. He provided information regarding the stage of completion of the 88 cases currently open and informed the Board that the average number of days from case open to investigation complete is currently 101 days. In addition, Mr. Evans informed the Board of the percentages of non-licensed cases for both engineers and surveyors.

8. Old Business – Executive Director


Mr. Ritter shared that Ms. Salloum had provided the State Ethics Commission with her 2020 Statement of Economic Interest.

9. New Business – Executive Director

Mr. Ritter directed the Board's attention to Session Law 2019-91, House Bill 770 and efforts of the North Carolina State Reentry Council Collaborative in conjunction with the Secretary of Public Safety and the Attorney General's office. Mr. Tuttle gave an analysis of the efforts and the possible effects on statutory changes which may impact occupational licensing boards. Mr. Ritter and Mr. Mazanek will review and follow-up with the Surveying Committee. Following Board discussion on the topic of the April 2021 letter and confirmation of the joint review and collaboration between in-house Board Counsel and the Executive Director, Mr. Benton made a motion for staff to continue its current practices as to the handling of criminal records checks. Ms. Salloum seconded the motion. Mr. Tuttle made a brief clarification. The motion was tabled until the next meeting.

*Mr. Zoutewelle made a motion to adjourn. Ms. Moore seconded the motion. The Board adjourned a 2:01 p.m. The Board is next scheduled to meet on July 14, 2021.*

Respectfully submitted,



Dennis K. Hoyle, PE, PLS  
Secretary

Approved by the Board in Session

Date: July 14, 2021

## NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

April 7, 2021

Raleigh, North Carolina

Board Chair, John Logsdon, gavelled the North Carolina Board of Examiners into session at 9:01 a.m. on Wednesday, April 7, 2021 to conduct the regular order of business. Attendance was as follows:

Present:

John M. Logsdon, PLS, Chair  
Jonathan S. Care, Public, Vice-Chair (9:25 a.m.)  
Dennis K. Hoyle, PE, PLS, Secretary  
Andrew G. Zoutewelle, PLS  
Carl M. Ellington, Jr., PE  
Brenda Moore, PE  
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 Logsdon 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 matter involved. Mr. Benton sought the input of the Board to determine if he should abstain from participation in a matter coming before the Board. Following a brief discussion, Chair Logsdon informed Mr. Benton that he was not precluded from participating in the matter before the Board.

2. Continuation of Board Review of ALJ Proposal for Decision and Discussion of Michael Jones Suit

Chair Logsdon gave an overview of the order of the activities under the heading.

*Mr. Zoutewelle made a motion to go into closed session to (a) resume deliberations of the March 10, 2021 review of the ALJ Proposal for Decision and (b) to begin a discussion of the suit brought by Michael Jones. Mr. Benton seconded the motion. Mr. Logsdon conducted a roll-call vote, and the motion was unanimously approved. The Board went into closed session at 9:08 a.m.*

For matter “(a),” Ms. Anna Choi will be in attendance. For matter “b,” Mr. Ritter, Mr. Tuttle, Mr. Evans, and Mr. Hanna will be in attendance.

*Mr. Benton made a motion to return to regular session from closed session. Mr. Zoutewelle seconded the motion. After a roll-call vote, all voted in favor. At 9:25 a.m., Ms. Choi left the meeting and Mr. Care is now in attendance.*

Ms. Salloum made a motion to adopt the Final Agency Decision. Mr. Care seconded the motion. Chair Logsdon conducted a roll-call vote. The matter was unanimously approved. Chair Logsdon stated that the professional engineering license of respondent, William Payer, is hereby revoked. The Final Agency Decision will be served on Mr. Payer.

