

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

November 16, 2022

Raleigh, North Carolina

Board Chair, Jonathan S. Care, gavelled the North Carolina Board of Examiners into session at 9:01 a.m. on Wednesday, November 16, 2022, to conduct the regular order of business. Attendance was as follows:

Board Members on Teleconference Call:

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

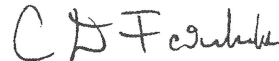
Chair Care read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that 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 – Chair

The Consent Agenda included: Firm Applications for 8 Professional Corporations, 15 Professional Limited Liability Companies, 1 Business Firm, 1 Chapter 87 Corporation; 1 Name Change Request, and 2 d/b/a Requests; Retired Status Requests; Settlement Conference Committee Agenda, and Review Committee Agenda.

Mr. Goel made a motion to adjourn. Ms. Salloum seconded the motion. A vote was taken, and the motion was unanimously approved. The Board adjourned at 9:04 a.m. The Board is next scheduled to meet on December 14, 2022.

Respectfully submitted,



Cedric D. Fairbanks, Ph.D., PE
Secretary

Approved by the Board in Session

Date: December 14, 2022

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 14, 2022

Raleigh, North Carolina

Board Chair, Jonathan S. Care, gavelled the North Carolina Board of Examiners into session at 10:00 a.m. on Wednesday, December 14, 2022, to conduct the regular order of business. Attendance was as follows:

Board Members:

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

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Care 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. The Chair advised that if any Board member had such a conflict or appearance of 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 of appearances of conflict identified.

2. Consent Agenda – Chair

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

The Consent Agenda included: Comity Licensure, Initial Licensure, and PE Reinstatement; Firm Applications for 2 Professional Corporations, 16 Professional Limited Liability Companies, 5 Business Firms; 1 Chapter 87 Corporation, 4 Business Name Change Requests, 2 Requests to Use Individual's Name in Company Title, and 4 d/b/a Requests; Minutes; and Retired Status Requests.

3. Committee Reports – Committee Chairs

Engineering Committee – Chair Moore

Ms. Moore advised the Board that the Engineering Committee met on December 12, 2022, via Zoom and discussed the following matters:

New Business

1. The Committee reviewed revisions made by the NC Board of Architecture and Registered Interior Designers (Architect's Board) to the Seal Brochure.

- The Committee directed staff to provide the Committee's updated revisions to the Architect's Board.

2. Review PE Reinstatement Application for Franklin S. Pajaro.

- Ms. Moore, citing the provisions of 93B-8, reported that the Committee did not recommend license reinstatement and requested that Mr. Tuttle prepare a response to the applicant. Ms. Moore asked Mr. Tuttle if he had anything he wanted to discuss. Mr. Tuttle advised the Board that the Committee established certain findings as required by the provision when a license is denied. Mr. Ritter explained the procedural option available to the respondent if he chooses to challenge the Committee's decision. Discussion ensued. Board Chair Care had specific questions for Committee Chair Moore. Further discussion ensued. Staff will inform the respondent of the decision.

3. Review PE Reinstatement Application for Alexander F. Zuendt.

- The Committee recommended the reinstatement of the respondent's license; however, respondent is permanently restricted from electrical power and mechanical HVAC engineering disciplines per the decision and order under Case. No. V2021-101. Discussion ensued. Staff will inform the respondent of the decision.

Old Business

Ms. Moore informed the Board that certain items under Old Business had been discussed during the meeting and that the topics of digital signatures and certification of standard plans will be prioritized during 2023.

1. G.S. 89C-13(a1)(3) – 8 Year Experience Requirement

- Ms. Moore explained that for engineering technology, the Board has an eight-year experience requirement while NCEES has a six-year experience requirement. While the Committee is not opposed to the NCEES experience requirement, further discussions are needed before making a determination to move forward with seeking the statutory changes required align with NCEES.

2. BIM Guidelines (Certification)

- The Committee was working with two NCDOT staff members on the BIM Guidelines project; however, both Mr. Garland and Mr. Burton have left the department. The Committee will take efforts to establish new contacts.

3. On-Site Wastewater System Design (Policy Question)

- The Ad Hoc Committee met early during 2022. DHHS informed the Committee that their timeline has changed. They are now working towards making changes to their rules to have a January 2024 effective date. This new development requires the Board to take action in 2023.

At the conclusion of the Engineering Report Chair Care sought motions on the two New Business actions coming out of Committee as follows:

The motion coming out of the Engineering Committee was to deny the reinstatement application of Franklin S. Pajaro. A vote was taken and the motion to deny the reinstatement of the applicant's PE license was unanimously approved.

The motion coming out of the Engineering Committee was to approve the reinstatement application of Alexander F. Zuendt. A vote was taken and the motion to reinstate the PE license, as restricted from performing electrical power and HVAC mechanical pursuant to V2021-101, was unanimously approved.

Surveying Committee – Mr. Benton

Mr. Benton advised the Board that the Surveying Committee met December 14, 2022, in person at the Board office and discussed the following matters:

New Business

1. John Phelps, PLS – Question.

Mr. Benton explained that Mr. Phelps reached out to the Committee for assistance following the receipt of an invoice from Duke Power [sic] in excess of \$4,000.00. Duke Power invoiced him for damage to a power line which occurred as the surveyor drove a property line monument into the ground to mark the corner of a property. Mr. Benton informed the Board that prior to setting monuments, the surveyor per statute is required to call 811 and request utility location service in order to avoid financial liability. Since 811 was not called, the Committee was unable to offer any assistance other than to suggest that Mr. Phelps contact NCSS to see if they can help. Brief discussion ensued.

Old Business

1. Rules Review per G.S. 150B-19.1(b) – Proposed Statute Changes

- 21 NCAC 56.0701(e)(1)(2) (conflict of interest)

Mr. Benton informed the Board that Mr. Logsdon brought questions for the Surveying Committee to consider. The questions were raised during a seminar where Mr. Logsdon was the instructor. The questions centered on possible conflicts of interest when surveyors survey for the same client or for adjoining clients.

Mr. Benton and Mr. Logsdon will co-write an article to address the topic. The item remains under Old Business for further discussion. Mr. Logsdon will circulate a draft of the article.

- 21 NCAC 56.0701(c)(3) (responsible charge)

4. NCEES Activities – Executive Director

Mr. Ritter and Mr. Zoutewelle provided an update regarding the EPS Committee's PS PAKS study. The study relates to efforts to determine the need for an incidental drainage test module. It was acknowledged that incidental drainage is only pertinent to less than half of the 69 NCEES jurisdictions of which North Carolina is one such state. Further informing the Board that the EPS Committee will gather information by survey to be distributed the week of January 23, 2023, it was noted that the completed Board surveys are to be submitted back to NCEES by February 15, 2023. Discussion ensued. Chair Care explored the possibility of discussion of the topic during the zone meeting.

Mr. Ritter provided details of the upcoming 2023 NCEES zone interim meeting to be held April 27 - 29 in Houston, Texas. Mr. Ritter secured members to fill the three funded delegates slots. Ms. Salloum, Ms. Moore, and Mr. Logsdon will attend as funded delegates.

Mr. Hoyle expressed his appreciation to Mr. Zoutewelle for asking him to chair the Southern Zone Awards Committee and gave an update as to where the committee members were in the process. Mr. Zoutewelle thanked Mr. Hoyle for his work on the awards committee and noted that Ms. Moore was appointed to the National Education Committee and Mr. Ritter is on the Finance Committee. Mr. Zoutewelle further informed the Board that effective January 2025, David McDowell is slated to assume the role of CEO and addressed other notable NCEES activities.

Chair Care directed a short break at 11:03 a.m. The meeting resumed at 11:15 a.m.

5. Board Secretary Report – Board Secretary and Executive Director

Mr. Fairbanks reported on the budget vs actual expenses for the October and November financials. He noted that revenue was slightly under the projection; however, it was at 98% for the year. Mr. Ritter explained the early inclusion of the November numbers and stated that a more detailed accounting would be made during the January meeting. Mr. Ritter explained that the Board's investment mixture allowed for a positive impact to the Board's investment income. The 2023 draft budget was presented by the Finance Committee. The Finance Committee was comprised of Board Members: Ms. Moore and Mr. Fairbanks; and staff, Ms. Scarborough and Mr. Ritter. Discussion ensued. Members questioned ongoing expenses associated with current legal actions and asked for an update. Mr. Ritter reported that there has been no movement on the two cases. Discussion ensued regarding the role of the Office of the Attorney General in such legal matters. Mr. Ritter also gave an analysis of expense reduction strategies, pointed to a national trend of an increase in the numbers of surveyors, and gave input on the suggestion of the possibility of moving from an annual to a 24-month renewal cycle. Mr. Fairbanks and Mr. Ritter concluded their report.

Chair Care entertained the motion of the Finance Committee to approve the 2023 Budget. A vote was taken and the 2023 Budget was unanimously approved.

6. Violations Activity – Assistant Executive Director

Mr. Evans presented the Violations Report for December 14, 2022. He provided information regarding the stage of completion of the 107 cases opened for the fiscal year and the 73 cases currently on the open sheet, he identified the source of the cases for 2022 and provided more detailed information regarding the 17 Board authorized cases. By percentage, Mr. Evans categorized the license status of respondents with prior cases and actions. It was reported that 116 cases have been closed thus far in FY2022 and the average number of days from case open to investigation complete remains within the target and is currently 110 days. He provided a breakdown of the stage of completion for cases currently under investigation and provided a breakdown of the case load per Board member. Mr. Evans completed his report. Mr. Evans introduced the Board to the Board's new investigator, Tabitha Workowski. Chair Care asked if there were any questions. Hearing none, Chair Care directed the Board's attention to Applications.

7. Applications (Business Firm Name Policy) – Director of Business Licensure

Mr. Mazanek briefly reiterated the content of the recently approved internal Business Firm Name Policy and explained the staff's request for a modification limited to certain firm requests, and the impact on the approval process. Further, he informed the Board that Board Chair Care and the ad hoc committee had been consulted and were in agreement with the modification. Mr. Mazanek gave specific examples of how the modification would be applied. Discussion ensued. Ms. Salloum made a motion to allow staff to prepare non-objection letters when the firms making the request are in no way holding out engineering or providing engineering. Mr. Goel seconded the motion. A vote was taken. The motion was unanimously approved.

8. Old Business – Executive Director

Mr. Ritter reported on his efforts at securing feedback from certain industry partners on the matter of responsible charge. Historically, the American Council on Engineering Companies of America (ACEC) met with the Board on an annual basis. Following a lapse of a couple of years, a joint meeting was held on November 14, 2022. ACEC attendance was listed as Mr. Ritter, Mr. Hoyle, Mr. Benton from the Board. Mr. Jim Smith, Mr. Mike Slusher, and Mr. Brock Storrusten were listed as ACES participants. Mr. Fairbanks suggested that the Committee Chairs should represent the Board. The topic of responsible charge was discussed, and input is expected. Mr. Ritter explained that historically, outreach efforts are more successful when a Board Member driven. Mr. Ritter also noted that he and Mr. Hoyle attended and spoke at the PENC Winter Meeting at the McKinnon Center. They discussed the topic of responsible charge and requested feedback by the end of January.

Chair Care adjourned at 12:28 p.m. for lunch. Members reconvened at 1:08 p.m.

9. New Business – Executive Director

As Mr. Ritter began to give an update, he indicated he would discuss a mixture of new and old business. He informed the Board of his satisfaction with the positive impacts of efforts to fully move away from the practice of sending out paper renewals. Noting that this renewal cycle will be the first cycle without any paper renewals being mailed out, he stated there were notable positive cost savings both financially and to manpower expenditure. Renewal email notices were sent to all licensees on December 1st and, as of today's meeting, approximately 12,000 of the roughly 30,000 licensees have already renewed. A reminder will be sent out December 15th. A second reminder will go out December 31st which is the on-time deadline. There will be two additional reminders then late renewal options will begin. In addition, Mr. Ritter noted that online renewals have been at approximately 90 percent; however, data shows that rate is expected to rise to approximately 99 percent with a small percentage of folks opting to mail in check payments or call in and use their credit cards.

Mr. Ritter gave a report on a recent NCEES sponsored trip where he accompanied Mr. Zoutewelle to St. Thomas, U.S. Virgin Islands. Mr. Ritter and Mr. Zoutewelle sat in on the St. Thomas board meeting. Mr. Zoutewelle gave a presentation during the meeting. Noting that the meeting was very well facilitated, Mr. Ritter did find the composition of the board to be unique as it did not include public members and was without term limits. After a period of low participation, the governor of St. Thomas recently appointed six new members. The new board, comprised of one long-standing member and the six new members, is moving forward with efforts to rewrite rules that have not been addressed for three or four decades and had recently returned from an NCEES Annual Meeting, a first for the six new members. Mr. Ritter was amused at the similarities of the discussions on matters of CPC and ethics. Mr. Zoutewelle noted the similarities of concern for non-licensed designers regarding incidental practice in St. Thomas and those same concerns expressed by industry professional in North Carolina.

Mr. Ritter confirmed that a hearing is scheduled during the January 25, 2023, Board Meeting. Mr. Logsdon, Ms. Moore, and Ms. Salloum will have recusal status because the case committees had both engineering and land surveying elements. Mr. Hoyle, the 2023 Board Chair, will officiate the hearing.

Mr. Hoyle, as the incoming Chair, announced the officers, and committee members and committee chairs for 2023. Mr. Fairbanks will hold the office of Vice Chair and Ms. Moore the office of Secretary. The Surveying Committee will be chaired by Mr. Logsdon and will include members Mr. Zoutewelle, Ms. Gibbs if confirmed, and Mr. Care. The Engineering Committee will be chaired by Mr. Goel and will include members Mr. Fairbanks, Ms. Moore, Mr. Hoyle, and Ms. Salloum. The CPC Committee will be chaired by Ms. Salloum and will include Mr. Fairbanks and Mr. Benton until replacement is confirmed. Following his announcements, Mr. Hoyle expressed his appreciation for the opportunity to chair and expressed how impressed he is at the strong work ethics of the Members, noting that the preparation is evident during Board and Committee Meeting discussions.

