

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

November 15, 2023

Raleigh, North Carolina

Vice-Chair Fairbanks conducted the meeting at the request of the Board Chair. Vice-Chair Fairbanks gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, November 15, 2023, to conduct the regular order of business. Attendance was as follows:

Board Members on Teleconference Call:

Dennis K. Hoyle, PE, PLS, Chair
Cedric D. Fairbanks, PhD, PE, Vice-Chair
Brenda L. Moore, PE, Secretary
Vinod K. Goel, PhD, PE
Jonathan S. Care, Public
Toynia E. S. Gibbs, PLS
Carol W. Salloum, Public
Andy Zoutewelle, PLS

Absent:

John M. Logsdon, PLS

Staff on Call:

Andrew L. Ritter, Executive Director
S. Wesley Tripp III, Board Counsel
Anna Choi, Rules Review Coordinator

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

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

2. Public Hearing on Amendments to Permanent Board Rules

Vice-Chair Fairbanks opened the public hearing for the rules proposed and published in volume 38, issue 08 of the October 16, 2023, North Carolina Register to accept public comments. Vice-Chair Fairbanks requested that members of the public identify themselves. Hearing none, he closed the public hearing and continued with the business of the Board.

3. Consent Agenda – Vice-Chair

Vice-Chair Fairbanks entertained a motion to approve the Consent Agenda. Mr. Goel made a motion to approve the Consent Agenda as presented. Ms. Gibbs seconded the motion. Discussion ensued. Minor corrections were requested to the minutes and staff was given latitude to make the requested corrections to the minutes. The motion was amended to approve the amended Consent Agenda. A vote was taken. The amended motion was unanimously approved.

The Consent Agenda included: Firm Applications for 6 Professional Corporations, 15 Professional Limited Liability Companies, 2 Chapter 87 Corporations, 1 Chapter 87 Corporation; 3 Requests to Use Individual's Name in Company Title, and 1 d/b/a Request; Requests for Retired Status; Minutes; Review Committee; Agenda; Settlement Conference Agenda; and PLS Certifications.

Mr. Zoutewelle made a motion to adjourn. Ms. Gibbs seconded the motion. The Board adjourned at 9:08 a.m. The Board is next scheduled to meet on December 13, 2023.

Respectfully submitted,



Brenda L. Moore, PE
Secretary

Approved by the Board in Session

Date: December 13, 2023

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 18 – 19, 2023

Greensboro, North Carolina

Chair Hoyle gaveled the North Carolina Board of Examiners into session at 1:02 p.m. on Wednesday, October 18, 2023, to convene its regular order of business for the Board. Board member attendance was as follows:

Present:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder – Chair

To initiate the meeting, Chair Hoyle 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 or appearance of conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the matter involved. No conflicts or appearances of conflict were noted.

2. Consent Agenda – Executive Director

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

Mr. Ritter advised the Board that there may be a change to the format of the February meeting. In addition, it was confirmed by Mr. Logsdon that the December hearing has been cancelled.

The consent agenda included: a Request for a Board Authorized Case Opening; Comity and Initial Licensure, and PE Reinstatement; Firm Applications and Requests for 8 Professional Corporations, 20 Professional Limited Liability Companies, 4 Business Firms; 1 Name Change Request, 3 Requests to Use Individual's Name in Company Title, and 3 d/b/a Requests; 2024 Board Calendar; Review Committee Agenda; Minutes; Retired Status Requests; and CPC Consent Agenda.

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

Ms. Moore gave a recap of the August Budget vs. Actuals. She explained slight variances, informed the Board that while a couple of items were over the expected outlay, most of the line items were tracking according to their monthly projections and noted that overall, the net revenue over expenses is in the black.

4. Applications – Executive Director

Mr. Ritter explained that McKinstry Viridis, LLC has requested permission to use the name “McKinstry” in the firm name. Following discussion, Mr. Logsdon made a motion to approve the company’s use of the name, Mr. Goel seconded the motion. A vote was taken, and the motion was unanimously approved.

5. Rules Update – Executive Director

Mr. Ritter explained that Anna Choi, an outside counsel, is facilitating the current amendments to Board Rules .0502 and .0701. These have been published in the Register and, as the next step in the process, are scheduled for public hearing by Board conference call November 15, 2023, at 9:00 a.m.

6. NCEES Southern Zone – Executive Director and Mr. Zoutewelle

Messrs. Ritter and Zoutewelle gave an update regarding the progress towards finalizing plans for the 2024 Southern Zone meeting. The Board was advised that the contract is being finalized but some details are still being planned. The Board is expected to provide six to eight staff members to assist with staffing the event. The plans include a possible tour of Biltmore Estates, live entertainment, and options for adding NC flavor to the festivities. Mr. Ritter will check with the NCEES Southern Zone Vice President and will provide updated details in December.

7. 2023 Executive Director – Goals and Objectives – Executive Director

Mr. Ritter provided an update regarding progress towards his goals and objectives for 2023. Several items were noted to have been completed while other items, by their nature, are continuing. Mr. Ritter will provide updates as additional progress is made.

Mr. Ritter to add expected completion date to goals and objectives.

Mr. Ritter will add upcoming activities to his weekly Board email. The Board would like to have advance notice of upcoming activities in case members want to participate.

8. Electronic Certification Issues

Mr. Ritter explained the growing issues surrounding the use of electronic certifications. As more licensees seek to use technology to aid their business processes, Board staff are receiving more requests from licensees to help identify which software satisfies the obligations under Board Rule .1103. Prior to his retirement, Mr. Tuttle, as Board Counsel, would review and approve digital signature process submissions and, when asked, would check to make sure software met the criteria set forth. Discussion ensued. Mr. Ritter explained his preference to develop language that would help licensees to better identify acceptable software on their own, however, the new attorney would assume that role in the meantime.