*For the purpose of receiving information and maintaining attorney client privilege, Mr. Zoutewelle made a motion to go back into closed session to discuss the Michael Jones suit. Mr. Benton seconded the motion. A roll-call vote was taken. All were in favor of going back into closed session. Mr. Hanna is now present. The Board and invitees go into closed session at 9:27 a.m.*

*Mr. Benton made a motion to return to regular session from closed session. Mr. Zoutewelle seconded the motion. After a roll-call vote, all voted in favor to return to regular session at 10:56 a.m.*

*Immediately thereafter, Mr. Fairbanks made a motion to adjourn. Ms. Salloum seconded the motion. The meeting adjourned. The Board is next scheduled to May 12 – 13, 2021.*

Respectfully submitted,



Dennis K. Hoyle, PE, PLS  
Secretary

Approved by the Board in Session

Date: May 12, 2021

# NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 10, 2021

Raleigh, North Carolina

Board Chair, John Logsdon, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, March 10, 2021 to conduct the regular order of business. Attendance was as follows:

## Present:

John M. Logsdon, PLS, Chair  
Jonathan S. Care, Public, Vice-Chair  
Dennis K. Hoyle, PE, PLS, Secretary  
Andrew G. Zoutewelle, PLS  
Carl M. Ellington, Jr., PE  
Brenda Moore, PE  
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 Logsdon 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 matter involved. Mr. Care noted that he is recused from a certain Review Committee Agenda item. Mr. Logsdon noted that all members of the Surveying Committee were recused from a Review Committee case arising out of committee.

### 2. Board Review of ALJ Proposal for Decision

*Following a vote and agreement, the Board went into closed session to perform a Board Review of the ALJ Proposal for Decision. After consideration of the decision, Board Members had a brief break and returned from closed session to continue the regular order of business at 10:56 a.m.*

### 3. Consent Agenda – Executive Director

Chair Logsdon introduced the Consent Agenda. Mr. Ellington made a motion to approve the Consent Agenda as presented. Mr. Benton seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The Consent Agenda included: Request for Board Authorized Case openings; Comity Licensure, Initial Licensure, and PE Reinstatements; Firm Applications for 7 Professional Corporations, 24 Professional Limited Liability Companies, 6 Business Firms, 2 Chapter 87 Corporations, 1 Name Change Request, and 2 Requests to Use Individual's Name in Company Title; Retired Status Requests; and Review Committee Agendas.

### 4. Committee Reports – Committee Chairs

#### **Engineering Committee – Chair Fairbanks**

#### **New Business:**

- Wood Truss Engineering – Informational item from James A. Lane, PE. Mr. Lane expressed his concern regarding what he feels are national differences in how truss systems are being developed. Staff will reach out to certain licensing boards to determine if an issue exists and follow up with Mr. Lane.
- PFME, LLC – The Committee was contacted to determine if engineering services are being offered or provided. Response will clearly define permitted business activities.

- HB233 – Interior Designers was listed as an informational item.

## **Surveying Committee – Chair Zoutewelle**

### **New Business:**

- Land Condominium – Mr. Zoutewelle explained that the concept of land condominium is relatively new, and the requester's need was not easily discernable. Mr. Tuttle to follow up to gain a better understanding of the nature of the request.

### **5. NCEES – Executive Director**

Mr. Ritter informed the Board of recent developments in the upcoming election of NCEES officers, including the Board's letter nominating Mr. Zoutewelle for the role of Southern Zone Vice President. He informed the Board that Mr. Shields had been confirmed as an Emeritus Member of the Board. Further, he confirmed that the Southern Zone Meeting would be held virtually in mid-April to conduct business matters and noted that one person from each board would be permitted to vote. Mr. Logsdon will attend and vote for the Board. The Annual Meeting may be an in-person meeting but will be limited to two participants. Mr. Logsdon, as the Board Chair, is to determine who will attend. Mr. Logsdon opened the floor for discussion. Mr. Logsdon determined that Board Member, Mike Benton, and Executive Director, Andrew Ritter, will attend.