He stated that he looks forward to working with everyone as Board Chair during 2023. His comments were met with acclamation.

Mr. Goel, noting that he will not be on the 2023 CPC Committee, requested that the members consider restructuring the program as discussed during the planning session. He stated that although he is not on the committee, he is available to assist with the undertaking. Secondly, Mr. Goel asked that the Board consider the possibility of moving from a one-year renewal cycle to a two-year cycle. Discussion ensued. Mr. Ritter agreed to explore the possibility.

Chair Care asked if the Board wanted to consider the 2023 Goals at this time. Brief discussion ensued. Discussion of the topic is expected to occur in January.

Chair Care introduced the topic of the Board Rules. He noted that Mr. Tuttle had provided his appropriate written commentary for review prior to the meeting. He then asked Mr. Tuttle to explain how to move forward with the changes suggested by the Rules Review Counsel and whether formal Board actions are required due to the extensive changes suggested. Mr. Tuttle explained that the Rules that were adopted by the Board have been published and commented on by the Rules Review counsel and changes made as a result will need to be adopted. Discussion ensued. Mr. Ritter informed the Board that his specific request of Mr. Tuttle was that he give an overview, identifying which items he felt he could independently work through the issues with the Rules Review counsel without Board involvement, and that he identify those that he felt he would need Board input. Mr. Tuttle gave an oral review of each rule, further explained his written opinions, elaborated on his proposed responses, and identified changes suggested by the Rules Review counsel and identified the suggestions he was in agreement with. Board Members had the opportunity to provide input and make suggestions. Chair Care asked if all members were in agreement with Mr. Tuttle moving forward in the manner set forth and with him bringing the finalized rules back as a consent item at the January meeting for adoption. There were no objections. Chair Care thanked Mr. Tuttle for his careful review and professionalism.

10. Informational Items – Executive Director

At 2:17 p.m. Mr. Zoutewelle made a motion to go into closed session to discuss a personnel matter. Mr. Benton seconded the motion. A vote was taken, and it was unanimously approved to go into closed session.

Mr. Logsdon made a motion to return from closed session. The motion was seconded by Mr. Benton. The Board resumed normal Board business at 3:17 p.m. and immediately entertained a motion by Mr. Benton to adjourn. The motion to adjourn was seconded by Mr. Moore. The Board is next scheduled to meet on January 25, 2023.

Respectfully submitted,



Brenda Moore, PE
Secretary

Approved by the Board in Session

Date: February 15, 2023

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 26 and 27, 2022

Chapel Hill, North Carolina

Chair Care gaveled the North Carolina Board of Examiners into session at 1:00 p.m. on Wednesday, October 26, 2022, to conduct the regular order of business. Attendance was as follows:

Board Members:

Jonathan S. Care, Public Member, Chair
Dennis K. Hoyle, PE, PLS, Vice-Chair
Cedric D. Fairbanks, Ph.D., PE, Secretary
Andrew G. Zoutewelle, PLS
John M. Logsdon, PLS
Brenda Moore, PE
Vinod K. Goel, Ph.D., PE
Richard M. Benton, PLS

Absent:

Carol W. Salloum, Public Member

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Care 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. The Chair advised that if any Board member had such a conflict or appearance of 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 or appearances of conflict identified.

2. Consent Agenda – Chair

Chair Care introduced the Consent Agenda and entertained a motion to approve. Mr. Zoutewelle made a motion to approve the Consent Agenda. Mr. Goel seconded the motion. The Board voted and the Consent Agenda was unanimously approved.

The Consent Agenda included: Comity Licensure, Initial Licensure, PE Reinstatement, and PLS Licensure; Firm Applications for 17 Professional Corporations, 32 Professional Limited Liability Companies; 4 Business Name Change Requests, 2 Requests to Use Individual's Name in Company Title, and 6 d/b/a Requests; Minutes; Review Committees; Retired Status Requests; Settlement Conferences; and CPC Consent Agenda.

Chair Care directed the Board's attention to item #17., Rules Adoption.

3. Responsible Charge Ad-Hoc Committee – Mr. Hoyle

Mr. Hoyle introduced the topic and asked Mr. Ritter to share his perspective. Mr. Ritter gave a historical synopsis with notable references dating back to 1968 which included an NC Attorney General's opinion from 1971. Discussion ensued. Many factors were considered in an effort to determine when an individual can be considered to be working under the direct supervisory control of another. Although it was generally agreed that the current Board rule requires that an unlicensed person must be an employee to qualify as being under direct supervisory control; other factors such as subcontracted activities, business solicitation considerations, specific activities which require those activities to be performed by a licensee, and the impact of how work has evolved over the years must be considered. Following further discussion and the possibility of updating Board rule .0701(c)(3) to reflect the previously drafted changes – corrected to add the word "to" following "requires a licensee," it was determined that the Board should vet the possible rule change with others in the professional communities. Mr. Zoutewelle made a motion to direct the Executive Director to reach out to certain partners by January 31, 2023, to invite input. Mr. Goel seconded the motion. A vote was taken, and the motion was unanimously approved.

4. Firms Ad-Hoc Committee – Chair

An updated Business Titles internal policy was presented by the Ad-Hoc Committee. Members: Jonathan Care, Mike Benton, Brenda Moore, Cedric Fairbanks, Mark Mazanek; along with Andrew Ritter and David Tuttle, who provided input and review, worked to update the policy. Board staff has collected historic data and will collect future data to analyze business title requests to ensure a consistent approval strategy continues to be used. Routine requests

will be vetted by Board staff and presented to committee chairs for approval to be placed on the consent agenda or pulled for Board discussion.

Mr. Goel made a motion to approve the updated Business Titles internal policy. Mr. Logsdon seconded the motion. A vote was taken, and the motion was unanimously approved.

Board Rule 21 NCAC 56 .0902 correlates to the Business Titles internal policy and therefore warranted joint review. Discussion ensued. In addition to the draft changes as presented, it was agreed to further modify the language of section (a)(5), as noted below, to include former firm names.

"... use a name which is deceptively similar to that of ~~an~~ a former or an existing firm name by not having at least one substantive word different."

Mr. Logsdon made a motion to approve the draft rule to move forward in the process of rulemaking. Mr. Fairbanks seconded the motion. A vote was taken. The motion to approve the draft rule to move forward in the rulemaking process was approved with a majority of the vote. Mr. Goel abstained from voting on the motion.

5. 2023 Board Calendar – Mr. Ritter

Mr. Ritter explained that the proposed 2023 calendar, as presented, reflected an adjustment to the initially posted January Board meeting date. He noted that the change was approved by the 2023 Chair. Discussion ensued. The possibility of meeting by Zoom for the September meeting or the possibility of replacing Board conference calls with committee meetings were discussed. Mr. Logsdon made a motion to approve the calendar as presented. Mr. Zoutewelle seconded the motion. Further discussion ensued. Mr. Logsdon amended his motion to require all Raleigh meetings to be in person. Mr. Fairbanks seconded the amended motion. A vote was taken, and the amended motion was unanimously approved.

Mr. Ritter informed the Board that for the Board meeting of December 14, 2022, a hearing was confirmed. The Board had a brief break and returned to the regular order of business.

6. Investment Policy – Mr. Fairbanks

Mr. Fairbanks and Mr. Ritter briefly discussed the current investment policy. It was agreed that the current investment strategy continues to adequately serve the Board's financial goals.

7. CPC – Mr. Goel

Mr. Goel gave a presentation on the topic and made suggestions regarding the current sponsor program. Discussion ensued. Discussion of the topic will continue.

8. PDH Course Categories – Ms. Salloum

The discussion was postponed as Ms. Salloum was not present.

9. Settlement Conference Scheduling – Chair

Vice-Chair Hoyle asked Mr. Care to moderate the discussion of the topic. Mr. Care explained his concerns regarding the length of time it takes for cases to advance from review committee determination to settlement conference completion and suggested possibilities for a more structured and regulated approach. Discussion ensued. Mr. Ritter explained the administrative steps used during the lifecycle of a typical case that goes to settlement conference and detailed similar efforts geared toward setting settlement conference dates over the years. The technical Board members agreed that the public members have a greater vested interest in trying to manage the timing of the settlement conferences since there are only two public members and one public member must be present for each settlement conference. Mr. Ritter will continue to work with Chair Care to institute changes with a focus on fairness to the licensee while limiting the opportunity for manipulation of the settlement conference timeline.

10. Severity/Level of Disciplinary Penalties – Mr. Zoutewelle

Mr. Zoutewelle explained the need for further discussion on the topic of having the ability to affect higher levels of discipline for certain specific violations and repeat offenses. Mr. Zoutewelle asked Mr. Ritter to explain the chart which, on a ratio basis, showed significant similarities between professional engineers and professional land surveyors. Discussion ensued. Chair Care stressed the importance of considering the respondent's behavior during the settlement conference and Mr. Goel suggested a level-up approach to disciplinary strategies and penalty assessments. The level-up approach was discussed and garnered responses for and against the strategy. Mr. Ritter shared a historic perspective on previous discussions on the topic and explained the impact of statutory guidelines. The topic remains open for further discussion.

11. Engineer Change Lab – Mr. Zoutewelle

Mr. Zoutewelle, in his capacity as Vice-President of NCEES, was exposed to and impressed by the Engineering Change Lab, an organization which is the recipient of NCEES funding. He shared the organization's promotional link and expressed his view that the goals of the organization highlighted the possibility of positive future benefits to environmental concerns through the forward-thinking contributions of new engineers. Specifically noting the organization's positive impact through its focus on carbon footprint sensitive project design strategies. The topic was well received. Options for Board members to learn more about the organization were discussed. Mr. Ritter reminded the members of the options for the Board to sponsor certain trips annually.

12. 2023 NC NCEES Zone Meeting – Mr. Zoutewelle and Mr. Ritter

Mr. Zoutewelle and Mr. Ritter gave an update on the planning efforts for the 2023 NC NCEES Zone Meeting. The meeting is scheduled to take place in Asheville. Further updates will be provided in the coming months.

13. Board Meetings at Universities – Mr. Fairbanks

Mr. Fairbanks explained the relevance of the data gleaned from the results of FE test takers and explored the possibilities for Board outreach based on the current number of students enrolled at universities. Staff and Board affiliations to certain schools were explored and considered beneficial to the outreach. Discussion ensued. It was determined that efforts to engage universities should include efforts to communicate with the Association of Deans, the American Society of Engineering Educators, Civil department heads, and specifically target the FE and Civil engineering first semester seniors and possibly include student ambassadors.

14. Certificate Ceremony – Mr. Fairbanks and Mr. Ritter

Mr. Ritter explained how the ceremonies were previously scheduled and discussed the effects of how moving to a year-round licensing model affected the participation of the attendees and limited the ability to schedule the ceremonies. Discussion ensued. Mr. Ritter will research possibilities and report back at the next meeting.

15. Future Board Office – Lease -v- Buy – Mr. Fairbanks and Mr. Ritter

A brief discussion ensued. Mr. Ritter to add topic to the 2023 objectives.

16. Legal Attorney Model for the Future – Mr. Ritter

Mr. Ritter noted that business continuity planning efforts have been or are currently being undertaken for key staff positions. Mr. Ritter seeks the Board's input regarding the current model which utilizes in-house, litigation, and Board specific counsel. Mr. Ritter and Chair Care to continue the discussion.

17. Rules Adoption – Chair

The Rules, as proposed at the July 20, 2022, Board meeting, having received no comments at the public hearing or during the 60-day comment period which ended on October 14, 2022, were presented to the Board for Adoption. Mr. Benton made a motion to adopt the Rules. Mr. Fairbanks seconded the motion. The Board voted and the motion to adopt the Rules was unanimously approved.

Chair Care turned control of the meeting over to Vice-Chair Hoyle. Vice-Chair Hoyle directed the Board's attention to item #9, Settlement Conference Scheduling.

18. Election of 2023 Board Officers – Chair

Chair Care opened the floor for nominations.

Mr. Zoutewelle nominated Mr. Hoyle for Chair. There being no further nominations, the nominations were closed. Mr. Goel seconded the motion.

Mr. Benton nominated Mr. Fairbanks for Vice Chair. There being no further nominations, the nominations were closed. Mr. Hoyle seconded the motion.

Mr. Goel nominated Ms. Moore for Secretary. There being no further nominations, the nominations were closed. Mr. Benton seconded the motion.

Chair Care asked each nominee if they accepted the nomination. They each responded in the affirmative.

Mr. Zoutewelle moved that the Board accept the slate of officers by acclamation. Mr. Goel seconded the motion.

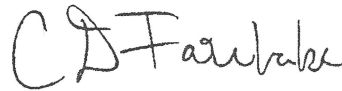
The Board voted and the individuals nominated for officers were selected unanimously by acclamation.

19. 2022 Goals and Objectives – Mr. Ritter

Following a brief discussion, it was decided to remove the item from discussion due to time constraints

The Board adjourned at 11:05 a.m. on October 27, 2022. The Board is next scheduled to meet on November 16, 2022.

Respectfully submitted,



Cedric D. Fairbanks, Ph.D., PE
Secretary

Approved by the Board in Session

Date: December 14, 2022

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 14, 2022

Raleigh, North Carolina

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1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Care 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. The Chair advised that if any Board member had such a conflict or appearance of 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 of appearances of conflict noted.

2. Hearing – Chair Care opened the public hearing on proposed permanent rules the Board intends to adopt. He stated the purpose of the hearing was to afford any attendees the opportunity to make comments. Chair Care opened the hearing for comments and asked that attendees identify themselves and provide contact information. Hearing none, Chair Care closed the hearing.