9. Building Information Modeling (BIM)

The Board discussed needs related to BIM Guidelines and Board Rules .1103 and .0701, noting the connection with electronic certification issues.

Vice Chair Fairbanks established an Electronic Certification/BIM Ad Hoc Committee. The members: Chair, Ms. Moore. Members: Mr. Hoyle and Mr. Logsdon.

Ms. Moore expects to give an update at the March meeting.

Chair Hoyle turned the meeting over to Vice Chair Fairbanks who directed the Board's attention to the topic of the Bi-Annual Newsletters.

10. Board Office Lease – Vice Chair Fairbanks and Executive Director

Vice Chair Fairbanks initiated a discussion regarding the current lease. The Board's current office lease expires in less than three years and the building is currently on the market. Mr. Ritter explained that although a new owner is expected, he anticipates the cost-benefit analysis to confirm the benefits of the current location. He will review the current lease for favorable or unfavorable terms.

11. Board and University Outreach – Vice Chair Fairbanks and Executive Director

Board Members discussed progress made towards the goal of university outreach and reiterated the commitment to having a Board Meeting at a local university. Mr. Ritter stated that the recent ethics rule change has resulted in more opportunities for outreach. He presented a list of universities, associations, and agencies targeted for outreach. Mr. Goel requested that the organization SAME is added to the outreach list. Mr. Care asked that the NC Association of County Commissioners also be added. Further, Mr. Ritter informed the Board that he and Assistant Executive Director, David Evans, have presented 23 ethics presentations in the last ten weeks. Board members acknowledged the level of effort and discussion ensued regarding other avenues to help satisfy the demand.

Mr. Ritter provided an update regarding NCEES' Ambassador programs. NCEES named five test schools for the program which will pay a semester-based stipend to two students at each school. Three of the schools are in North Carolina. UNC Charlotte, NC State, and NC A&T will participate. Mr. Ritter informed the Board that staff members Mr. Evans and Ms. Bush will participate in the event for NC State, the first school to participate.

Ms. Gibbs informed the Board that she will be working with principals of certain middle schools to introduce the topic of land surveying at the age when students are beginning to explore their career choices.

12. Settlement Conferences – Mr. Care and Executive Director

Mr. Care expressed his reasons for advocating for a more assertive approach when scheduling settlement conferences. Mr. Care favors establishing settlement conference processes which are modeled similar to those of the court system with a goal of holding each settlement conference within three months of its review committee meeting. Mr. Logsdon will research consecutive settlement conference/hearing timeline possibilities.

13. Hearing Procedures – Vice Chair Fairbanks

Mr. Fairbanks introduced the topic, explained some personal challenges with lengthy hearing proceedings, and sought solutions to curb the likelihood that a proceeding would require an unusual amount of extra time. The need for sufficient evidence to be presented and the reluctance of attorneys to stipulate or agree to certain facts in advance of the hearing were seen as contributing to overall hearing length. It was decided that it would be reasonable for the Board Chair to require both sides to give an estimate of the time needed to present and, if necessary, based on those

estimates, the Board Chair could reasonably dismiss the Board until the next day. Further options are being considered.

Mr. Fairbanks established a Hearing Procedures Ad Hoc Committee. Members are Mr. Logsdon, Mr. Fairbanks, Ms. Gibbs, and Mr. Goel.

14. Board, Board Committee, Staff and Executive Director Goals – Vice Chair Fairbanks

Mr. Fairbanks directed the Board's attention to Board Goals. Short term goals (30 to 90 days), intermediate goals (100 to 180 days), and long-term goals (250 to 300 days) were discussed. The focus of the short-term goals is to reduce old business items and establish clear performance expectations at all levels. The focus of the intermediate range goals is the completion of 50% of goals before traveling and completion of ad hoc committee agendas. Within 250 to 300 days, all Board, Committee, and Executive Director goals for 2024 are to be completed. Discussion ensued.

Vice Chair Fairbanks initiated a break at 9:25 a.m. The meeting was reconvened at 9:40 a.m.

15. Board Renewal Cycle (Annual vs Bi-Annual) – Executive Director

Mr. Ritter informed Board members that an NCEES report identified North Carolina as one of the only two boards operating on an annual renewal basis. He explained that the annual model has worked fine for the Board; however, there are benefits to moving to a bi-annual model if the Board chooses. Discussion ensued. With the understanding that certain laws, rules, CPC requirements, and some budgetary items would need to be changed, moving to a two-year cycle was seen as desirable.

Mr. Goel made a motion to take steps to move to a two-year cycle. Discussion ensued. Mr. Logsdon amended the motion to state that the Board has decided to take such steps as may be necessary to move forward with moving to a two-year cycle. Ms. Gibbs seconded the amended motion. Chair Hoyle called for a vote. The Board voted, and the motion was unanimously approved.

16. CPC Requirement: Mandatory One-Hour Course – Vice Chair Fairbanks and Mr. Goel

Vice Chair Fairbanks initiated a discussion regarding the proposed one hour of training regarding CPC requirements. Mr. Goel directed the discussion. Certain items from Mr. Goel's 2022 presentation on the topic were revisited. A mandatory Board course, making the course a hybrid course to include an ethics component, and the possibility of partnering with the Institute of Government to have a professionally produced virtual course with annual updates were discussed. The CPC Committee will provide oversight, review, and final approval.