### **6. Board Secretary Report – Board Secretary and Executive Director**

Mr. Hoyle informed the Board that he had reviewed the 2020 audit and found it to be a perfect report. Mr. Ritter expressed his appreciation of Ms. Scarborough's efforts. Ms. Salloum made a motion to approve the audit. Mr. Zoutewelle seconded the motion. A vote was taken, and the audit was unanimously approved. In addition to the audit, the Board engaged in a positive budget review which revealed a revenue increase of two to four percent; in line with the historical average and including the unexpected need to replace a printer. In response to inquiry, Mr. Ritter confirmed that all budget reports are forwarded even during months that the Board does not meet.

### **7. Violations Activity – Assistant Executive Director**

Mr. Evans presented the Violations Report with data current as of March 10, 2021 and informed the Board that 24 cases had been opened for fiscal year 2021 and 20 cases had been closed. He provided information regarding the stage of completion of the 85 cases currently open as of March 2, 2021 and informed the Board that the average number of days from case open to investigation complete is currently 108 days. In addition, Mr. Evans informed the Board of the percentages of non-licensed cases for both engineers and surveyors.

### **8. Applications – Director of Business Licensure**

*Women in Engineering Programs and Advocates Network* - has requested permission to use "engineering" in the name to obtain registration as a non-profit with the Secretary of State. Mr. Benton made a motion to approve the use of the name in registration as a non-profit. Ms. Salloum seconded the motion. The Board voted and the motion was unanimously approved.

### **9. Old Business – Executive Director**

Mr. Ritter shared that Mr. Benton, Mr. Hoyle, and Chair Logsdon had provided the State Ethics Commission with their 2020 Statement of Economic Interest. Ms. Salloum noted that hers had been received and will be provided for inclusion at the next Board Meeting.

### **10. New Business – Executive Director**

Two Review Committee agenda items required separate votes. For the February 16, 2021 agenda, Mr. Care is recused and does not participate in the vote. Mr. Benton made a motion to approve the Review Committee

Agenda. Mr. Ellington seconded the motion. A vote was taken, and the motion was unanimously approved by all who voted. Mr. Logsdon passed the gavel to Mr. Hoyle to officiate over the February 17, 2021 Review Committee Agenda item. Messrs. Logsdon, Care, Benton, and Zoutewelle were recused and did not vote. Ms. Salloum made a motion to approve the agenda. Mr. Fairbanks seconded the motion. The motion was unanimously approved by all who voted.

Mr. Ritter directed the Board's attention to a link to Senate Bill DRS45122-NB-67. Surveyor Licensure/Education Reqs. (Short Title) was sponsored by Senator McNinnis. Its full title: A bill to be entitled an "Act to Revise the Education Requirements for Licensure of a Professional Land Surveyor and Make Various Technical Changes." A hard copy is attached hereto. The Surveying Society assisted in drafting the bill with input from Board staff which focused on the technical corrections.

Mr. Ritter directed the Board's attention to an email string regarding a request from a licensed PE wherein he asks for a waiver for a reinstatement fee due to a late renewal payment. Mr. Ritter explained the process for renewals which includes multiple electronic reminders, a mailed reminder, and a built in 31-day grace period. Mr. Benton made a motion to not waive the \$100.00 fee. Mr. Care seconded the motion. A vote was taken and the motion to not waive the fee was unanimously approved. Mr. Ritter to report back to the Board. As second waiver request was also considered. Mr. Benton made a motion to deny the waiver request. Mr. Care seconded the motion. A vote was taken and the motion to deny was unanimously approved.

Mr. Care sought information regarding the status of efforts directed towards finalizing action on the issue of responsible charge. Ms. Salloum located information. Mr. Care and Mr. Logsdon will coordinate and ensure the issue is addressed.

*Mr. Benton made a motion to adjourn. Mr. Ellington seconded the motion. The Board adjourned at 2:27 p.m. The Board is next scheduled to meet on May 12, 2021.*

Respectfully submitted,



Dennis K. Hoyle, PE, PLS  
Secretary

Approved by the Board in Session

Date: May 12, 2021

# NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 10, 2021

Raleigh, North Carolina

Board Chair, John Logsdon, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, February 10, 2021 to conduct the regular order of business. Attendance was as follows:

Present:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Logsdon 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 matter involved. There were no conflicts noted.