3. Consent Agenda – Chair

Chair Care introduced the Consent Agenda and entertained a motion to approve. Mr. Ritter advised the Board that the Consent Agenda, as presented at the meeting, included two adjustments from the version originally shared with Board Members. Mr. Ritter explained the changes. Following brief discussion, Mr. Benton made a motion to approve the Consent Agenda. Ms. Salloum seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The Consent Agenda included: Comity Licensure, Initial Licensure, and PE Reinstatement; Firm Applications for 18 Professional Corporations, 35 Professional Limited Liability Companies, 5 Business Firms; 5 Business Name Change Requests, 3 Requests to Use Individual's Name in Company Title, and 3 d/b/a Requests; Minutes; Review Committees; Retired Status Request; Settlement Conferences; and CPC Consent Agenda.

4. Committee Reports – Committee Chairs

Engineering Committee – Chair Moore

Ms. Moore advised the Board that the Engineering Committee met on September 12, 2022, via Zoom and discussed the following matters:

New Business

1. Patrick Biddy of Mecklenburg County – Questions Re: Engineering of building plans, with plan designs contrary to the referenced details of the design.
 - Residential planning examiner seeks clarification on next steps when confronted with what appears to be a discrepancy between plan details and plan designs. Committee recommendation is that the Professional Engineer who produced the drawings be requested to clarify when the design plans appear to conflict with plan details, or other aspects of the plans. If the plan reviewer is not satisfied with the designer's response, Mecklenburg County Code Enforcement can file a complaint with the Board for investigation as to the adequacy of the work. Mr. Tuttle to communicate committee's response.

2. Christopher A. Tomsic, PE of WLS Engineering, PLLC, Questions Re: BP-1005-2 (Stream Restoration Services) and BP-1005-3 (Engineering Surveys Policy).
 - The committee reviewed the questions but delayed rendering a decision on the matter. Pending input from Surveying Committee.
3. Engineered Products and Services Inc. – Review of Services/Request for Non-objection letter.
 - Following review of the firm and the services depicted on the firm’s website, the committee approved the issuance of a non-objection letter but requires that the firm is explicitly cautioned against providing or offering to provide engineering services in North Carolina. Mr. Tuttle and Mr. Mazanek will communicate.
4. Amir Rahbar Exam Eligibility Question.
 - Mr. Rahbar’s eligibility documents were submitted to NCEES in a foreign language. NCEES requested a certified translation of the documents. Mr. Rahbar has requested the Board review the documents. The committee is agreeable to review a certified translation of the documents. It is noted that the documents are personal copies of documents that must come directly from the issuing authority to be accepted as valid. Mr. Ritter will provide an instructional response to Mr. Rahbar informing him of the need for a certified translation of the documents to the English language and explaining that the committee’s willingness to review will result only in information regarding potential pathways to licensure following the submission of valid documents. The review will in no way infer fitness to sit for an exam to become licensed nor be deemed a recommendation for approval of an application for licensure.

Mr. Ritter informed the Board that many individuals who completed their education outside the U.S. face unique barriers to fulfilling the requirement of providing official transcripts. He further explained that although sympathetic, the Board is unable to accept personal copies of documents.
5. Colin Fletcher, PE – Questions Re: Metallurgist’s Work.
 - Mr. Fletcher, a professional engineer, presented scenarios and questioned if such activities would be considered engineering. Mr. Tuttle will draft a response advising him that if the work described is presented as an engineering service or is completed by a professional engineer, it must be done by a licensed firm. In addition, the response is to also include instructions for filing a complaint if he encounters instances of non-licensed practice.
6. ACEC/NC – Request for Meeting.
 - Mr. Ritter received a request from ACEC for a meeting with the Engineering Committee. The committee discussed the initiatives under consideration and felt the collaboration should be at the Chair level due to the range of topics. Mr. Ritter offered further explanation and advised that traditionally he and two Board Members attend when a meeting is requested. Mr. Benton and Mr. Hoyle will accompany Mr. Ritter.

Old Business

1. On-Site Wastewater System Design (Policy Question).

Ms. Moore gave an update regarding the DHHS on-site wastewater system design project. DHHS requested that the Board readopt the old On-Site Wastewater System Design Board Policy until the matter moves through the legislative channel. Mr. Tuttle was asked to follow up on status.

2. Xaymaca Technologies, LLC Practice Questions

Following committee review, a draft response prepared by staff was circulated among the committee members and approved for signature by Mr. Ritter.

3. D. Bruce Nothdurft – Request for PE Reinstatement

Pending requested documentation from applicant.

Ms. Moore concluded her report and solicited comments or questions. Hearing none, Chair Care moved to the Surveying Committee report.

Surveying Committee – Mr. Benton

Mr. Benton advised the Board that the Surveying Committee met on September 13, 2022, in person at the Board office. Mr. Benton addressed the following New Business items:

New Business

1. Tie Lines – Question.

Mr. Benton informed the Board that a time extension was granted to Mr. Mazanek. Item will then move to Mr. Tuttle and once completed, the guideline will be presented to the Board for review and approval.

2. Questions for Surveying and Engineering Board Committees – Christopher A. Tomsic, PE of WLS Engineering, PLLC, Questions Re: BP-1005-2 (Stream Restoration Services) and BP-1005-3 (Engineering Surveys Policy).

As reported by the Engineering Committee, the Surveying Committee reviewed the submitted questions as well. Mr. Benton reported that for the scenario questioned, the engineer is allowed to do topographic and location surveys up to the point of permitting and/or preparation of construction plans. Once it becomes permitting, construction, or out to the public, engineers are not allowed to do their own topographic work. He further explained that the Board's position has been that "engineers can do supplemental type work to collect data to help them in their design, but that information cannot make it onto the construction plans or the permitting plans." He reiterated that any survey work that the engineer needs to do to aide in their plan design, they can do. Discussion ensued.

Mr. Benton reported on the committee's determination for the next scenario. The possibility of hiring a non-licensed drone operation to gather data was rejected by the committee, in all instances except, as noted in the first scenario, when doing supplemental type work to collect data and restrict it from inclusion on the construction or permitting plans.

3. PLS with Violation – Committee determined that the PLS could be licensed via comity.
4. Slaymaker Map – The committee reviewed the map and found that certain notes are seen on map submissions on a regular basis. Since the type of notes are seen frequently, the committee wanted to review and make sure instances when similar notes are found, they are handled consistently.
5. Schaad Map – A professor who teaches surveying reached out to determine a route to become a licensed surveyor. Following his submission and review, it was determined that a new map submission was necessary.
6. Staff received, reviewed, and felt that a particular plat submission from a comity applicant was a perfect example of a plat submission for a comity application. There is currently a general plat example posted. The committee discussed the possibility of adding a second comity specific plat to the website but opted instead to rewrite the instructions for clarity. Mr. Logsdon noted that an applicant's map submission is a reflection of their comprehension of the rules.

Mr. Ritter and Mr. Mazanek informed Mr. Benton that the changes to the Survey Tie Guidelines, finalized during the Surveying Committee meeting, had been made and were available for review. The changes were reviewed and presented to the Board. Mr. Benton made a motion coming out of committee that the revised Survey Tie Guidelines be approved by the Board. Extensive discussion ensued. Mr. Benton, noting the complexity and variety of the possible scenarios related to the topic, reminded Members that the Board and the GICC has had a years-long relationship directed toward the joint review of approximately one hundred use cases related to this topic. He explained that the Board had long ago submitted the results of its review of the items to GICC and efforts to finalize the joint endeavor has stalled. Surveying Committee members explained that the delay in moving the matter forward was consequential to surveying and engineering professionals. The committee felt it was in the best interest of the public, the professionals, and the Board, to update the guideline to align with the results of the Board's review of the use cases while still waiting for the GICC to submit the results of their review.

Chair Care noted his concurrence that it would be appropriate for the body to take action on the issue. Noting that a motion out of committee was made, a vote was taken and the motion to approve the revisions to the Survey Tie Guidelines was unanimously approved. The revisions will be communicated via constant contact and the Board's periodic newsletter.

5. Board Secretary Report – Board Secretary and Executive Director

Mr. Fairbanks reported on the July financials. He explained that since firm renewals were complete, the anticipated revenue has come in for the year. He noted that firm revenue was up six percent; however, investments continue to trend down and can be attributed to unrealized gain. Mr. Fairbanks informed members that he reviewed the budget from July 2021 and noted that but for variances attributable to current market conditions and suit related expenses, there are not a lot of differences. Discussion ensued. Mr. Ritter explained the Board's low risk investment strategy and the "ifs and buts" that affect the budget. Following brief discussion, Mr. Fairbanks and Mr. Ritter concluded their report.

6. Violations Activity – Assistant Executive Director

Mr. Evans presented the Violations Report for September 14, 2022. He provided information regarding the stage of completion of the 78 cases opened for the fiscal year and 87 cases on the open sheet. He provided a breakdown of the current respondents with prior cases and actions. 71 cases have been closed thus far in FY2022 and the average number of days from case open to investigation complete remains within the target and is currently 110 days. Mr. Evans informed the Board that the investigations team is short one investigator. Management is actively seeking a replacement. Mr. Evans continued his report, giving details regarding the general source of cases and further breaking down the sources by giving specific details of the origin of Board authorized cases. He provided a breakdown of the stage of completion for cases currently under investigation. Mr. Evans completed his report. Chair Care asked if there were any questions. Hearing none, Chair Care directed the Board's attention to Applications.

7. Applications – Director of Business Licensure

Mr. Mazanek explained the request of Owens Corning Engineered Components, LLC and the position of staff following review of the matter. The company seeks a non-objection letter from to Board as they pursue a COA with the Secretary of State. Discussion ensued. Ms. Salloum made a motion to allow staff to prepare a non-objection letter. Mr. Benton seconded the motion. A vote was taken. The motion was unanimously approved.

Chair Care directed a brief break at 10:03 a.m. The meeting resumed at 10:10 a.m.

8. Old Business – Executive Director

Mr. Ritter gave a recap of key NCEES actions at the annual meeting and informed the Board that following the meeting, he emailed a recap to any members who were not in attendance. He informed the Board that under the business portion of the meeting, Florida pulled 29 items from the consent agenda for wordsmithing. Mr. Ritter explained the impact to the meeting agenda. The increase to exam fees was approved by a margin of 56/2. Mr. Ritter asked if any Board members wanted to share any insights or had any questions.

Ms. Moore informed the Board that initially BIM was included on the initial list of topics for the engineering forum; however, it was not on the final agenda. Ms. Moore stated that with the rapid pace of technological advances, it concerns her that BIM was not discussed and hopes it is included at the next meeting. Discussion ensued. Mr. Zoutewelle, in his capacity as Vice President at NCEES, stated that he will try to keep the topic in focus. Mr. Zoutewelle informed the Board that Laura Sievers is now the President-Elect of NCEES Board of Directors. He discussed the various initiatives under consideration by NCEES. Further discussion ensued regarding licensing by reciprocity. Mr. Ritter explained the differences between the TAC and the EAC models. Chair Care suggested the topic would be a great follow up discussion topic at the planning session.

Mr. Ritter advised the Board that Mr. Goel has donated a slide rule for the Board's shelf of historical items. Board members expressed their appreciation for the gift.

9. New Business – Executive Director

Mr. Ritter gave an update regarding the upcoming planning session and provided a list of agenda items and asked if there are additional items to include. Mr. Ritter relayed to the members of the responsible charge ad hoc committee that Chair Care would like the members to meet prior to the planning session. He gave a brief reminder of the reason each item was on the list. Mr. Hoyle suggested adding the Board's investment strategy as a planning session topic.

At 10:58 a.m. Mr. Ritter briefly left the meeting and returned at 11:00 a.m.

Mr. Fairbanks suggests that in advance of the planning session, it would be worthwhile for the financial committee to review the benefits of changes to the current strategy. Mr. Hoyle agreed and stated that any discussion at the planning session would be to simply determine if the Board is content with the current strategy. Mr. Hoyle, noting the benefits of Mr. Benton's input, suggests that the topic of engineering, incidental surveying, and topographic surveying would be a time-consuming item but one he feels would be of benefit. The topic will be added to the end of the current list of agenda items. Mr. Hoyle states that topic related matters currently under consideration are not affected by the decision to add the item to the list.

Chair Care questioned adding the topic of the hosting of the North Carolina zone meeting. Mr. Ritter confirmed the location will be Asheville, North Carolina. Discussion ensued. Mr. Ritter noted that the topic has been added, Mr. Zoutewelle will lead the discussion, and it will be geared toward developing a feasible plan to NCEES.

Mr. Fairbanks explained that he was not making a request to add the matter as a planning session topic but made a request for a list of emeritus members and their areas of expertise and availability. Mr. Ritter to provide.

Mr. Logsdon addressed the topic of the executive director review. Discussion ensued. Board members discussed succession planning and position manuals for the executive staff. Mr. Ritter advised members of the status of current efforts and goals moving forward and will again add the Goals and Objectives for each Board Meeting.

10. Informational Items – Executive Director

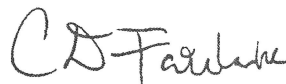
Mr. Ritter reiterated the logistics for the planning session. Mr. Hoyle expressed his appreciate for efforts by Mr. Ritter and Ms. Nicole Scarborough for making the arrangements.

Mr. Ritter informed the Board of five speaking engagements at universities within six weeks. Mr. Ritter and Mr. Evan either jointly or individually spoke on behalf of the Board at the UNC Wilmington, the UNC Charlotte, NC State University, Duke University, and Wake Forest University. Campbell University and A&T were mentioned as possible institutions for Board focus for speaking engagements or Board outreach. Mr. Fairbanks requested statistics as to the number and degree type for students graduating in NC prior to the planning session.

Recouping investigative costs was discussed and added to the planning session.

Mr. Logsdon made a motion to adjourn. The Board adjourned at 11:45 a.m. The Board is next scheduled to meet on October 26 - 27, 2022.