Chair Hoyle entertained a motion to adjourn the meeting. Mr. Fairbanks made a motion to adjourn. Ms. Gibbs seconded the motion. The Board voted. The motion to adjourn was unanimously approved. The Board adjourned at 4:34 p.m. on October 18, 2023, and will reconvene at 8:30 a.m. on October 19, 2023.

17. NCEES Technology Task Force – Mr. Zoutewelle

Mr. Zoutewelle explained how the task force was first established during the 2015-2016 fiscal year with the goal of protecting the health, safety, and welfare of the public while also being a proponent of emerging technologies. The study of issues surrounding the use of electronic seals and signatures

on design plans; the evaluation of building information modeling (BIM) processes that allow multiple professionals to simultaneously work on the same project; and the evaluation of remote sensing technology would be explored.

Mr. Zoutewelle gave an example of glitches encountered during the review of related software. Mr. Zoutewelle noted that the Board's level of expertise on the topic meets or exceeds the national level.

18. Newsletter – Vice Chair Fairbanks and Executive Director

Mr. Ritter explained the Board's historic use of the newsletter and its standard layout. He noted that the Board has consistently limited newsletter content contributors to Board members, staff, and public entities. Currently, the newsletter is published once per year with the publication timed to occur during the renewal period.

Mr. Fairbanks initiated a discussion regarding the possibility of generating a newsletter twice per year as a platform to better communicate with the public and showcase the business the Board does for the public and its licensees. Discussion ensued and resulted in various well-received suggestions such as Ms. Salloum's suggestion of a "Did you know?" type of article and Mr. Fairbank's "The Why behind what we are doing" type of article.

Chair Hoyle reconvened the meeting at 8:30 a.m. on October 19, 2023, and turned the meeting over to Vice Chair Fairbanks.

19. Pledge of Allegiance – Vice Chair Fairbanks

Mr. Fairbanks introduced the topic of saying the pledge before each Board meeting. He explained his views and acknowledged that his sentiment may not be shared unanimously. Discussion ensued. While everyone was willing to participate in some form, the members agreed not to move forward.

Vice Chair Fairbanks turned the meeting over to Chair Hoyle who initiated the process to nominate 2024 officers.

20. Election of 2024 Board Officers

Chair Hoyle opened the floor for nominations, Mr. Zoutewelle nominated Mr. Fairbanks for Chair. Mr. Fairbanks accepted the nomination. Ms. Salloum seconded the nomination. The Board voted. All members were in favor.

Ms. Gibbs nominated Ms. Moore for the position of Vice Chair. Ms. Moore accepted the nomination. Ms. Salloum seconded the nomination. The Board voted. All members were in favor.

Ms. Moore nominated Mr. Goel for the position of Secretary. Mr. Goel accepted the nomination. Ms. Gibbs seconded the nomination.

Ms. Salloum opened the floor to her nomination for the position of Secretary.

Mr. Fairbanks nominated Ms. Salloum for the position of Secretary. Ms. Salloum accepted the nomination. Mr. Logsdon seconded the nomination.

Both candidates spoke regarding their qualifications for and desire to serve in the capacity of Board Secretary. Both candidates left the room. Discussion ensued. Candidates interrupted the discussion to offer a compromise and again left the meeting.

Chair Hoyle asked for a vote. Mr. Goel was confirmed as Board Secretary. The candidates returned. Chair Hoyle informed the candidates of the decision.

Mr. Fairbanks designated the members and chairs of the established committees.

Engineering Committee: Chair, Mr. Hoyle; Surveying Committee: Chair, Ms. Gibbs; CPC Committee: Chair, Mr. Logsdon. CPC Members: Ms. Salloum and Mr. Goel.

Surveying Committee, Public Member: Mr. Care

Engineering Committee, Public Member: Ms. Salloum

Mr. Fairbanks discussed goals for each committee.

Mr. Ritter will assign a senior staff member to each ad hoc committee.

Ms. Gibbs made a motion to adjourn. Mr. Care seconded the motion. The Board voted, and the motion was unanimously approved. The meeting adjourned on Thursday, October 19, 2023, at 12:04 p.m. The Board is next scheduled to meet on Wednesday, November 15, 2023.

Respectfully submitted,

A handwritten signature in cursive script that reads "Brenda S. Moore".

Brenda Moore, PE
Secretary

Approved by the Board in Session

Date: November 15, 2023

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 13, 2023

Raleigh, North Carolina

Board Chair, Dennis Hoyle, gavelled the North Carolina Board of Examiners into session at 9:04 a.m. on Wednesday, September 13, 2023, to conduct the regular order of business. Attendance was as follows:

Board Members:

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

Absent:

Brenda Moore, PE, Secretary

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Hoyle 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. No conflicts or appearances of conflict were identified.

2. Consent Agenda – Chair

Chair Hoyle introduced the Consent Agenda and entertained a motion to approve. Mr. Zoutewelle 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 a Board Authorized Case Opening; Firm Applications for 18 Professional Corporations, 35 Professional Limited Liability Companies, 1 Business Firm; 5 Chapter 87 Corporations; 5 Name Change Requests, 2 Requests to be Resident for Multiple Companies, 2 Requests to Use Individual's Name in Company Title, and 4 d/b/a Requests; Review Committee Agenda; Retired Status Requests; Comity, Initial Licensure, PE Reinstatement, and PLS Certification; CPC Consent Agenda; and Settlement Conference Agenda.

3. Committee Reports – Committee Chairs

CPC Committee – Ms. Salloum

The CPC Committee reviewed the audit results for Mr. Frank Zaino, PE. Based on Mr. Zaino's age and health, the committee will allow his son to seek "Retired" status on behalf of Mr. Zaino. Mr. Evans to communicate.