2. Consent Agenda – Executive Director

Chair Logsdon introduced the Consent Agenda. Ms. Salloum informed the Board of a minor correction needed to the January Board Minutes to remove a previous title from a Board Member. Mr. Ritter stated that would be corrected. Ms. Salloum then made a motion to approve the Consent Agenda as amended. Mr. Care seconded the motion. A vote was taken, and the Consent Agenda, as amended, was unanimously approved.

The Consent Agenda included: Initial Licensure and Comity Licensure; Firm Applications for 9 Professional Corporations, 15 Professional Limited Liability Companies, 3 Business Firms, 1 Chapter 87 Corporation, 1 Name Change Request; 1 Request to Use Individual's Name in Company Title; and 3 d/b/a Requests; Minutes; Retired Status Requests; Review Committee Agendas; and a Settlement Conference Recommendation.

3. Committee Reports – Committee Chairs

**Engineering Committee – Chair Fairbanks**

New Business

A. Digital Signatures – Process change recommendation from J. Brad Pickett, PE. The topic was discussed at length and resulted in several action items for Board Counsel, David Tuttle, as detailed below:

- Provide guidance at the March meeting regarding the feasibility of a change to the interpretation in lieu of a rule change.
- Gather feedback from the Surveying Committee on the topic.
- Contact Florida and Virginia Boards to confirm requestor's interpretation of the rules of those two boards.

Mr. Fairbanks asked if Mr. Tuttle and Mr. Evans had any clarifications. Mr. Tuttle confirmed his agreement with the summary.

B. Informational item from James A. Lane, PE, Re: Wood Truss Engineering. – Item was not covered due to time constraints.

## **Surveying Committee – Chair Zoutewelle**

### **New Business**

- A. Adobe Digital Signature – Committee member Mike Benton brought in a sample FEMA Flood Elevation Certificate for committee consideration. The form, an electronically fillable version of the official FEMA form, had been generated using Adobe software, and included the ability to digitally sign the completed document with a digital signature process which created a date and time stamp. The software failed to meet the standard of Board Rules for a valid electronic (digital) signature.
- B. State Specific Exam Result Information – The exam is now electronic with pass/fail rates comparable to the pencil and paper version. In addition, the application provides useful and easily accessed data. Mr. Logsdon expressed his appreciation for the efforts of Mr. Ritter and Mr. Mazanek.
- C. NC Surveying Data – Mr. Zoutewelle informed the Board that the committee discussed survey data provided to Senator McInnis of Richmond County. He noted that Mr. Ritter would cover the topic in more detail later in the meeting.
- D. Digital Signatures – This issue was brought to the Surveying Committee from the Engineering Committee for consideration. Mr. Zoutewelle expressed the views of the Surveying Committee, saying that the members were sympathetic with the challenges but recognized that the volume of work affected by the process in the engineering profession was far greater than that encountered by members of the surveying profession. In light of such differences the Surveying Committee looks forward to participating in discussions on the issue but defers to the Engineering Committee to take the lead.

## **CPC Committee – Chair Salloum**

In response to Chair Logsdon's request for confirmation that the committee did not meet, Ms. Salloum confirmed that the committee did not meet and anticipated adding the newly appointed member to fill the open committee position.

### **4. NCEES – Executive Director**

Mr. Ritter shared an NCEES Emeritus/Associate Nomination Form for former Board Member Bobbie Shields who remains active on some NCEES committee activities. Mr. Benton made a motion to approve the retroactive nomination form for signature; Mr. Zoutewelle seconded the motion. A vote was taken, and motion was unanimously approved to nominate Mr. Shields as an emeritus member of the Board.

Mr. Ritter stated that he and Chair Logsdon attended the Board Presidents Assembly, which was held Friday, February 5, 2021. The meeting format was via Zoom from 1-4 p.m. Providing a brief summary of relevant information garnered from the meeting, Mr. Ritter informed the Board that there will be no April Zone Meeting; any other zone meetings will be held by Zoom. Zone related committee matters will be conducted by podcasts. Three podcasts are scheduled to occur consecutively, each month beginning with March. Mr. Ritter will update the Board following each podcast.