Respectfully submitted,



Cedric D. Fairbanks, Ph.D., PE
Secretary

Approved by the Board in Session

Date: October 26-27, 2022

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 20, 2022

Raleigh, North Carolina

Board Chair, Jonathan S. Care, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, July 20, 2022, to conduct the regular order of business. Attendance was as follows:

Board Members:

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

Guest:

Ken Michael, Womble Bond Dickinson
Douglas W. Hanna, Graebe Hanna & Sullivan

Board Members: (Via Zoom)

Andrew G. Zoutewelle, PLS

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Care 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. 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. Chair Care informed the Board of a conflict. Mr. Ritter stated that the matter was placed under New Business. Chair Care will recuse himself from participation on the Review Committee matter under New Business.

2. Consent Agenda – Chair

Chair Care introduced the Consent Agenda and entertained a motion to approve. Mr. Logsdon informed the Board that, prior to the meeting, he had made a request to correct his attendance under the April minutes. Mr. Ritter confirmed that the correction had been made. Mr. Benton made a motion to approve the Consent Agenda. Mr. Fairbanks seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The Consent Agenda included: A Request for Board Authorized Case Opening; Firm Applications for 20 Professional Corporations, 19 Professional Limited Liability Companies, 4 Business Firms; 1 Business Name Change Request, 2 Requests to be Resident for Multiple Companies, 9 Requests to Use Individual's Name in Company Title, and 3 d/b/a Requests; Minutes; Review Committees; Retired Status Requests; and Comity, Initial, PE Reinstatement, and PLS and SI Certificates.

3. Committee Reports – Committee Chairs

CPC Committee – Chair Salloum

New Business

Ms. Salloum reported that the CPC Committee met July 7, 2022.

- The committee reviewed the CPC records of a professional engineer following a random audit. The audit determined that the engineer was not using the approved forms. The committee requested information but determined that what the engineer supplied was not decipherable and the matter would be further reviewed.
- The committee reviewed Draft Continuing Professional Competency Exemption Policy. Members discussed updating the policy to add language allowing administrative approval, then reporting to the Board at the next regular meeting for full Board approval. A rule is currently being amended to permit such administrative approval for another Board matter. This matter is still under consideration.

Ms. Salloum solicited comments or questions. Mr. Evans noted that the committee will bring the final changes to the Professional Competency Exemption Policy back before the Board for approval once the rule has been changed. Chair Care confirmed that there was nothing for approval at today's meeting.

Engineering Committee – Chair Moore

Ms. Moore advised the Board that the Engineering Committee met on July 18, 2022, via Zoom and discussed the following matters:

New Business

1. Xaymaca Technologies, LLC – Practice Questions.
 - The firm submitted a number of questions concerning establishing a new business. The committee continues its work on the questions and anticipates having a draft response by the September Board meeting.
2. Review Request for PE Reinstatement by D. Bruce Nothdurft.
 - Mr. Nothdurft's request for reinstatement could not be approved at this time since he did not provide the required proof.
3. Collier Geophysics, LLC – Practice of Engineering Question.
 - Both the Surveying and Engineering Committees were asked to review samples of the company's work. Ms. Moore stated that based on the Engineering Committee's review of the work samples provided for their review, the committee determined that Mr. Collier is not practicing engineering.
4. Willdan Energy Solutions – Request for Non-Objection.
 - The committee reviewed the company's website information, and examples of work provided by the company for committee review. The committee believes that the work falls within the practice of engineering and denies the request for a nonobjection letter.
5. Brunswick County Certification Question.
 - Brunswick County requested the committee devise language they could add to their plans being submitted for permit review. The Board Counsel drafted language. The committee reviewed and concurred with the language. Pending acceptance by the county, the following language may be used:
 - *"Final drawing for permit (or other type review) and, if marked "Approved," issued for construction."*
6. Pinam Construction – Chapter 87 Formation Questions.
 - The Committee reviewed and concurred with the content of Board Counsel's memo regarding Pinam Construction for the formation of a "Chapter 87 Corporation" for design/build limited engineering services. Mr. Tuttle will draft the response for review by Ms. Moore and Mr. Goel to address the questions.

Old Business

Ms. Moore advised the Board that the Engineering Committee was able to address some items under old business and reported as follows:

1. Rules Review per N.C.G.S. 150B-19.1(b) – Proposed Statute Changes
 - 3) 21 NCAC 56 .0902 (Business Titles) – Mr. Mazanek will coordinate a meeting with Chair Care, Ms. Moore, Mr. Fairbanks, Mr. Benton, and staff members, Mazanek and Tuttle.
2. BIM Guidelines (Certification)

Following an earlier meeting with NCDOT, the committee anticipated an update from NCDOT prior to the July Board meeting; however, NCDOT informed the committee that they did not have any additional feedback at this time. Item to remain under the committee's Old Business.
3. On-Site Wastewater System Design (Policy Question)

Following prior meetings and additional questions from professional engineer, T. Allen, concerning whether a particular design falls under the practice of engineering, the committee reviewed the policy. Further evaluation and follow-up are planned.

Ms. Moore concluded her report and solicited comments or questions. Chair Care directed attention to item 5 under Old Business. He asked for clarification as to nature of the bill. Mr. Evans confirmed the goal of the bill is to establish a time limit for review and approval of plans. Ms. Moore agreed that the bill is still active, noted that she is monitoring, and informed the Board that she has not seen any recent activity.

Chair Care asked if there were any other questions of concerns before moving forward. Mr. Ritter took the opportunity to confirm the Chair's instructions to the various ad hoc committees. Chair Care confirmed the deadline for the committees to have their final information is by the October planning session.

Surveying Committee – Mr. Benton

Mr. Benton advised the Board that the Surveying Committee met on July 19, 2022, in person at the Board office. He informed the Board that Christy Davis, Executive Director, and Jerry Nave, current President, for the North Carolina Society of Surveyors were invited guests. Mr. Benton explained the three pathways to surveying through the apprenticeship program initially covered under the temporary amendment to Board Rule .0601. He stated that the committee requests that the Board to add a fourth pathway and therefore seeks approval to add the below language to further amend 21 NCAC 56 .0601 as it moves forward to become a permanent rule.

“(D) Apprentice program, approved by the Board, and administered through ApprenticeshipNC, or equivalent, including elements equivalent to (A), (B), or (C).”

Discussion ensued. Chair Care asked that matter be addressed following completion of the committee report. Mr. Benton addressed the following New Business items:

New Business

1. Tie Lines – Question.

Mr. Benton noted that he completed and presented revisions to the Tie Line guideline diagrams for committee review. One minor change was suggested by the committee. The committee recognized other elements of the guideline that may need to be updated and will perform an in-depth review of the entire guideline. Once completed, the guideline will be presented to the Board for review and approval.

2. Collier Geophysics – Committee determined that the company was not engaged in surveying as long as the items and objects shown were not identified for authoritative purposes and the company is not making surveying determinations. Mr. Logsdon explained that the issue is being treated through the lens of surveying wetlands. Discussion ensued. It was agreed that giving general locations is different than pointing out specific abnormalities and Mr. Benton again reiterated the committee's view that the actions were not of an authoritative purpose.
3. PLS Concerns – The committee reviewed a letter wherein a surveyor shared his concerns and his perception of alleged shortcomings of some surveyors. Discussion ensued. State specific exam data was discussed. Additional data is being developed and will be shared. Mr. Mazanek is tasked with developing the data. The Board was informed that grade data supports retention of knowledge by surveyors. Mr. Ritter stated that the FS and PS exam grades are generally used to determine a surveyor's level of competency.

Mr. Benton advised the Board that there had been no movement on items under Old Business and concluded his report.

Chair Care directed the Board's attention to Rules Revisions, item 8 on the agenda.

4. NCEES – Executive Director

For the benefit of the new members, Mr. Ritter explained the differences and similarities between the Annual Meeting and the recently attended Zone Meeting. Further explaining the logistics and available activities, he gained consensus on the group activities.

NCEES Committee assignments were discussed and noted as follows: Mr. Hoyle, Exam Committee; Ms. Moore, Education Committee; and Mr. Ritter, Finance Committee. Mr. Ritter stated that North Carolina's representation, including Mr. Zoutewelle's role as Vice President, at the national level was notable.

Mr. Ritter noted that Mr. Ellington has now been approved by NCEES as an Emeritus Member.

The NCEES report was paused until Mr. Zoutewelle joins the meeting. Chair Care directed the Board's attention to the Board Secretary Report, item 5 of the agenda.

Mr. Zoutewelle has now joined the meeting and Mr. Ritter continued to the Motions under the NCEES.

Mr. Ritter explained the motions being considered at the Annual Meeting, explained the process for voting on the motions not on the NCEES consent agenda, and explained why the following nine motions were not on the NCEES consent agenda. He described the process whereby all motions go before the NCEES Board for determination as to whether the item should be a consent agenda item. Motions not endorsed by the NCEES Board are not on the consent agenda since the topic may generate some discussion and deserve some consideration by individual boards. Mr. Ritter advised the Board that motions that the Board will have a vote on have been identified with a star and will need to be discussed today to determine consensus among members. Each such motion was discussed, and the determination of the Board vote on each is noted below:

ACCA Motion 1 – Adding a past president as a member to each standing committee.

(ACCA Motion 1 – Members not in favor)

11:03 a.m., Mr. Fairbanks left the meeting room and rejoined via Zoom.

ACCA Motion – 9

Mr. Ritter explained Motion 9 and noted that 9 & 10 are closely tied together. Adds one public member seat. Mr. Benton in favor of supporting Motion 9. Mr. Care expressed his view that public members would be a benefit at the national level and should reflect the makeup of the board.

(ACCA Motion 9 – Members in favor.)

Finance Motion 3 – Mr. Ritter explained NCEES' request to increase fees rather than continue to subsidize applicable exams. Mr. Goel requests fellow board member, Brenda Moore, assigned to NCEES Education committee to raise possibility of bringing deans of engineering colleges into the discussion.

Logsdon questioned: Does NCEES have a hardship route to cover exam fee? Mr. Zoutewelle explained the NCEES position to let the member boards address any such scholarship needs.

(Finance Motion 3 – Board in question) Logsdon, Moore in favor. Fairbanks not in favor. pending

Finance Motion 5 –

Finance Motion 5 – Board in favor.

Finance Motion 6 –

Finance Motion 6 – Board pending. Mr. Zoutewelle recommends delay pending meeting discussion.

UPLG Motion 5 – Clarifies/further defines "semester hour." In line with the current board rules (Board in favor.)

UPLG Motion 6 – Board in favor.

Western Zone Motion 1 – attempts to remove some barriers to COMITY licensure by adding to Model Law. (Board in favor.)

Brief break at 11:55 a.m. The Board returned from break at 12:15 p.m. and motioned to go into closed session.

Ms. Salloum made a motion to go into closed session to receive advice of counsel on lawsuits. Mr. Goel seconded the motion, and the Board along with outside counsel, Douglas Hanna, went into closed session. Mr. Ritter was invited to join the Board in closed session.

Mr. Benton made a motion to end the closed session. The motion was seconded by Mr. Goel. A vote was taken, and the Board came out of closed session at 1:44 p.m. Mr. Hanna left the meeting.

Ms. Salloum made a motion to go back into closed session to discuss a personnel matter. Ms. Moore seconded the motion, and the Board went into closed session at 1:45 p.m. Mr. Ritter was invited to join the Board in closed session.

Mr. Benton made a motion to end the closed session. The motion was seconded by Ms. Moore. A vote was taken, and the Board came out of closed session at 2:58 p.m. to resume the regular order of business at 3:04 p.m. The Board's attention was directed to 2022 Goals and Objectives under Old Business, agenda item 9.

5. Board Secretary Report – Board Secretary and Executive Director

Mr. Fairbanks gave an update regarding the May and June financials. With a mention that May is the midway point for the Board's fiscal year, he explained that there was no significant revenue for the month of May. However, with the renewal period starting in June, Mr. Fairbanks stated that we can expect to see an uptick in revenue. It was reported that investments are currently trending downward but can be considered an unrealized loss with hopes of recovery. Acknowledging Mr. Hoyle's request to keep a running account of suit related expenses, Mr. Fairbanks gave the current month's total expenditures and provided the total since inception date amount. Mr. Fairbanks solicited comments or questions. Hearing none, he moved on to the June financials. He noted that firm renewals are running about nine percent ahead of schedule, however, investments are still trending downward. He provided the running account for suit related expenses for June. Ms. Salloum questioned Line item 5325. Mr. Ritter explained the increase is due to increased firm renewals online and explained the positives of the business strategy of not passing the fee to the licensees.

Mr. Ritter further explained a recent statutory change and how the change eliminates the requirement that the Board must send out paper renewal notices and should result in an annual savings of approximately \$50,000.00. Discussion ensued. Renewal payment options directed towards stimulating 100 percent online payments were discussed. Mr. Ritter informed the Board that the Board Counsel was consulted in the past on the topic. Mr. Tuttle, based on the fact that the cap is directed by statute and the exact amount is set by Board rule, advised against charges not in alignment with the statute and rules. The Board will review the effectiveness of the new process and the topic will be added as a Planning Session topic. Mr. Ritter noted that going forward, the running total for the suits will be reported on during the meeting but not reflected in the report. Mr. Ritter informed the Board that the outside counsel will give an update as to the status of the suits during the meeting today.

Board Chair directed a brief break. Break from 10:10 a.m. Resumed at 10:20 a.m. and continued to Violations Activity, agenda item 6.

6. Violations Activity – Assistant Executive Director

Mr. Evans presented the Violations Report for July 20, 2022. He provided information regarding the stage of completion of the 64 cases opened for the fiscal year and 81 cases on the open sheet. He informed the Board that the average number of days from case open to investigation complete is remains within the target and is currently 104 days. Discussion ensued. Chair Care stressed the importance of bringing the cases to speedy resolution and prompt communication of the outcomes to the respondents. Mr. Evans continued his report, giving details regarding the general source of cases and further breaking down the sources giving specific details regarding the origin of Board authorized cases. He provided a breakdown of the stage of completion for cases currently under investigation. Mr. Evans completed his report.