Engineering Committee – Mr. Goel

New Business

Mr. Goel gave a report of the September 11, 2023, Engineering Committee meeting which was conducted by video conference.

- 1) North Carolina Railroad Company – Pre 69 License. The committee approved the company for licensure.
- 2) USDA – NRCS Engineering Activities – Received question from James Kjelgaard, PE with USDA. Item moved to Old Business. Pending additional information.
- 3) Dam Breach Analysis – Informational item. Jerry L. Meade, PE requested a determination of whether emergency action plans need to be prepared by licensed engineers. Mr. Evans to follow up with Mr. Meade regarding conflicting statutes concerning downstream inundation maps. The committee encourages Mr. Meade to contact ACEC, PENC, and ASCE regarding the possibility of seeking legislative changes to G.S. 143.

- 4) Emergency Responder Communication Coverage – Chris Shonk, asked if systems need to be designed by professional engineers. The committee determined that if the design plans are prepared by a professional engineer, the work needs to be certified. However, the committee has not seen enough information to definitively decide the issue.
- 5) Thomas Frey, PE Certification Question – Mr. Frey seeks input from the committee on his company's electronic certification process. The company is specifically running into issues when attempting to certify documents for permitting purposes. The committee has moved the item to Old Business for further study. The committee asked Mr. Frey to provide additional information regarding the specific municipality at issue.
- 6) Adam Spac, PE Certification and BIM Questions – Mr Spac seeks guidance regarding certain municipalities rejecting locked documents. The item is moved to Old Business and will be further studied along with item 5.
- 7) ACEC-NCBELS Meeting Recap – Mr. Goel asked Chair Hoyle to provide a recap. Chair Hoyle stated that it was a good discussion and noted that the attendees expressed a desire to meet more frequently. He noted that it is always beneficial to gain industry prospective for current issues and stated that the Board's QBS and signature guidelines should be reviewed for timeliness and clarity. Chair Hoyle recognized the matter as a big undertaking and indicated that the matter should be handled by staff rather than the Board. Mr. Ritter expressed his agreement, noted that QBS falls under the Mini-Brooks category, and informed the members that municipalities frequently attempt unique strategies to avoid complying with QBS. He noted that former Board Counsel, David Tuttle, had established a longstanding relationship with ACEC whereby they jointly managed to remedy the loopholes in Mini-Brooks. Mr. Ritter noted that he had reaffirmed with ACEC that they will continue to use the decades-long strategy. Lastly, Chair Hoyle informed the Board that ACEC was pleased with the new surveying apprenticeship program and has found it to be beneficial for ACEC as well.
- 8) Med-Stat Consulting Services – Request for Non-Objection Letter - The committee found that it would be in favor of issuing a non-objection letter only if the firm modifies its marketing materials. Med-Stat must include a disclaimer on their website which states that the firm does not provide biomedical engineering services in North Carolina, or they may choose to remove the reference in its entirety. Mr. Mazanek will follow up with the company.
- 9) Firooz Zandi – PE Application – Review Conviction. Mr. Goel informed the Board that the committee reviewed and approved the application during the July meeting.
- 10) Mark Kuhlman – PE Application – Review Conviction. The committee reviewed and approved the application.

Old Business

Mr. Goel informed the Board that item number three under Old Business was discussed.

Review of Titles – Moody Engineering, Inc - Michael J. Zelibor, PE requested the Board review proposed company titles for compliance with G.S. 89C-23. Mr. Evans proposed titles, will request position description, and will draft a response letter for the committee to review.

Mr. Ritter informed Mr. Goel that motions are needed from the committee for items 1 and 8. Mr. Goel made a motion to approve items 1 and 8. Ms. Salloom seconded the motion. A vote was taken, and the motion was unanimously approved. Mr. Ritter clarified that the motion approved the Pre-69 letter under item number 1 and approved the non-objection letter under item number 8. Mr. Goel confirmed that the items were approved based on the modifications of the committee.

Mr. Zoutewelle sought clarity on New Business, item #4. Discussion ensued. - Mr. Evans will follow up. If additional information is provided, the item will again be added to the committee's agenda as a new item. Staff will take steps to garner information related to recent catastrophes and gather comments from industry experts. Mr. Zoutewelle will monitor for possible NCEES involvement.

Surveying Committee – Mr. Logsdon

Mr. Logsdon gave a report of the September 12, 2023, Surveying Committee meeting which was conducted in person.

New Business

- 1) DOT Discussion of Wetlands Policy – DOT representatives requested a meeting with a member of the committee. Ms. Gibbs represented the committee and met with the two representatives several weeks ago. As a follow-up, the representatives were invited to and attended the September 12th Surveying Committee meeting. They were interested in how the Board Rules affect DOT's measurement and mapping of wetlands and buffer zones. It was determined that DOT's current practices were in compliance with the Board's wetlands and buffer zones policies; however, there was an area of ambiguity in the Board's policies regarding the precision accuracy standards that would apply. Specifically, the representatives sought clarity regarding the variance between the Board's requirements and the requirements of the Corps of Engineers. The Corps of Engineers requires submeter precision accuracy. Relative to wetlands, the Board's current rules are much more stringent than those of the Corps of Engineers; however, the governing general statutes for GIS surveying reflects several categories with varying degrees of strictness and, in essence, states that the parties can agree to which standard to employ for a particular project. If no agreement is reached, the general statute will govern. It was noted that the same ability to agree to a set of standards does not apply to boundaries because that affects neighboring properties. Mr. Logsdon informed the Board that the committee advised DOT representatives that they could agree that the accuracy standards for wetlands and buffer zones would comply with the Corps of Engineers submeter accuracy standards. Such an agreement would need to be in writing and signed by both parties.
- 2) Blue Ridge GIS Consulting – Seeking non-objection letter to use the name Blue Ridge GIS Services LLC.
 - The committee reviewed the request. Staff are directed to issue a non-objection letter with cautionary language which denotes limitations and additional requirements, including licensing with this Board, if the company provides GIS services in North Carolina that fall within the definition of land surveying.