Mr. Ritter updated the Board regarding the efforts of Board Member Zoutewelle in his efforts to secure the office of NCEES Vice President and invited others to participate in soliciting votes. Mr. Zoutewelle, through his work with the NCEES, informed the Board of some recently planned interim zone meeting activities which includes a new member activity and a social event planned for April 14<sup>th</sup>.

### **5. Board Secretary Report – Board Secretary and Executive Director**

Mr. Hoyle, after accepting the role of Board Secretary, worked with Mr. Ritter and staff to create an updated summary of the Board Secretary duties which reflects, among other things, recent electronic handling of some of the duties. Mr. Ritter advised the Board that the review revealed current language which needs to be updated via statute. The recent updates will be part of the training for future Board Secretaries.

Mr. Ritter gave a more detailed review of matters of Fiscal Year 2020 and expectations for Fiscal Year 2021. Further, Mr. Ritter advised that the Board's annual audit had been conducted. He stated that the Board had received a clean audit and that detailed results will be reported at the March or May Board Meeting. Mr. Ritter noted that the Board enjoyed a standard renewal year even amid the Covid crisis. Regarding renewals, Mr. Ritter stated that the Board has set a goal of a 100% online renewal process. Currently 94% of the renewals were completed online and staff will continue efforts to reach the 100% goal. Mr. Fairbanks asked about Board financial strategies for the upcoming fiscal cycles since it appears the Covid virus may be around longer than expected. Mr. Ritter responded by noting the Board has always used a conservative spending model and has no planned large-scale projects that would impact the Board's ability to maintain this spending model for the foreseeable future which should protect the Board's viability in the event the virus remains an active issue and causes a drastic reduction in revenue during the foreseeable future.

6. Violations Activity – Assistant Executive Director

Mr. Evans presented the Violations Report with data current as of February 10, 2021. He informed the Board that 18 cases had been opened and 17 cases closed during fiscal year 2021. Mr. Evans noted that during the previous meeting, Mr. Benton requested that going forward the report include more information regarding non-licensed cases. Mr. Evans provided details from 2020 since 2021 data only reflected a couple of cases. He noted that the data revealed that the vast majority of the non-licensed cases were attributable to non-licensed engineering firms. Additionally, he provided information regarding the stage of completion of the 82 cases currently open as of February 4, 2021 and informed the Board that the average number of days from case open to investigation complete is currently 99 days. Mr. Evans informed the Board that as of February 4, 2021 there are 34 cases in various stages of active investigation. Members briefly discussed actions initiated by former employees and the topic of upcoming Board hearings.

7. Applications – Director of Business Licensure

*Eastern Engineered Wood Products, Inc.* has requested permission to obtain a certificate of authority using their legal name. Mr. Mazanek explained the details of the request. Following discussion, Mr. Benton made a motion to approve the issuance of a non-objection letter in the company's legal name. Ms. Salloum seconded the motion. Following discussion, the Board voted, and the motion was unanimously approved.

*Duncan Land Surveying* has requested licensure as a non-exempt proprietorship. Mr. Mazanek explained the details of the request and historical data regarding the Board's prior action for a substantially similar case. Mr. Benton made a motion to approve the request for licensure. Ms. Salloum seconded the motion. Mr. Zoutewelle questioned the statutory considerations. Mr. Mazanek and Mr. Tuttle responded by summarizing the requirements of the related Board rules and assured the Board that the request did not fall outside the bounds of the statutes. The Board voted and the motion was unanimously approved.