Mr. Ritter reported on his meeting with Senator McGinnis. He stated that the discussion focused on the anticipated impact of new law, the apprenticeship program component, and questions about the Board's disciplinary data in comparison to other states. Mr. Ritter will keep the senator updated.

7. Applications – Director of Business Licensure

Mr. Mazanek explained the request of Gaskins + LeCraw of NC, PLLC. Mr. Benton made a motion to allow use of the name. Ms. Salloum seconded to motion. Discussion ensued. A vote was taken. It was unanimously approved.

Mr. Zoutewelle has now joined the meeting via Zoom. Chair Care directed the Board's attention to Old Business, item 9 on the agenda.

8. Rules Revisions – Executive Director

Mr. Ritter gave a brief review of the current status of the temporary and permanent rules currently in process and explained the need to formally approve for publication in the NC Register as part of the permanent rules process the rules for adoption or amendment. Chair Care entertained a motion to approve the rules, including the revision to the rule initially approved as Temporary Rule 21 NCAC 56 .0601, in order to add item 21 NCAC 56. 0601 (a) (3) (D) as currently proposed as a permanent rule.

Ms. Salloum made a motion to approve. Mr. Goel seconded the motion. A vote was taken, and the motion was unanimously approved.

Chair Care directed the Board's attention to NCEES Activities, item 4 of the agenda.

9. Old Business – Executive Director

Mr. Ritter addressed the letter proposed by the ad hoc committee in response to the request by Publix. Mr. Logsdon explained the thought process and how the issue was determined to be a responsible charge issue requiring someone to not only review the standard design plans but to also be in responsible charge. Mr. Care asked for a motion.

Mr. Zoutewelle made a motion to approve the letter as written. Mr. Goel seconded the motion. A vote was taken, and the motion was unanimously approved. Staff will send the letter to Mr. Michael.

Mr. Ritter introduced the topic of Goals and Objectives. Chair Care advised that the topic will be discussed in September.

10. New Business – Executive Director

Initiating Investigations Policy. Mr. Ritter explained that the possibility of receiving anonymous complaints is an unanticipated consequence of eliminating the sworn to and notarized component of a complainant filing a complaint. He explained that the intent of the policy is to prevent attempts at anonymous filings. Brief discussion ensued. Mr. Logsdon made a motion to approve the policy as presented. Mr. Benton seconded the motion. A vote was taken and the motion to approve the policy was approved.

Chair Care gave Mr. Hoyle the gavel to officiate over the review committee agenda. Chair Care recused himself from discussion and vote on the matter.

Mr. Logsdon made a motion to approve the review committee agenda. Mr. Benton seconded the motion. Following brief discussion, including Mr. Logsdon's brief regarding the legal basis for the use of a consultant in the investigation, Mr. Hoyle called for a vote. The matter was voted on and approved by all who voted.

Mr. Hoyle returned the gavel to Chair Care.

11. Informational Items – Executive Director

Mr. Ritter shared that Mr. Mazanek had received a letter of appreciation for his work licensing firms.

Mr. Ritter informed the Board of the possibility of a need for an opinion from the Attorney General arising out of a disciplinary matter. The directive from the review committee is to seek the opinion of the Attorney General regarding federal projects. Following discussion, Mr. Benton made a motion to instruct staff to seek an opinion

from the Attorney General. Ms. Salloum seconded the motion. Following a vote, the motion was unanimously approved. Mr. Ritter stated that Mr. Tuttle will write a letter seeking an Attorney General opinion.

Mr. Ritter informed the Board that in response to Mr. Goel's request that the minutes are available for review sooner, draft minutes will be posted on ShareFile. Chair Care cautioned that there should be a level of confidence in the minutes before posting.

Mr. Ritter, giving credit and appreciation to Mr. Mazanek for his continued efforts at servicing firm needs, advised the Board that firm renewals are at 96%. Mr. Mazanek noted that the shift to online payments is reflected in the numbers. Mr. Mazanek is also tasked with providing business title information for the planning session discussion.

Mr. Hoyle informed the Board that the 2022 Planning Session will be take place October 26 & 27, 2022 and requested that all discussion topics are funneled through Mr. Ritter. For the benefit of new Board members, Mr. Ritter explained the meeting dynamics. Brief discussion ensued.

Mr. Goel made a motion to adjourn. Mr. Benton seconded the motion. The Board adjourned at 3:27 p.m. The Board is next scheduled to meet on September 14, 2022.

Respectfully submitted,



Cedric D. Fairbanks, Ph.D., PE
Secretary

Approved by the Board in Session

Date: September 14, 2022

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 8, 2022

Raleigh, North Carolina

Board Chair, Jonathan S. Care, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, June 8, 2022, to conduct the regular order of business. Attendance was as follows:

Board Members on Teleconference Call:

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

Staff on Call:

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

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Care 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.

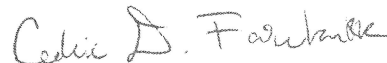
2. Consent Agenda – Chair

Chair Care introduced the Consent Agenda. Before the Chair entertained a motion to approve the Consent Agenda, there was a brief discussion on general topics unrelated to the Consent Agenda. Mr. Ritter indicated that he would follow-up with Chair Care. Mr. Benton made a motion to approve the Consent Agenda. Mr. Goel 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 18 Professional Corporations, 21 Professional Limited Liability Companies, 3 Business Firms, 1 Chapter 87 Corporation; 2 Requests to Use Individual's Name in Company Title, and 1 d/b/a Request; Retired Status Requests; and Review Committee Agenda.

The Board adjourned at 9:05 a.m. The Board is next scheduled to meet on July 20, 2022.

Respectfully submitted,



Cedric D. Fairbanks, Ph.D., PE
Secretary

Approved by the Board in Session

Date: July 20, 2022

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

May 11, 2022

Raleigh, North Carolina

Board Chair, Jonathan S. Care, gaveled the North Carolina Board of Examiners into session at 9:08 a.m. on Wednesday, May 11, 2022, to conduct the regular order of business. Attendance was as follows:

Board Members:

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

Guest (by Zoom):

Ken Michael, Womble Bond Dickinson (US) LLP

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Care 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. Zoutewelle identified a conflict on the Consent Agenda and will abstain from all related discussions or actions.

2. Consent Agenda – Chair

Chair Care introduced the Consent Agenda and entertained a motion to approve. Mr. Logsdon made a motion to approve the Consent Agenda. Mr. Fairbanks seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved by all who participated.

The Consent Agenda included: Firm Applications for 8 Professional Corporations, 15 Professional Limited Liability Companies, 2 Business Firms; 1 Request to Use Individual's Name in Company Title and 2 d/b/a Requests; Review Committees; Settlement Conferences; and PLS and SI Certificates.

3. Committee Reports – Committee Chairs

CPC Committee – Chair Salloum

Ms. Salloum gave a report on the actions of the May 2, 2022, meeting. All actions were under New Business.

- CPC Sponsor Applications were approved for three (3) sponsors.
- Exemption request approved for D. Tunstall per 21 NCAC 56 .1707(3).
- Continuing Professional Competency Audit Policy (BP-0705-1) modifications approved by committee. Will require Board approval.
 - Mr. Logsdon made a motion to approve the modification to BP-0705-1. Mr. Goel seconded the motion. Following brief staff comment, a vote was taken, and the motion was unanimously approved.
- CPC Credit Question – Classes on diversity and inclusion in the workplace will be allowed to count towards CPC credits.
- Review of 21 NCAC 56 .1703 – Carryover PDHs – Ethics course carryover was approved by the committee. The carryover will be limited to one year and will require licensees to participate in ethics classes every other year.

Committee requested that the following be added as topics for discussion at the annual planning session.

- PDHs course categories. Should there be specific requirements for various course categories?

Engineering Committee – Chair Moore

New Business

Ms. Moore advised the Board that the Engineering Committee met on May 9, 2022, and discussed the following new business matters:

1. Cabarrus County Conflict of Interest Question.
 - Committee examined the information provided by the PE and the County Attorney and determined that there was no conflict. Mr. Tuttle to provide a response which includes clarification that the process should be such that the employee is not reviewing his own work.
2. Wake Forest University Engineering Capstone Class – Question from Professor Lutzweiler, P E.
 - The visiting professor submitted a question relative to the use of “real world cases.” He sought the opinion of the Committee regarding the need for projects to be undertaken under the purview of a licensed engineer. The specific project in question is for the design of a bridge in Africa. The Committee felt that the location of the project had no bearing on the need to protect the public. The Committee, while declining the request to approve the project, will provide a response that will include cautionary language to make sure engineering services are not being provided. Mr. Ritter and Mr. Fairbanks plan to visit and provide guidance as this is a new program the university is undertaking.
3. NCDOT NC Energy Code Question.
 - Does their simulated energy performance alternative analysis code need to be sealed by a licensed professional engineer? Following review, the Committee determined that there were multiple design variables that would require sealing by a licensed professional engineer.
4. Forest and Logging Engineering and Protected Terminology Question from Joe Currie.
 - Forester wanted to use a variant of the term “forest or logging engineer.” Mr. Tuttle had already provided a response, but Mr. Currie requested review by the Engineering Committee. The Committee reviewed the request and the response provided by Mr. Tuttle. The Committee found Mr. Tuttle’s prior response to be in complete alignment with the Committee’s determination.
5. 21 NCAC 56 .0902 – New Business Titles – Review for possible revision
 - Committee found relevance to a question presented for its review and requests formation of a breakout group (task force) to review the rule. Committee requests the participation of four Board Members – two engineers and two surveyors, along with staff.
 - Ms. Moore and Mr. Fairbanks will fill the engineering slots. Ms. Moore requested that Chair Care would serve as one of the surveying members. A determination of the members who would participate as surveying members was delayed.
6. Certification of FEMA Flood Studies (Informational Item)
 - Information on the study was presented to the Committee as an informational item by Mr. Tuttle.
7. Marc Uribe PE Application Review (Disciplinary action and conviction)
 - Comity licensure request was reviewed and approved.
8. Sira M. Chohan, PE Request to Lift Restriction per V2014-063
 - Committee reviewed the additional training submitted. The Committee did not approve the content. Mr. Evans to prepare a response which will include advising the licensee that he may request an administrative conference on the matter if he so chooses.

Old Business

Ms. Moore advised the Board that the Engineering Committee was able to address some items under old business and reported as follows:

- A. BIM Guidelines (Certification)
 - The committee had a meeting with the NCDOT on April 25, 2022. NCDOT is early in their process. The lines of communication will be kept open as they move forward and push the implementation date out.

- Brief discussion ensued.
- B. Annual Rules Review per G.S. 150B-19.1(b) – Proposed Statue Changes
 - 21 NCAC 1703 (1 PDH Ethics/Standards of Practice; outreach, carryover hours)
 - The committee discussed and is in agreement with the reporting of the CPC Committee.
- C. On-Site Wastewater System Design (Policy Question)
 - The committee met with the Division of Public Health on May 2, 2022. Ms. Moore, Mr. Hoyle, Mr. Benton, and staff attended via various mediums. Pending legislative action, however, it is uncertain if the action on their proposed rules will be approved. In the interim, it has been requested that BP 1007 be readopted. Former Board Member Stacey Smith continues to participate in discussions and meetings. Further action is expected in July and Board Counsel Tuttle counsels the committee regarding the need to revisit the policy through a modern lens.

Ms. Moore concluded her report and informed the Board that the committee has taken on a project of approximately 17 questions submitted by a new business owner. The questions center around what is and is not engineering. The goal is to have completed responses to the questions by July.

Mr. Goel sought clarification regarding item eight under New Business. Mr. Ritter clarified that the licensee may come in for an administrative conference and, if not satisfied by the outcome, may then opt for a hearing on the matter.

Surveying Committee – Mr. Benton

Mr. Benton advised that the committee met May 10, 2022.

New Business

1. Tie Lines Question
 - The committee is in the process of updating the examples shown on the Board's website. Such examples will be brought to the full Board for approval as guidelines.
2. Possible Rule Changes
 - Committee in favor of the Engineering Committee's planned ad hoc committee. Expressed the understanding that Mr. Care would assign the member. Mr. Benton noted that the committee was in favor of allowing the surveyors to carryover the ethics and standards of practice, confirming the committee's support of the suggestions as reported by the CPC Committee.
3. GNSS Standards
 - Committee discussed and determined that there was no need to give specific instructions as to how licensees achieved the specific results. Licensees will be left to their professional discretion; however, Mr. Zoutewelle will produce a cautionary article since there are some concerns about information being provided by product vendors.
4. Certification of FEMA Flood Studies
 - The state's effective use of LiDAR data was discussed and how licensees can effectively use the data and incorporate the data into their own work product. Mr. Logsdon and Mr. Benton have agreed to work on a policy to that effect.

Old Business

1. Review of Board Rules and Policies
 - Ongoing
2. Minimum Requirements for an Airborne Survey.
 - The committee is engaging the assistance of Mr. M. Shaw as an expert on the subject. Members are working to devise policies and guidelines with Mr. Shaw's assistance. Mr. Shaw is also assisting

on one of the Board's current legal matters which takes precedence over the work on the policies and guidelines, resulting in some delays.

3. GICC Work Group – Committee Information

- Former Board Member, Linda Thurman, is now a member of GICC. Mr. Benton gave a brief history regarding interactions between the Board and the GICC which resulted in the Surveying Committee evaluating multiple case examples and providing its determinations as to whether each such example was or was not surveying. This matter has been pending for some time, but the committee hopes for movement on the issue. Further discussion ensued.