Mr. Logsdon made a motion to issue a non-objection letter to allow the use of the name Blue Ridge GIS Services LLC with cautionary language. Ms. Gibbs seconded the motion. A vote was taken, and the motion was unanimously approved. Discussion ensued.
- 3) Update on PS Exam Modules Discussion – Not discussed.
 - Mr. Logsdon noted that the item was not discussed in committee but gave an update on the topic as it currently stands at the national level. He stated that an NCEES task force is being put in place to determine if a mapping science module is warranted to go through the process of becoming a separate module. The EPS Committee recommended that the core and the boundary modules be combined into the existing PS Exam. This results in the public lands surveying questions being put into a separate module. The EPS Committee stated that this would allow for perhaps more robust mapping sciences questions to be included in the PS exam but recommended that there be a task force to look at a separate mapping science module. Discussion ensued. Mr. Zoutewelle confirmed that there are two committees looking at various aspects of the issue. He further informed that in addition to the task force mandate as explained by Mr. Logsdon, the EPS Committee has been charged with evaluating whether the bylaws should be amended to require that any efforts, such as these, require a referral to the EPS Committee in the future. Chair Hoyle noted that the EPE Committee has similar charge as well.
- 4) Kenneth T. Mills, Retired Status Request – Rule .0606 was cited and considered. The committee approved Mr. Mills' Retired Status request.
- 5) DuBose Question – Referred to Surveying Committee by Staff
 - Mr. DuBose seeks information regarding a common complaint among surveyors. Attorneys representing buyers in commercial transactions and their title insurance companies frequently want an ALTA (American Land Title Association) survey. This surveyor seeks guidance as to how to respond to certain requests. The committee will inform Mr. DuBose that the ALTA standards declares that what is to be included in the survey needs to be agreed upon in writing as part of the contract between the surveyor and the client (the buyer's attorney). While the committee will not intervene in what should or should not be contractually agreed to, it will instruct the licensee that he must comply with Board Rules and will advise him that if he is asked to do something that violates Board Rules, he must refuse. He further explained that if the request is simply one of a burdensome nature, that is a contractual matter. Discussion ensued.
- 6) Wooten Question – Large Combined Tracks of Land. The surveyor questions a situation where a previously combined large track of land is to be divided again but in a different manner. Each tract will still be over ten acres. The municipality requires that the map show that each track adjoins a publicly dedicated street. The surveyor questions the rejection of a map based on this public street requirement if the tracks are each over ten acres. He points out that the subdivision statute which authorizes municipalities to adopt subdivision regulations specifically says this requirement does not apply to tracks over ten acres. He seeks guidance. Mr. Logsdon noted

that most surveyors put in a private street as a remedy. He further mentioned that in the committee's discussion, Mr. Zoutewelle pointed out that there are also zoning regulations to consider that do not have the ten acres or less issue associated with it. The committee's response will be that the matter requires a legal interpretation of the subdivision statute. Discussion ensued. Staff will respond.

7) Alexander W. Padgett – Applying for Surveyors License

The issue relates to the recommendations submitted on Mr. Padgett's application. Mr. Logsdon detailed the issue. Mr. Ritter explained the position of staff and noted that the current processes allow the individual to explain his unique situation, allows for the issue to be heard by the committee, and does not change the current well adhered to restraints. The committee accepted the submitted recommendations.

8) Gary Thompson – Discussion - ASPRS Standards. Mr. Thompson was asked to compare the new standards to the old standards. Pending response.

9) Board Rules for City Maproom – The city wants certified maps submitted unprotected so they can add their comments. Rule .1103(c) was explored, and it was determined that a C-6, exception to certification requirement, would be needed. The committee expressed that a growing number of municipalities are making this request; however, the committee determined that the current Board Rules govern. Discussion ensued. Mr. Ritter to add as a discussion topic of discussion. Mr. Logsdon concluded his report.

Chair Hoyle reported that Glen Stock, the current Chair of the Board of NC Landscape Architects, contacted him for a meeting. Chair Hoyle advised that they met and the two observed that the two Boards have similar issues. The two Boards intend to reestablish a cordial relationship as had been enjoyed in the past.

Chair Hoyle initiated a break at 10:15 a.m. The Board reconvened at 10:27 a.m.

4. NCEES Activities – Executive Director

Chair Hoyle, taking item number 2 first, recognized the recent achievement of Andrew Zoutewelle. Mr. Zoutewelle was elected to serve as the NCEES president-elect during the annual meeting held August 15-18 in Boston, Massachusetts. Mr. Zoutewelle received a round of applause. He expressed his appreciation for all the support and noted the strength of the North Carolina Board and its executive director as contributing factors in his success. Brief discussion ensued.

Chair Hoyle returned to item number one, NCEES Motions. Mr. Ritter explained the report and entertained questions.

In response to questions regarding his schedule, Mr. Zoutewelle stated that he has been assigned to the Task Force on Surveys and Licensure and the EPS Committee and gave a brief overview of his currently scheduled engagements. Discussion ensued.