*Pharis Partners, PLLC.* Mr. Theodore E. Landis, Jr. has requested to form a new company and name the company "Pharis Partners, PLLC." The origin of the name does not do fall within the acceptable Board Rules for including a name or names in a business title. Mr. Landis has requested an exception from the Board. Following extensive discussion and staff input from a historic perspective, Mr. Benton made a motion to approve the requested exception. There was discussion and input from Board Counsel, David Tuttle. Mr. Tuttle gave his opinion from a legal and interpretive perspective. Mr. Benton again motioned to approve the business name. Ms. Salloum seconded the motion. Additional discussion ensued. Board Chair Logsdon gave an example of a scenario that could lead to a nefarious outcome but expressed his belief that the particulars of this request would not lead to public confusion. Mr. Care expressed concerns regarding the Board's ability to police every instance. Mr. Tuttle summarized his interpretation of the discussion and the mandate to protect the public. He noted that there are occasions when the need to protect the public seems to intertwine with efforts to protect the licensee but, notes that the overarching objective is always to protect the public. Mr. Ellington gave an example of an occurrence, personally known to him, wherein the naming convention was part of an intentional attempt to deceive the public. He expressed his view that, although the Board is limited in its ability to protect in every case; there are other legal remedies if the Board's decision is challenged. Mr. Ellington invited Mr. Tuttle to give his comments. Mr. Tuttle stated that, although he agrees with many points discussed, there are clear distinctions between what the Board allows and does not allow and fortified the notion that entities cannot view the Board's decision as the ultimate defense. Mr. Zoutewelle informed the

Board of the results of his research performed concurrently with the Board meeting and topic discussion. He reported that his efforts did not result any new information that would encourage the conclusion that, in this case, the name would cause public confusion. Mr. Benton again reiterated his position with respect to personal liberties and naming conventions. Mr. Logsdon called the question. A vote was taken and the motion to approve Mr. Landis' use of the name Pharis Partners, PLLC was unanimously approved.

8. Old Business – Executive Director

Mr. Gary Thompson, a past Board Member, has requested that the Board write a letter endorsing his reappointment to the National Geospatial Advisory Committee. Mr. Zoutewelle, noting Mr. Thompson has a lot of relevant expertise and connections with other professionals across the nation, made a motion for the Board to approve a letter of endorsement for Mr. Thompson's reappointment. Mr. Fairbanks seconded the motion. A vote was taken, and the motion was unanimously approved. Staff is instructed to prepare the letter.

9. New Business – Executive Director

Mr. Ritter explained the process used when the Board utilizes the option to have a disciplinary case heard by an administrative law judge. For the benefit of newly appointed Board Members, he gave a brief general history of a case for which a current recommended decision will be heard at the March Board Meeting and provided details of how the Board will determine if the recommended decision is accepted or modified. Mr. Ritter informed the Board that the March Board Meeting will be one day. In response to the question as to advance opportunity to review, Mr. Tuttle confirmed that generally Board Members are allowed to have the content in advance of the meeting; however, he cautioned that they must not discuss the matter with anyone prior to the meeting. Chair Logsdon and Mr. Ritter will sure up the mode of presentation and relay.

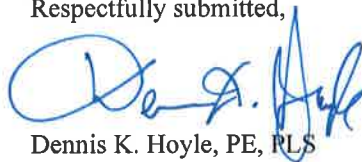
Mr. Ritter informed the Board of two legislative matters. He reminded the Members that the Board is not allowed to lobby or otherwise be proactive on legislative matters. The first matter concerns a PE who owns an engineering company near Charlotte. Mr. Stone is a previous member of the House but is now a private practitioner. Mr. Stone reached out to Mr. Ritter and other members of the Board staff in an effort to gain the support of the Board to make changes to N.C.G.S. 55B. Chair Logsdon gave additional information regarding the statute and the ownership requirements mandated by N.C.G.S. 89C. Chair Logsdon summarized his understanding of Mr. Stone's view that North Carolina is being placed at a competitive disadvantage due to the ownership requirements for engineers and surveyors but, highlighted the relevance of the State's legislative body's historic posture and consistent stance regarding the combination of ownership requirements and licensee status across all regulated professions. Chair Logsdon stated that from his perspective, the issue is a public policy issue and feels that the Board does not have a role in making the decision. Chair Logsdon acknowledged Board Counsel, David Tuttle. Mr. Tuttle confirmed his agreement with Chair Logsdon and noted that certain provisions of 55B were specifically enacted for the benefit of the engineering and surveying board and similar "design profession" boards. He gave specific examples which suggested that special allowances had been made in the past; however, he was in agreement with Chair Logsdon that additional efforts to secure benefits beyond those secured by the Physician's Board were not likely. Chair Logsdon would like staff to generate a response to Mr. Stone. Mr. Ritter stated that he would draft a response. Mr. Tuttle informed the Board that if the General Assembly requested Board input it would be appropriate to weigh in. Chair Logsdon requested that Mr. Tuttle's stipulation be included in the communication. Mr. Ritter relayed concerns expressed by Senator McInnis who is seeking to make changes to the educational requirements for land surveyors. A discussion of the benefits and pitfalls of such a change followed. There was agreement between staff and Board Members that such a change could potentially result in opportunistic endeavors that will eventually result in more complaints.