Mr. Care asked Mr. Logsdon to give an update on the Publix matter. Mr. Logsdon expressed that the ad hoc committee is sensitive to the time this matter has been under consideration. He noted that the way the Board Rules are written adds to the complexity of the resolution. He further explained that a standard design plan is usually only a portion of the overall design which differs from the Publix SDP model which encompasses the entire design for the building, including all systems, which crosses various engineering disciplines. He noted that except for site adaptation, the Publix model is essentially a complete set of design plans. The responsibility of a reviewing engineer if a change, beyond site adaptation, is needed to ensure adequacy or code compliance in North Carolina, is a challenge. How the reviewing engineer can certify any change without redoing the entire plan is the specific issue. The committee noted that although the members have had multiple in-person meetings and various other interactions and reviewed multiple variations to the draft; the committee is not yet ready to make the final presentation to the Board. Chair Care expressed his appreciation for the efforts of the committee and agreed that the matter could not be rushed.

Chair Care moved the discussion to the need to move forward with naming the members of the Engineering Committee's Task Force for Business Titles. The members will be Ms. Moore, Mr. Fairbanks, Mr. Benton, and Chair Care. Mr. Ritter explained that, in line with Mr. Fairbanks' goal, staff is working to have ready by the planning session.

4. NCEES – Executive Director

Mr. Ritter reported on the NCEES Southern Zone Meeting. Mr. Zoutewelle, as the Southern Zone Vice President, requested feedback of his fellow Board Members. Extensive discussion ensued. Mr. Zoutewelle expressed his appreciation and assured the Board that he would share the feedback in his capacity as an NCEES officer.

Chair Care informed the Board that the U.S. Virgin Islands has requested another visit from the NCEES. Mr. Ritter's attendance was specifically requested. Mr. Zoutewelle and Mr. Ritter will attend.

Mr. Ritter provided an update regarding the logistics of the August 23 – 25 Annual Meeting in Carlsbad, California. He explained the motions and the process that will be used to vote on the motions at the meeting. He advised the Board that he will provide the motions to the members at the July Board Meeting.

Chair Care directed a short break at 10:47 a.m. Meeting resumed at 10:58 a.m.

5. Board Secretary Report – Board Secretary and Executive Director

Mr. Fairbanks discussed the March 2022 financials. He explained that although investment returns were down and legal fees continue to impact the bottom line, revenue remains over expenses. Brief discussion ensued.

6. Violations Activity – Assistant Executive Director

Mr. Evans presented the Violations Report for May 11, 2022. He reported for FY2022, the Board has opened 43 cases and closed 28 cases. He provided the actions taken for each of the 28 cases closed, information regarding the stage of completion of the 76 cases currently open, and data related to the number of licensees who have prior charges. The average number of days from case open to investigation complete remains at 105 days with 33 cases currently in the investigative stage.

Mr. Ritter provided an update on a new statute that goes into effect July 1, 2022. The new statute eliminates the need for a sworn to and notarized complaint. Staff seeks guidance regarding a position surrounding anonymous complaints. Discussion ensued. Mr. Ritter advised that staff now has guidance on the issue.

7. Applications – Director of Business Licensure

Mr. Mazanek introduced the request submitted Rod Greene of The Perfect Touch Mobile Massage – NC LLC. He seeks approval to change his company name to The Muscle Engineers LLC – A Mobile Massage Company. Following discussion, Mr. Logsdon made a motion to approve the request. Mr. Benton seconded the motion. Following discussion, Mr. Goel and Ms. Moore abstained from the vote. All others voted to approve the motion. Staff may issue the non-objection letter.

Mr. Hoyle advised the Board that he received a notification that he had been randomly selected for CPC audit. He shared that he was extremely pleased with the smooth and professionally handled process.

Chair Care explained his goals with respect to the rules that have been in process for some time.

The Board for lunch at 11:48 a.m. The meeting resumed for the regular order of business at 12:39 p.m.

Old Business preceded Rules Revision.

8. Rules Revisions – Board Counsel

Chair Care requested that Mr. Tuttle provide a status regarding the current state of each rule under consideration for changes. Following extensive discussion, Mr. Tuttle explained the status of temporary rules 21 NACA 56 .0601 and .0608, requiring adoption by the Board, and approval of the language for the revisions to Rules 21 NCAC 56 .0303, .1702, .1703, .1704, .1705, .1707, and .1713. Mr. Tuttle explained that Board approval was needed to move to the next step in the process.

Mr. Goel made a motion to approve Rules 21 NCAC 56 .0303, .1702, .1703, .1704, .1705, .1707, and .1713 as presented. Mr. Zoutewelle seconded the motion. A vote was taken, and the motion was unanimously approved.

Mr. Fairbanks made a motion to adopt Temporary Rules 21 NACA 56 .0601 and .0608. Ms. Salloum seconded the motion. A vote was taken, and the motion was unanimously approved.

9. Old Business – Executive Director

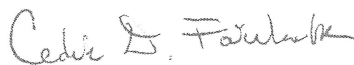
Chair Care asked Mr. Logsdon to give an update regarding the legal matters. Mr. Logsdon explained that both parties in the Nutt case have moved for summary judgment. Mediation was anticipated but has been cancelled. A decision is expected within the next three months.

Mr. Logsdon explained that the Drone case is similarly situated, and a decision is also expected within the next few months. He explained the basis for a motion to dismiss.

Brief discussion ensued.

Following a motion to adjourn., the Board adjourned at 2:49 p.m. The Board is next scheduled to meet on June 8, 2022.

Respectfully submitted,



Cedric D. Fairbanks, Ph.D., PE
Secretary

Approved by the Board in Session

Date: July 20, 2022

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

April 12, 2022

Raleigh, North Carolina

Board Chair, Jonathan S. Care, gaveled the North Carolina Board of Examiners into session at 9:00 a.m. on Tuesday, April 12, 2022, to conduct the regular order of business. Attendance was as follows:

Board Members on Zoom Call:

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

Public:

Sherri Barron, NC Surveying Society

Absent:

John M. Logsdon, PLS

Staff on Call:

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

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Care 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.

The Consent Agenda preceded the Hearing on Temporary Board Rules.

2. Hearing on Temporary Board Rules

- Amendment: 21 NCAC 56 .0601 – Requirements for Licensing
- Adoption: 21 NCAC 56 .0608 – Surveyor Intern

Chair Care formally opened the Hearing on Temporary Board Rules at 9:02 a.m. He explained the purpose of a public hearing. Mr. Ritter informed Chair Care that there were no attendees in the Board office and advised him of the identity of the one member of the public in attendance on the call. Chair Care opened the floor for public comment. Not seeing or hearing requests to speak, Chair Care closed the Public Hearing and entertained a motion to adjourn.

3. Consent Agenda – Chair

Chair Care introduced the Consent Agenda and entertained a motion to approve. Mr. Benton made a motion to approve the Consent Agenda. Ms. Salloum seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The Consent Agenda included: a Request for a Board Authorized Case Openings; Comity, Initial Licensure, and PE Reinstatement; Firm Applications for 11 Professional Corporations, 27 Professional Limited Liability Companies, 1 Business Firm, 3 Chapter 87 Corporations; 2 d/b/a Requests; and Review Committee Agenda.

Mr. Goel made a motion to adjourn. Mr. Fairbanks seconded the motion. The Board adjourned at 9:04 a.m. The Board is next scheduled to meet on May 11, 2022.

Respectfully submitted,



Cedric D. Fairbanks, Ph.D., PE
Secretary

Approved by the Board in Session

Date: July 20, 2022

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 9, 2022

Raleigh, North Carolina

Board Chair, Jonathan S. Care, gaveled the North Carolina Board of Examiners into session at 9:06 a.m. on Wednesday, March 9, 2022, to conduct the regular order of business. Attendance was as follows:

Board Members:

Jonathan S. Care, Public Member, Chair
Dennis K. Hoyle, PE, PLS, Vice-Chair
Cedric D. Fairbanks, Ph.D., PE, Secretary
John M. Logsdon, PLS
Brenda Moore, PE
Andrew G. Zoutewelle, PLS
Vinod K. Goel, Ph.D., PE
Richard M. Benton, PLS

Absent:

Carol W. Salloum, Public Member

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Care 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.

2. Consent Agenda – Chair

Chair Care introduced the Consent Agenda and entertained a motion to approve. Mr. Benton made a motion to approve the Consent Agenda. Mr. Goel 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 14 Professional Corporations, 24 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; Review Committees Retired Status Requests; and SI Certifications.

Mr. Ritter introduced the Board to new staff member, Amy Bush, and informed members that the CPC Committee did not meet.

3. Committee Reports – Committee Chairs

CPC Committee – Chair Salloum

Did not meet.

Engineering Committee – Chair Moore

New Business

Ms. Moore advised the Board that the Engineering Committee met on March 7, 2022, and discussed the following new business matters:

A. Engineering Laws and Board Rules Questions from Derrick E. Giles, PE

- Board Counsel, David Tuttle, reviewed the laws and rules related to Mr. Giles' questions concerning certain activities of non-licensed firm owners and provided a draft response for committee review. Committee members concurred with the content of the draft response. Ms. Moore and Mr. Fairbanks will review the final document.

B. Publix

- Ms. Moore indicated that item was pending.

C. Chris Hyo Kim, PE - .1103(e) - Question regarding software for signing and sealing plans.

- Ms. Moore informed the Board that Mr. Tuttle assisted Mr. Kim with identifying software options which satisfy stringent signature validation requirements, and which has the required capability of

providing evidence of document tampering. The item will remain on the agenda for further consideration under old business.

D. NC Board of Architecture and Registered Interior Designers Guidance Paper

- The committee received a request from the NC Board of Architecture and Registered Interior Designers to review verbiage for a guidance document. Mr. Tuttle preformed the initial review and reported to the committee. The committee reviewed and provided comments. Mr. Tuttle will communicate the resulting suggestions and the request of the committee to have an opportunity to review the final version of the guidance document.

E. State Construction Office Conference (Informational Item)

- Mr. Tuttle gave a brief report to the committee regarding his presentation at the March 3rd SCO (State Construction Office) Conference on Designer Roles and Responsibilities. The SCO was noted to be on the Board's outreach list. Ms. Moore stated that this was an excellent outreach opportunity with over 800 individuals in attendance and Mr. Tuttle's presentation was well received.

F. Review PE Application of Patrick Maloy (Criminal Conviction)

- The committee reviewed the criminal record, the applicant's response, and the information pertaining to restoration of the applicant's civil rights. The committee approved the PE application.

G. On-Site Wastewater System Design (Policy Question)

- Ms. Moore informed the Board that Ms. Angoli, an employee with the Division of Public Health, On-Site Water Protection Branch, has requested that the Board readopt BP-1007, the On-Site Wastewater System Design Policy to alleviate PE concerns and aid local health departments in determining when a PE is involved. The policy was repealed based upon proposed revisions to certain Rules which were not approved by the Rules Review Commission. Due to the age of the policy, the committee felt it best to have a meeting to reassess the language. The committee requested a meeting with Ms. Angoli, Mr. Ritter, Mr. Hoyle, and former Board Member, Mr. Stacey Smith.

H. Review Draft Rule Change [21 NCAC 56 .0601] (Informational Item)

- Ms. Moore informed the Board that .0601 fell within the Chair's request that committees review draft Rules. She stated that the committee members reviewed the proposed changes and will offer their findings as part of the full Board rules discussion today.

Old Business

Ms. Moore advised the Board that the Engineering Committee was able to address some items under old business and reported as follows:

A. Wood Truss Engineering item from James A. Lane, PE

- Following receipt of pending information, the committee directed that this item be removed from the agenda.

B. BIM Guidelines (Certification)

- The committee received a response from NCDOT. NCDOT would like to meet. David Evans will arrange a meeting with Mr. Burton and Mr. Garland from NCDOT, Ms. Moore, and Mr. Tuttle. Following a brief discussion, it was determined that the meeting should also include a surveying member of the Board. Mr. Benton is added as a participant.

C. Draft Rule Revisions by CPC Committee

- 21 NCAC 56 .1703 – Aligning with the Surveying Committee, regarding carryover hours for ethics or standards of practice, the committee reviewed the changes made by Mr. Tuttle to effect the changes recommended by the CPC Committee. Following discussion, the matter will be returned to the CPC Committee to consider the assessment proffered by Mr. Zoutewelle. Ms. Moore stated that matter will remain on the agenda and will be revisited after further consideration by the CPC Committee.

D. G.S. 89C-13(a)(a3) – Long Established Practice

- The committee discussed the possibility of eliminating the option afforded to a person to enter the engineering profession based on certain criteria along with a specific record of 20 or more years of progressive experience. The committee decided to leave the provision in place. The item will be removed from the agenda.

E. G.S. 89C-13(a1)(3) – 8 Year Experience Requirement

- The committee discussed changes to align the graduation, experience, and examination requires with those of NCEES. The item will remain on the agenda as staff research how the topic is handled by other states. Item to remain on agenda for future discussion.

Ms. Moore concluded her report. Mr. Zoutewelle requested additional information regarding the NC Board of Architecture and Registered Interior Designers Guidance Paper. He explained that during a recent visit to the Louisiana Board, discussions were underway regarding architects getting into the practice of engineering, which he noted was not quite the issue being discussed here. He explained that on a national level there is a concept of “incidental practice” of engineering design, architecture, and engineering. Mr. Zoutewelle referenced, what he believed to be, a 60% overlap between what interior designers do and what architects do and questioned whether it was truly a matter of incidental practice if the level of overlap is to that degree. Ms. Moore requested counsel on the matter from Mr. Tuttle. Mr. Tuttle explained that the same issues are a concern for North Carolina and the main goal of the paper is to address those matters of overlap. He stated that he had offered suggestions on the initial draft to ensure matters related to engineering were also a focus, and he invited comments from the PE members of the Board following their review.