5. Board Secretary Report – Executive Director

In Ms. Moore's absence, Mr. Ritter gave the Board Secretary's Report. He explained that 98% of the annual revenue has been received. He noted that revenue is approximately six percent over budget. He thanked Mr. Mazanek for his work leading to an increase in firm renewals. At the time of the report, the Board's investment income was positive. Mr. Ritter noted that, on the expense side, expenses were approximately two percent over budget, a variance that can be attributed to outlays related to staff turnover. Revenue over expenses was noted to be positive.

Mr. Fairbanks requested staff start the process to replace boardroom seating. Discussion ensued. Mr. Ritter gave an update regarding staff training activities.

6. Violations Activities – Assistant Executive Director

Mr. Evans presented the Violations Report for September 13, 2023. He reported that at the time he ran the report, the Board had opened 90 cases for FY2023, and 29 cases closed. He provided the details of the actions taken for each of the 29 cases closed, provided information regarding the stage of completion of the 132 cases open as of September 5, 2023, and gave a highlight of the data related to the number of cases with licensees who have prior charges. Mr. Evans informed the Board that the average number of days from case-open to investigation-complete currently stands at 165 days. Mr. Evans stated that the new investigator is now up to speed and is actively tackling her caseload. 68 cases are currently being investigated.

Mr. Care asked for a report detailing the timeline from completion of review committee to when there is availability for settlement conference. Staff will prepare.

7. Applications – Director of Business Licensure

Mr. Mazanek introduced the request submitted by NCGI Inc. Mr. Mazanek explained that the company is requesting permission to use “The Structural Alliance and TSA Design + Forensics” as its d/b/a. He provided details of his due diligence efforts and noted that previous requests of this nature have been denied. The Board reviewed the documents submitted in support of the request. Extensive discussion ensued.

Mr. Hanna arrived at 11:01 a.m.

Mr. Care made a motion to deny the request. Mr. Goel seconded the motion. Discussion ensued. Mr. Logsdon requested to amend the motion. The new motion is to deny the requested names as presented but approve the names on the condition that the company include the extension, “of North Carolina” to each. Mr. Care, as the maker of the original motion, consented to the amendment. Mr. Goel also gave his conditional consent to the amendment. Noting that the company would need to clearly indicate on its website that it is not affiliated with the Texas company. A vote is taken on the amended motion. The motion was unanimously approved. Mr. Mazanek will communicate the option to the company.

With Mr. Hanna now present and the Applications item completed, at 11:29 a.m. Chair Hoyle entertained a motion to go into closed session. Mr. Zoutewelle made a motion to go into closed session for the purpose of receiving the counsel's report. Mr. Logsdon amended the motion to identify the cases to be reported on as the Wayne Nutt vs the NC Board of Examiners and 360 Virtual Drone LLC vs the NC Board of Examiners. Mr. Ritter asked that the motion identify staff to remain for the closed session meeting. Mr. Ritter and Ms. Houston were invited to stay for the closed session. Mr. Mazanek and Mr. Evans left the meeting. A vote was taken on the amended motion. The motion was unanimously approved. The Board went into closed session at 11:31 a.m.

At 12:19 p.m., Mr. Zoutewelle made a motion to return to open session and immediately break for lunch until 1:00 p.m. The motion was seconded. A vote was taken, and the motion was approved.

8. Old Business – Executive Director

Mr. Ritter gave an update on the Board Rules .0502 and .0701, currently in the rules review process. Mr. Ritter explained that Ms. Anna Choi will act as the Board's Rules Review Coordinator for this round of rules. He reviewed the Board actions schedule regarding the rules. The Board's public hearing will be held by phone on November 15, 2023.

Mr. Ritter provided logistics for the October 18 – 19, 2023 Planning Session. He then gave an update on outreach efforts to meet with A&T during the Planning Session timeframe. Due to scheduling conflicts, A&T was not able to meet. Efforts to reestablish a relationship will continue.

Planning Session Topic Issues:

- BIM - Mr. Care stated that he wants a clear explanation from staff as to where we stand today.
- Electronic Seal - Per Mr. Ritter, the staff is seeking a directive from the Board. He noted that since Mr. Tuttle is no longer on staff with the Board, he and Mr. Evans are receiving a great number of questions on the topic. At the current rate, there will be approximately 150 questions per year. Mr. Fairbanks believes a task force approach may be needed and suggests ways to gain the input from longstanding members. Discussion ensued.

Mr. Ritter will summarize Mr. Tuttle's 100-page PowerPoint presentation, used as the electronic seal guidelines, by Planning Session.

Ms. Gibbs asked for staff to seek input from other professionals regarding their electronic seal guidelines. Mr. Ritter will research.

Mr. Ritter asks that Board members forward planning session topics to either him or Mr. Fairbanks.

Mr. Ritter provided an update regarding the 2024 Southern Zone Meeting. He noted that Jim Kelly, the person in charge, wants to phone in and speak during the planning session.

Mr. Ritter gave updates regarding upcoming hearings. He requested to have a full Board meeting in December and, if a hearing is scheduled, schedule it for January.

9. New Business – Executive Director

Mr. Ritter asked for an exception to the Board's policy limiting contributors of articles for the Board's newsletter to staff and Board members. He introduced an email from Don Barrier, of the Emergency Response Engineers and explained why he felt the exception was warranted. No one opposed. Mr. Fairbanks asked whether there would be an article regarding Mr. Tuttle's retirement after 29 years. Mr. Ritter confirmed there would be.

Mr. Logsdon expressed his approval of the article submitted by Mr. Barrier. Mr. Ritter stated that a paired down version would be published.

Mr. Ritter gave a status update regarding a possible visit by delegates of Qatar with the Board as they are seeking to establish a similar governing effort within Qatar. Staff last sent a letter in response to their request on August 24, 2023. The matter is pending response from Qatar. Mr. Goel inquired as to why North Carolina was selected. Mr. Ritter explained that years ago, in response to a request by Abu Dabi, NCEES recommended North Carolina as having the best firm licensure model in the country. North Carolina has since been contacted from time to time.