Mr. Ritter informed the Board that there are some elements of the Board's governing statutes that need to be updated and, if there is legislative action, it would be the appropriate time to take action. Lastly, Mr. Ritter advised the Board that the owner of Thales Academy is seeking to open a dual degree engineering school.

Mr. Hoyle informed the Board that he participated virtually on behalf of the Board as an observer of Duke University's engineering program. Mr. Ritter informed the Board that opportunities for such participation comes up regularly and is disseminated to all Board Members.

*Mr. Zoutewelle made a motion to adjourn. The motion was seconded by Ms. Salloum. The Board adjourned at 11:24 a.m. The Board is next scheduled to meet on March 10, 2021.*

Respectfully submitted,



Dennis K. Hoyle, PE, PLS  
Secretary

Approved by the Board in Session

Date: May 12, 2021

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 13, 2021

Raleigh, North Carolina

Board Chair, John Logsdon, gavelled the North Carolina Board of Examiners into session at 9:01 a.m. on Wednesday, January 13, 2020 to conduct the regular order of business. Attendance was as follows:

Board Members on Teleconference Call:

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

Absent:

Bobbie Shields, PE

Staff on Call:

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

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Logsdon 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 matter involved. There were no conflicts noted.

2. Consent Agenda – Executive Director

Chair Logsdon introduced the Consent Agenda. Mr. Benton made a motion 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 included: Request for a Board Authorized Case Opening; Firm Applications for 6 Professional Corporations, 10 Professional Limited Liability Companies, 3 Business Firms, 1 Name Change Request, 2 Requests to Use Individual's Name in Company Title, and 1 d/b/a Request; Retired Status Requests; Review Committee Agenda; CPC Consent Agenda; and Settlement Conference Recommendations.

3. Board Secretary Report – Executive Director and Board Secretary

Mr. Hoyle indicated that he was pleased with the financial report for fiscal year 2020 and asked Mr. Ritter to give a brief summary to the Board. Mr. Ritter explained that although there were several revenue items that were slightly under budget, revenue posted slightly higher than projected. He stated that Covid-19 was a major factor which contributed to a significant decrease in expenses.

4. Added Item – Executive Director

Mr. Ritter advised the Board that Mr. Zoutewelle is running for the position of NCEES Southern Zone Vice President. After a brief discussion and affirmation of support by fellow Board Members, Mr. Ritter asked if the Board was willing for staff to prepare a letter for the Board to nominate Mr. Zoutewelle to run for the position. Ms. Salloum made a motion to have staff prepare a letter for the Board nominating Mr. Zoutewelle for the position. Mr. Care seconded the motion. A vote was taken, and the motion was unanimously approved.

*Mr. Benton made a motion to adjourn. The Board adjourned at 9:11 a.m. The Board is next scheduled to meet on February 10, 2021.*

Respectfully submitted,



Dennis K. Hoyle, PE, PLS  
Secretary

Approved by the Board in Session

Date: February 10, 2021