Surveying Committee – Mr. Benton

Mr. Benton advised the Board that the Surveying Committee had a busy couple of months. The committee’s focus included activities directed toward navigating the impact of recent legislative changes that require related rules to be in effect once the new law takes effect July 1, 2022. The law allows for an apprenticeship option for the licensing of land surveyors. The committee met and discussed the changes needed to manage the apprenticeship program. He advised the Board that they have identified two programs already in place that will qualify for credit under the apprenticeship program. The CST program sponsored by the National Society of Professional Surveyors and the ASPRS program, which focuses on photogrammetry vertical surveying, are the two. They also set forth a formal education path that does not require graduation but does allow individuals with certain college credits to use those credits to satisfy the criteria. The committee followed the NCEES model to establish this option. Mr. Benton noted that the options cover traditional surveying, aerial or vertical, and allows for those with college credits but not a degree to access the program. He noted that the options fit between an associate degree and a high school education. Mr. Benton informed the Board that those rules will need to be reviewed and, if acceptable, approved today to meet the deadline. Mr. Benton reported on matters from both the February 9, 2022, and the March 8, 2022, meeting as follows:

A. SolisGIS, LLC

- February 9, 2022 - The committee discussed the concerns of an individual who had previous work experience through his employment with a municipality and now wants to continue the same work in private practice as an individual GIS practitioner. The committee requested additional information.
- March 8, 2022 – The committee reviewed the additional information received SolisGIS, LLC. It was determined that the example provided does not fall under the surveying definition. Staff to craft a response for committee review and approval before sending.

B. Tie Lines Question

- February 9, 2022 – The committee addressed a question brought to the committee’s attention by fellow committee member, John Logsdon. Mr. Logsdon reviewed the Survey Ties Guidelines. The review determined that the drawing needed to be updated. Mr. Benton was charged with updating the drawing and submitting it to the committee for further review.
- March 8, 2022 – Mr. Benton provided the revised drawing and submitted it to the committee for approval. It was approved by the committee. It will be posted to the website.

C. Copy of Old Survey

- February 9, 2022 –Also discussed were certain liability concerns inherent when a surveyor provides a copy of an old survey. A statement to address those concerns was suggested. Mr. Logsdon agreed to write an article for the newsletter to address those concerns.
- March 8, 2022 – The article written by Mr. Logsdon was reviewed and, with minor revisions, approved. It is noted that the article includes suggested language surveyors can use to alleviate some of their concerns surrounding the topic.

D. Exam Question Approval

- February 9, 2022 – Mr. Benton also advised the Board that three more questions developed during an exam writing event in Ashville several months ago were approved by the committee.

E. Activities of Non-Licensed Owners in the Firm

- March 8, 2022 – The committee reviewed the six questions, made comments and minor revisions.

F. Possible Rule Changes

- Mr. Ritter, Mr. Logsdon, and Mr. Benton attended the North Carolina Society of Surveyors Conference in Pinehurst a week earlier. They gave a presentation on the new law that allows for apprenticeship and provided details of the CST and ASPRS programs, and the education pathways to apprenticeship. He noted that the presentation was well received. During the meeting, it was suggested that the Board also review GISP as an additional pathway. After review, it was determined that GISP did not meet the standards established.

Mr. Benton noted that the surveyor intern designation was struck out of the law when the apprenticeship option was added. It is suspected that the legislature compared the requirements to become a surveyor intern and those of the apprenticeship option revealed a greater experience requirement for the surveyor intern and decided to simply eliminate the intern option. However, due to the level of interest in the surveyor intern designation, the intern option is being added back through Board rules. Mr. Benton asked Mr. Ritter to elaborate. Mr. Ritter explained how a group participation exercise during the presentation helped to identify the need to keep the intern option available and informed the Board that Mr. Tuttle was asked to determine if it was within Board powers and, if so, to develop rule language to do so.

Mr. Benton made a motion coming out of committee to approve the language. Following process questions, Chair Care directed the Board's attention to the Temporary Rulemaking Schedule. Mr. Ritter and Mr. Tuttle explained the process. Mr. Ritter explained the special Board meeting, scheduled for April 12, 2022, for a public hearing and, for the benefit of the new members, explained what to expect during the public hearing. After brief discussion, a vote was taken, and the motion to approve the temporary rules was unanimously approved.

G. GNSS Standards

- Mr. Benton informed the Board that due to concerns raised by Mr. Zoutewelle, the committee has agreed to take an in depth look at the issue.

H. Publix

- Mr. Benton noted that the Surveying and Engineering Committees have not reached consensus on the issue.

Chair Care explained that although some progress has been made, he is establishing an ad hoc committee in an effort to resolve the remaining issues and finalize the recommendation. Ms. Moore, Mr. Hoyle, Mr. Logsdon, and Mr. Care are the members of the ad hoc committee and plan to report back to the Board at the May meeting.

4. NCEES – Executive Director

Mr. Ritter shared information regarding the logistics and social options available during the upcoming NCEES Southern Zone Meeting and will research some additional possibilities for those seeking additional outlets. Mr. Zoutewelle elaborated on and encouraged participation in additional business opportunities that allow interaction with participants from other boards.

Mr. Ritter shifted to the Annual Meeting scheduled for August 23 – 26, 2022. Attending as first-time Board attendees will be Mr. Goel, Ms. Moore, and Mr. Fairbanks. Funded delegates will be Mr. Logsdon, Ms. Salloum, and Mr. Evans.

Mr. Ritter informed the Board that Mr. Zoutewelle's Board Visit Presentation will be given during lunch. Chair Care directed the Board's attention to the Southern Zone Distinguished Service Award. He thanked the members for the suggestion of nominating Mr. Ritter who was selected to receive the 2022 Southern Zone Distinguished Service Award.

Chair Care directed a short break at 10:25 a.m. Meeting resumed at 10:31 a.m.

5. Board Secretary Report – Board Secretary and Executive Director

Mr. Fairbanks informed the Board that the Audit team met on February 16, 2022. The audit report revealed no difficulties in completing the audit, no significant journal entries, and no financial disagreements or audit findings. The report was found to be a clean report, significantly similar to the previous year's report. Mr. Fairbanks stated that the auditor gave special thanks to Mr. Ritter and to Ms. Scarborough for their efforts. Further, it was noted that the internal controls were functioning as expected and that no deficiencies were found. Mr. Fairbanks reported that Board revenues showed an increase of 3.3 percent, attributable to renewal fees. However, it was noted that the overall operating expenses increased by 7.7 percent due to ongoing legal matters. Mr. Fairbanks directed attention to the auditor's "Opinion" on page three of the audit report which noted that the basic financial statements presented fairly, in all material respects, and changes in financial position and cash flows were in accordance with generally accepted U.S.A. accounting principles. Messrs. Ritter and Hoyle were also in attendance during the auditor's meeting. Mr. Fairbanks asked if they had comments. Mr. Ritter noted that the Audit required Board approval. Mr. Goel made a motion to approve the Audit and Mr. Hoyle seconded the motion to approve. A vote was taken, and the motion was unanimously approved. Mr. Ritter, acknowledging his inclusion in the auditor's special thanks, gave 99.9 percent of the credit for the glowing audit report to Ms. Scarborough's efforts to keep him and the books in order. He expressed his appreciation for her efforts.

Mr. Fairbanks moved the discussion to the January 2022 financials. He summarized notable line items and stated that since most renewals come in during the first two months of the year, he expected to have final renewal data at the next meeting. He asked if there were any questions. Mr. Ritter explained that he had recently received the updated renewal numbers which will be provided to Mr. Fairbanks for the next Board meeting but noted that based on current projections, it expected that revenue over expenses will be around 3 percent. Mr. Fairbanks will review and provide a more detailed breakdown during the July Board meeting.

6. Violations Activity – Assistant Executive Director

Mr. Evans presented the Violations Report for March 9, 2022. He reported for FY2022, the Board has opened 20 cases and closed 16 cases. He provided the details of the actions taken for each of the 16 cases closed, information regarding the stage of completion of the 74 cases currently open, and data related to the number of licensees who have prior charges. The average number of days from case open to investigation complete remains at 104 days with 35 cases currently in the investigative stage. Mr. Evans gave details regarding upcoming Review Committees and displayed where the names of Board members with settlement conference are now also listed on the open violations report. Mr. Logsdon requested a method of notification to enable members to know when case materials need to be retained due to action following Review Committee. A brief discussion was held as a result of a question regarding the relevancy of prior offense data. Mr. Tuttle informed the Board that the information is also used during the process of assigning cases in order to limit Board member exposure in the event a case goes to hearing. Mr. Care sought clarification regarding how determinations to proceed with opening cases are made. Mr. Ritter explained how the current renewal period impacts the number of Board authorized cases and why a number of those often do not result in an action. Discussion ensued regarding current efforts to coordinate state and national level knowledge sharing.

7. Applications – Director of Business Licensure

Mr. Mazanek introduced the request submitted by Jacob Rice Engineering, PLLC. Following discussion, Board members determined that Board Rule 21 NCAC 56 .0902 (a) should be reviewed. A motion to approve the request was made by Mr. Benton and seconded by Mr. Hoyle. Following discussion, a split vote did not result in the approval of the request. Messrs. Benton, Hoyle, and Fairbanks voted in favor. Messrs. Logsdon, Goel, Zoutewelle, Care, and Ms. Moore opposed the approval. The request was denied. Chair Care instructed Mr. Tuttle to add Board Rule 21 NCAC 56 .0902 (a) to the list of rules subject to review for possible revision. Mr. Care asks both the Engineering and the Surveying Committees to review.

Mr. Mazanek introduced the request submitted by Isom Engineering Consultants, PLLC for firm approval. Mr. Logsdon recused himself from participation and voting on the issue. Mr. Hoyle made a motion to approve the request. Mr. Zoutewelle seconded the motion to approve. Following a vote, the motion was approved.

8. Rules Revisions – Board Counsel

Chair Care requested an update on progress to summarize the status of all contemplated rule changes, the process to make rule changes, and where each contemplated rule change currently sets in that process. Following Mr. Ritter's explanation, discussion ensued. Mr. Evans gave a summary of the committee-based information provided to the Board. In response to a request by Mr. Logsdon for clarification of whether some actions are based upon RRC annual deadlines, Mr. Tuttle explained the RRC rolling process model and how publication dates trigger certain requirements. Mr. Logsdon requested that the Board be made aware of any such requirements. Mr. Tuttle asked if his usual practice of providing a condensed summary sheet with drafts attached would be sufficient. He further noted that the timing of the March meeting and the next Legislative session may have consequences but does not expect it to cause delays. Chair Care reiterated that his goal is to have a single document which clearly lists all rules and identifies the stage of readiness for each rule currently under consideration for revision.

9. Old Business – Executive Director

Mr. Ritter informed the members of suggestions brought to him by Mr. Fairbanks during informal discussions. As a point of reference for newer Board members unfamiliar with the now discontinued practice of licensing ceremonies, he explained the catalysts and format of past ceremonies and explained how changes to the test-taking calendar impacted the ability to plan such events. Mr. Ritter gave the floor to Mr. Fairbanks to further elaborate on his ideas to have some of the Board meetings off site at local universities, provide recognition for new licensees, and develop opportunities for outreach. Mr. Fairbanks thanked Mr. Ritter for the introduction and summary of the topic and further explained his vision of the benefits of establishing relationships with new license holders early in their careers. The idea was well received, and discussion ensued. Chair Care directed staff to move forward. Mr. Ritter stated that staff will coordinate with Mr. Fairbanks, develop a plan, and provide an update at the May meeting.

Mr. Ritter informed the members that Board Secretary Fairbanks made changes to the intervals of the Executive Director's Goals and Objectives posting schedule. The posting will occur in May and quarterly thereafter. Lastly, Mr. Ritter presented for discussion another suggestion from Mr. Fairbanks. With the current lease set to end within five years, Mr. Fairbanks suggests that staff investigate the pros and cons of continuing to lease or whether it would be beneficial to purchase. Discussion ensued and it was determined that Mr. Ritter would present his findings at the annual planning session.

Mr. Ritter provided an update regarding the Covid-delayed dinners for past Board members Stacey Smith, Linda Thurman, Bobbie Shields, and Carl Ellington, Jr. May 10th has been tentatively agreed to among the past Board members and, following approval of the date with the current members of the Board, Mr. Ritter will move forward with setting a location.

10. New Business – Executive Director

Mr. Ritter, noting that he will confirm with the Chair, requested members to reserve April 12, 2022, for a Zoom public hearing call. Staff will be present in the office in case there are attendees.

Mr. Ritter asked Mr. Logsdon or Mr. Benton to give a short report on the Surveying Society Meeting they attended in Pinehurst, NC. Mr. Logsdon gave a brief presentation, informed the Board that their presentation was well received and thanked Mr. Tuttle for putting together slides for their use. Mr. Benton shared that the meeting was a good opportunity for outreach and that he had an opportunity to speak with several students in attendance.

Mr. Ritter gave an update on the two pending legal actions and turned the meeting over to Mr. Logsdon for further comment. Mr. Logsdon provided an update from a legal perspective and hypothesized regarding the legal strategies and expected outcomes. Discussion ensued. Mr. Logsdon considered the member input and will explore the suggestions with the outside counsel and may extend an invitation for the outside counsel to attend a closed session at the next meeting. Mr. Logsdon will work with Chair Care to determine whether to move forward with such invitation.

11. Informational Items – Executive Director

Mr. Ritter informed the Board of the rare occurrence of a test question being reviewed and removed from the testing pool. The NCEES Office of Examinations made Mr. Ritter aware that a North Carolina PE Agricultural examinee was impacted and due to the question being removed, the test result was changed from Fail to Pass.

Noting that retirees find it an honor to qualify for designation and receive the “Retired” certificate, Mr. Ritter shared a bit of engineering and surveying humor. Mr. Ritter shared a note from a recent retiree. The retiree shared his new business card exhibiting a primrose triangle as his new logo since it doesn’t work and neither does the recent retiree. He thanked the Board for granting him the honorary title.