The NCEES Ambassador Program was discussed.

10. Informational Items – Executive Director

Chair Hoyle entertained a motion to adjourn. Ms. Gibbs made a motion to adjourn. Mr. Fairbanks seconded the motion. Following a vote, the Board adjourned at 2:08 p.m.

Chair Hoyle reconvened the meeting at 2:11 p.m. and passed the gavel to Mr. Care.

Mr. Zoutewelle made a motion to have staff prepare letters of recommendation in support of the reappointments of Mr. Hoyle and Ms. Salloum. Ms. Gibbs seconded the motion. A vote was taken, and the motion was unanimously approved.

Mr. Care adjourned the meeting at 2:15 p.m. The Board is next scheduled to meet on October 18 – 19, 2023.

Respectfully submitted,



Brenda Moore, PE
Secretary

Approved by the Board in Session

Date: December 13, 2023

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 12, 2023

Raleigh, North Carolina

Board Chair, Dennis Hoyle, gavelled the North Carolina Board of Examiners into session at 9:01 a.m. on Wednesday, July 12, 2023, to conduct the regular order of business. Attendance was as follows:

Board Members:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Hoyle 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 or appearances of conflict noted.

2. Consent Agenda – Chair

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

The Consent Agenda included: A Request for Board Authorized Case Openings; Comity and Initial Licensure, PE Reinstatement; Firm Applications for 10 Professional Corporations, 13 Professional Limited Liability Companies, 2 Business Firms; 2 Business Firms, 1 Chapter 87 Corporations, 1 Name Change Request, 3 Requests to Use Individual's Name in Company Title, and 3 d/b/a Requests; Minutes; Retired Status Requests Review Committee Agenda; and Settlement Conference Agenda.

3. Committee Reports – Committee Chairs

CPC Committee – Chair Salloum

Ms. Salloum gave a report of the June 29, 2023, CPC Committee meeting which was conducted by telephone. She reported on the following New Business items.

New Business

- 1) PENC Letter of Partnership - The Committee reviewed and discussed the request for the Board to partner with PENC to provide an ethics webinar. While the Committee applauds PENC for offering CPC programs, to include an ethics program to satisfy the new requirement, the Board can't direct licensees to a particular Sponsor or continuing education provider. As has always been the case, the Board will continue to make itself available to CPC providers to provide presentations in a live forum. The Committee also wanted to remind PENC that any Internet based on-demand programs require an exam for completion per Board Rule 21 NCAC 56.1705(d). The Board directed staff to send PENC a letter summarizing the Board's position.
- 2) Continuing Education Complaint from William E. Beardslee, PE, PLS - The Committee reviewed and discussed Mr. Beardslee's complaint and his request for the Board to require licensees to take a communications course as a part of the CPC requirements. Staff will respond to Mr. Beardslee and inform him that the Board recognizes that poor communication skills are a factor in some disciplinary cases and make him aware that currently the Board incorporates such information into its ethics programs. However, at this time, the Board is not contemplating requiring that licensees take a mandatory communication course. The Board will consider a

newsletter article. Additionally, the Committee will encourage Mr. Beardslee to reach out to the various professional and technical societies to encourage them to offer communications classes to its members.

Engineering Committee – Mr. Goel

New Business

Mr. Goel gave a report of the July 10, 2023, Engineering Committee meeting which was conducted by video conference.

- 1) Plat Question from Richard M. Benton, PLS - Referred from the Surveying Committee. The Surveying Committee reviewed two plats submitted by a Professional Engineer at its last meeting. The question for the Committee is whether the preliminary work reflected on the plats is permitted to be performed by a Professional Engineer. Mr. Zoutewelle and Chair Hoyle will review the plats/maps.
- 2) Kevin R. Adams - Application for PE Reinstatement - Mr. Adams's PE license was revoked on January 19, 2021. Mr. Ritter summarized the events leading to this point. Relevant documents were reviewed by the committee. Chair Hoyle explained the committee's logic in coming to its decision. The recommendation of the committee is to deny the request. Ms. Salloum made a motion in favor of the committee's decision to deny the request. Discussion ensued. A vote was taken and the motion to deny was unanimously approved.
- 3) BIM Demo Discussion – Mr. Goel introduced the topic and informed the Board that a company has been identified to provide a demonstration. Ms. Moore will work towards setting up a full Board presentation. He asked Ms. Moore for input. She stated that she supports a BIM demonstration. Further, she noted that she was made aware that there had been a demonstration to a previous Board several years ago and, with the advances in technology, she believes the current Board would benefit from such a presentation.
- 4) Review of Titles - Moody Engineering, Inc. - Michael J. Zelibor, PE requested the Board review proposed company titles for compliance with G.S. 89C-23. Mr. Goel stated that the committee had a lengthy discussion, and the item was tabled. Discussion on the topic will resume at the next meeting.
- 5) Review PE Application - Firooz Zandi - Zandi is a comity applicant. This application is before the Committee because of a felony conviction. His license is current in his home jurisdiction of Indiana, and he provided a voter's registration card as evidence that his rights have been restored. The Committee approved the request. Mr. Ritter to send a letter to Mr. Zandi.
- 6) ST Engineering North America, Inc. - Firm has requested to use the word "engineering" in its name. Following its review of the services offered on the firm's website: <https://www.stengg.us/> and noting that the firm only needs to pay payroll taxes for two remote employees working in North Carolina in administrative roles; the committee will recommend that the firm utilize a registration process available through the NC Department of Revenue. Through this process the firm will not need a certificate of authority. Therefore, the committee denied the request. Mr. Mazanek will prepare the response.
- 7) K. Marie Strandwitz, PE - Question Re: Hillsborough Backflow Prevention Ordinance – The committee reviewed and surmised that the activity is not considered engineering provided they are not doing design work. Mr. Tuttle will respond.
- 8) Engineer.Servant.Leader LLC - Request for Non-objection Letter – This matter was referred to the Committee by the Committee Chair. A professional engineer turned life coach seeks a non-objection letter. The committee, although split in their vote, approved the request. Mr. Mazanek will respond and include cautionary language.
- 9) Use of the title "Watershed Engineering Specialist" - Guilford County - Question - Committee to review Watershed Engineering Specialist job description and qualifications and determine if use of the title is permitted under G.S. 89C-23. The committee determined that if the title is internal only, it does not violate G.S. 89C-23; however, if the employee interacts with the public, the employee will need to be licensed. Mr. Tuttle will respond.