The Board broke for lunch at 12:15 p.m. and returned at 12:45 p.m.

Mr. Zoutewelle who currently serves as the NCEES Southern Zone Vice President gave an NCEES Overview presentation. The presentation was a slightly customized standard set of slides provided by NCEES for use in educating member boards at to the organizational structure and its Board of Directors, senior leadership, and staff. Mr. Zoutewelle detailed opportunities for volunteerism. He highlighted products and services, explained committees and task forces, provided dates for upcoming meetings while advocating the positive benefits of getting involved. He noted that there were numerous opportunities. In addition, exam services, deregulation efforts, alliances for responsible licensure, NCEES advocacy resources, and working to make changes to the PS exam were discussed.

Mr. Zoutewelle’s presentation was well-received and had active participation from Board members and staff.

Mr. Benton made a motion to adjourn. Mr. Zoutewelle seconded the motion. The Board adjourned at 1:47 p.m. The Board is next scheduled to meet on May 11, 2022.

Respectfully submitted,



Cedric D. Fairbanks, Ph.D., PE
Secretary

Approved by the Board in Session

Date: July 20, 2022

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 9, 2022

Raleigh, North Carolina

Board Chair, Jonathan S. Care, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, February 9, 2022, to conduct the regular order of business. Attendance was as follows:

Board Members on Teleconference Call:

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

Absent:

Carol W. Salloum, Public Member
Vinod K. Goel, Ph.D., 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 Care 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.

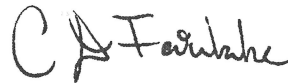
2. Consent Agenda – Chair

Chair Care introduced the Consent Agenda. He noted that the CPC Committee Consent Agenda had been updated from the version initially posted. Mr. Ritter provided details of the update. He noted that the effect remained the same; the PE was allowed to change his license status from Inactive to Current; however, the final determination regarding PHP hours will be made in March. The Chair entertained a motion to approve the Consent Agenda. Mr. Zoutewelle made a motion to approve the Consent Agenda, as updated. Mr. Benton 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, 12 Professional Limited Liability Companies, 2 Business Firms, 1 Chapter 87 Corporation; 4 Name Change Requests, and 2 d/b/a Requests; Comity, Initial Licensure, PE Reinstatement, and SI Certification; Retired Status Requests; Review Committee Agenda; and CPC Consent Agenda.

Mr. Logsdon made a motion to adjourn. Ms. Moore seconded the motion. The Board adjourned at 9:02 a.m. The Board is next scheduled to meet on March 9, 2022.

Respectfully submitted,



Cedric D. Fairbanks, Ph.D., PE
Secretary

Approved by the Board in Session

Date: March 9, 2022

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 12, 2022

Raleigh, North Carolina

Board Chair, Jonathan S. Care, gavelled the North Carolina Board of Examiners into session at 10:01 a.m. on Wednesday, January 12, 2022, to conduct the regular order of business. Attendance was as follows:

Board Members:

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

Absent:

Richard M. Benton, PLS

Guests:

Ken Michael, Womble Bond Dickinson
Jennifer Bell, PENC

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Care 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. Chair Care noted that an item was pulled from the consent agenda due to a conflict on his part. He will pass the gavel and refrain from participation during vote on the matter.

Chair Care presented a gift to Mr. Logsdon in appreciation for his service and leadership as Board Chair in 2021. Mr. Logsdon briefly reflected on his term as Board Chair and expressed his appreciation both for the gift and the opportunity to serve as Board Chair.

Chair Care acknowledged new Board Member, Vinod K. Goel and gave him an opportunity to introduce himself to his fellow members. Chair Care informed the Board that Mr. Goel will be serving on the Engineering and CPC Committees.

2. Consent Agenda – Chair

Chair Care introduced the Consent Agenda and entertained a motion to approve. Mr. Zoutewelle made a motion to approve the Consent Agenda. Ms. Salloum seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The Consent Agenda included: A Request for a Board Authorized Case Opening; Firm Applications for 5 Professional Corporations, 18 Professional Limited Liability Companies, 2 Business Firms, 3 Chapter 87 Corporations; 1 Name Change Request, 1 Request to Use Individual's Name in Company Title, and 1 d/b/a Request; Retired Status Requests; and Review Committee Agenda.

3. Committee Reports – Committee Chairs

CPC Committee – Chair Salloum

Ms. Salloum advised the Board that the CPC Committee reviewed and approved a CPC exemption request and motioned to approve the waiver out of committee. Mr. Logsdon seconded the motion. A vote was taken. The motion was unanimously approved.

Engineering Committee – Chair Moore

Ms. Moore advised the Board that the Engineering Committee met on January 4, 2022, and discussed the following matters:

- Review of Board Rule 21 NCAC 56 .1106 – Certification of Standard Design Plans
 - Overview of the rule provided by Board Counsel. Extensive discussion centered on the responsibility of the professional engineer for assuming the responsibility for the design plan.
 - BIM Guidelines (Certification)

- Ms. Moore informed the Board that, through her attendance at the ACEC conference in December and contact with an employee of NCDOT there, she was made aware of a concern on behalf of contractors related to the contractors' desire to have BIM models sealed. The committee is working with two individuals to facilitate their request for a discussion with the Board. She informed the Board that the committee is first working with staff to refamiliarize the NCDOT liaisons with the BIM Guidelines and the posting of that information.

Surveying Committee – Mr. Logsdon

In the absence of the Surveying Committee Chair, Mike Benton, Mr. Logsdon reported on the following matters:

- PE Professor – Professor, with previous experience as a licensed professional engineer, seeks information regarding a pathway to becoming licensed as a PLS. The committee provided staff with guidance for identifying specific qualifying engineering experiences and determined that the professor must also provide a survey map for a project he completed under the supervision of a licensed land surveyor. Mr. Logsdon stated that there would be positive benefits to the field of land surveying if the professors who are teaching land surveying were licensed in the profession.
- Tie Lines Question – Mr. Logsdon informed the Board that he brought a question to the committee related to changes in G.S. 47-30. At issue is whether certain specific requirements of tying the surveying plat to the grid and grid bearings are adequately represented by the current Board guidelines. Guidelines to be reviewed and updated for strict compliance with the statute.
- Copies of Old Surveys – Mr. Logsdon stated that there was a brief continuation of the discussion of the question presented by Mr. Benton regarding the possibility of adding language to old surveys being newly distributed to prevent them from being relied on as representing current conditions. Further discussion was postponed until Mr. Benton is available to participate.
- Activities of Non-Licensed Owners in the Firm – The committee briefly discussed a question that is being, or will also be, considered by the Engineering Committee. Within a company, what authority do non-licensee principals have as far as making proposals and signing contracts? What, of those things, are professional services? The topic will remain on the agenda.

Mr. Ritter informed the Board that Mr. Fairbanks, present at the beginning of the meeting, had to leave due to an emergency at work.

4. NCEES – Executive Director

Mr. Ritter presented the NCEES Emeritus /Associate Nomination Form nominating Mr. Carl M. Ellington, Jr. as an Emeritus Member. Mr. Zoutewelle made a motion to approve the nomination of Mr. Ellington as an Emeritus Member. Ms. Moore seconded the motion. A vote was taken. The motion was unanimously approved. Mr. Ritter checked with Mr. Goel who agreed to attend the NCEES Southern Zone Meeting as a funded delegate.

Mr. Ritter informed the Board that he was recently placed on the NCEES Finance Committee. In response to Mr. Ritter's request, Mr. Zoutewelle gave an update regarding NCEES activities and he explained what could be expected. Mr. Ritter informed the Board that the Executive Directors meeting scheduled for February is scheduled; however, due to the recent covid surge, it may be canceled.

5. Board Secretary Report – Board Secretary and Executive Director

Chair Care asked Mr. Ritter to cover the Board Secretary's Report in Mr. Fairbanks' absence. Mr. Ritter gave the highlights of the November and December reports and explained notable line items and responded to questions for fiscal year 2021. Mr. Ritter gave goals for fiscal year 2022 and indicated that the renewal numbers were in line with the expectations and largely unaffected by the pandemic. There was a brief discussion regarding the Board's investment policy. Mr. Ritter will review status.

6. 2022 Goals and Objectives – Executive Director and Board Chair

Chair Care directed the Board's attention to two new standing agenda items: Goals and Objectives and Rules Revisions. Mr. Ritter explained the Board Goals and Objectives. He noted that this document will list to-do items emanating from the planning session for the year and is separate from the Executive Director Review/Evaluation. Chair Care asked Mr. Ritter to go over the current state of matters on the list.

7. Violations Activity – Assistant Executive Director

Mr. Evans presented the Violations Report for January 12, 2022. He noted that the fiscal year began November 1, 2021, and as of December 8, 2021, the Board opened eight (8) cases and closed 11 cases. He provided information regarding the stage of completion of the 79 cases open as of January 4, 2022. He informed the Board that the average number of days from case open to investigation complete is currently 92 days. Mr. Evans gave details regarding upcoming Review Committees, provided hearing data, and gave a breakdown of then stage of completion for cases currently under investigation. Chair Care requested that, going forward for cases going to settlement conference, the names of the public members are also listed on the open violations report.

8. Rules Revisions – Board Counsel

Chair Care explained that his goal when he requested the addition of this rules revision section was to have an area that will function as a repository to track the efforts and illustrate the current status of topics which may result in a revision to the rules. He asked Mr. Ritter to explain the rules revision process. Mr. Ritter sought input regarding the usual timeline from the Board Counsel as he spoke distinguishing between the process necessary to make technical rule changes as opposed to major rule changes. Following Mr. Ritter's explanation, discussion ensued. Mr. Evans gave a summary of the committee-based information provided to the Board. In response to a request by Mr. Logsdon for clarification of whether some actions are based upon RRC annual deadlines, Mr. Tuttle explained the RRC rolling process model and how publication dates trigger certain requirements. Mr. Logsdon requested that the Board be made aware of any such requirements. Mr. Tuttle asked if his usual practice of providing a condensed summary sheet with drafts attached would be sufficient. He further noted that the timing of the March meeting and the next Legislative session may have consequences but does not expect it to cause delays.

9. Old Business – Executive Director

Chair Care introduced the revised minutes from the October planning session for reapproval. He noted that clarifying changes were made to section “(e)” to more adequately reflect the intent of the discussion held. A motion was made by Mr. Zoutewelle to reapprove the minutes as modified. Mr. Logsdon seconded the motion. A vote was taken, and the motion was unanimously approved.

Mr. Care asked if the Board had enough information to bring back the topic of the Publix request which was put off until a later date. The Chair entertained a motion. Ms. Salloum made a motion to revisit the topic for further discussion. The motion was seconded by Ms. Moore. A vote was taken, and the motion was unanimously approved.

Mr. Ken Michael joined the meeting by Zoom.

Following approval of the motion, Chair Care requested that Board Counsel, David Tuttle, give a brief refresher on the topic with a focus on the issues and the expectations of the Board. Mr. Tuttle summarized the issues, explained the uniqueness of the request, and referenced the additional information provided by Mr. Michael. The Board Chair asked that the Board Counsel identify the issues that must be resolved to move forward with a determination. Extensive discussion was held and included review of certain statutes and rules was undertaken. Ms. Moore stated that based on her review of the Publix manual, certain requirements are placed on the successor engineer based on the specific guidance in the manual. Guided by Mr. Logsdon, further discussion ensued with a focus on the activities of engineering rather than status of the land ownership. Licensing focused resolutions were discussed. Ms. Moore requested that the Engineering Committee have the opportunity to review the manual and give input at the next meeting. Members of the Engineering Committee will confer during lunch and return with any questions they are able to identify as necessary of Mr. Michael. Mr. Michael agrees to be available after lunch to receive the questions.

Mr. Ritter introduced Ms. Jennifer Bell, a representative of PENC. Ms. Bell extended an outreach opportunity for Board members and staff. Ms. Bell further informed the Board that PENC has course-producing resources and offered to partner with the Board to develop and disseminate those courses.

Chair Care offered Mr. Michael the opportunity to summarize his client's position and clarify any issues he thought would be of value as the Board seeks to make its determination. Mr. Michael made assurances of Publix's commitment to adhere to the North Carolina professional engineering requirements and the rules of professional conduct and requested that the Engineering Committee review the supplement he provided. Following additional discussions, Chair Care referred the matter to the Engineering Committee for the committee's determination with the added request to include Mr. Logsdon's specific inquiry of whether Publix, through its employees, is performing engineering or whether they are just supplying the underlying critical for the building. Mr. Michael responded to additional questions.

10. New Business – Executive Director

Mr. Ritter explained the Renewals Report. The report recognized a 4.5% increase when compared to this time last year.

Mr. Ritter informed the Board of an offer from the Executive Director of PENC to have a joint lunch or dinner in order to strengthen communications. Mr. Ritter and Mr. Hoyle have committed to participate in a meeting.

Mr. Ritter introduces a request for a Board authorized case opening. Chair Care has a conflict in the matter and passed the gavel to Mr. Hoyle to officiate. Mr. Hoyle entertains a motion to approve the case opening. Mr. Logsdon moved to authorize the case. Ms. Salloum seconded the motion. A vote is taken and, the motion is unanimously approved. Mr. Hoyle returns the gavel to Chair Care.

11. Informational Items – Executive Director

Mr. Ritter informed the Board that there will not be a hearing scheduled for March, therefore the Board will only meet on March 9, 2022.

Mr. Ritter informed the Board of the schedule for select staff depositions in one of the pending legal matters.

Mr. Logsdon made a motion to adjourn. Mr. Hoyle seconded the motion. The Board adjourned at 1:20 p.m. The Board is next scheduled to meet on February 9, 2022.

Respectfully submitted,



Cedric D. Fairbanks, Ph.D., PE
Secretary

Approved by the Board in Session

Date: March 9, 2022