Old Business

NCDEQ Dam Breach Analysis Question - Jerry L. Meade, PE requested the Board determine if dam breach analysis is the practice of engineering. Per NCDEQ's interpretation of G.S. 143-215.31. (a1)(2)d., a downstream inundation map prepared for an Emergency Action Plan does not require preparation by a licensed professional

engineer or a person under the responsible charge of a licensed professional engineer. Staff requested Dam Safety provide historical information about non-engineers performing this work. Mr. Tuttle explained that G.S. 143-215.31. (a1)(2)d statute does say the act does not require a licensed engineer; therefore, the committee agrees with Mr. Meade's interpretation, under those circumstances, that the preparation may be completed by a non-licensed individual. Mr. Tuttle further explained that under G.S. 89C, if the analysis is prepared by a licensed professional engineer, then it must be signed and sealed in accordance with the Board's requirements. He surmised that the careful wording of the legislature when it prepared G.S. 143-215.31. (a1)(2)d acknowledged that the Board considered the matter to be engineering. Discussion ensued. It was agreed that multiple factors resulted in completing statutes and the members acknowledged that the scenario was hypothetical as the interpretation would only be relevant in the event of an actual emergency. Mr. Tuttle will prepare a response to the agency which concedes the agency's knowledge of the competing statutes.

Surveying Committee – Mr. Logsdon

Mr. Logsdon gave a report of the July 11, 2023, Surveying Committee meeting which was conducted in person.

New Business

- 1) Gary Thompson - Discussion re: ASPRS – Mr. Thompson asked the committee to consider ASPRS (The American Society of Photogrammetry and Remote Sensing), an organization that puts out standards for airborne surveys. ASPRS has recently modified its standards. FGDC (Federal Geographic Data Committee) is another organization that similarly puts out standards for airborne remote surveys. Mr. Logsdon noted that the Board's Rules specifically refer to and incorporate by reference the FGDC standards. It was recognized that of the two sets of standards, ASPRS has updated its standards to match the rapid changes in technology of the last ten years while FGDC's focus is on large topographic surveys and has no plans to modify its standards. Discussion ensued.
 - Mr. Zoutewelle will work with Mr. Thompson to compare the two and determine if Rule changes are needed.
- 2) DOT Discussion of Wetlands Policy - Mr. Logsdon noted that the committee engaged in an extended discussion of the policy. Ms. Gibbs met with the DOT representative and discussed the application of policies related to .1603 and .1608 and DOT's perceived ambiguity. Discussion ensued. The committee determined that more information is needed.
 - Ms. Gibbs is to try to garner the attendance of the DOT representative at the September committee meeting.
- 3) Joe Pye Consulting and Nursery – Request for Non-Objection Letter

Mr. Pye, a biologist, provides "surveys" of sensitive plants and animals. The committee approves the non-objection letter with cautionary language regarding GPS mapping. A licensed surveyor should be consulted if there is a question of whether a particular plant is located on the parcel.
- 4) Plat Question(s) – From Mike Benton
 - Chair Hoyle and Mr. Zoutewelle will work together to develop guidance for engineers and surveyors on preliminary plats being submitted to planning departments and determine whether that is surveying.
- 5) Approved Associate Degree at CPCC
 - CPCC had an Associate Degree in Surveying Technology Program. The program has been moved to the Engineering Department; however, the surveying classes do not lead to an Associate Degree. CPCC submitted their class titles and hours for the Board to determine if the course is sufficient to qualify for the apprenticeship program. The committee determined that the course is sufficient.
- 6) Matthew Svejksky Map
 - Map submitted for licensure was approved but led to a question about Rule 1604(d)(8). The Rule relates to accurately locating easements, apparent rights of way, or water courses that cross a boundary line. Mr. Logsdon further noted that those items should be accurately located on the plat. It was determined that the term "accurately located" should be consistently understood to mean that "on the plat itself, there should appear a distance along the boundary line to the easement and that a graphical representation is not sufficient to comply with the Rule that says accurately located."

Ad Hoc Committees

Responsible Charge

Mr. Logsdon provided slightly modified handouts from the last Responsible Charge Ad Hoc Committee meeting. He informed the Board that the current version included minor changes suggested by Mr. Evans. The focus of the committee was Board Rule .0701 and enacting modifications that take into account changes in the way business is now done. The committee proposes breaking the Rule into two parts for clarification. Mr. Logsdon explained the changes and stated that an associated guideline would be added to the Board's website once the rule was in its final form. Mr. Logsdon, on behalf of the Ad Hoc Committee, recommended that the Board adopt the changes reflected in the document labeled "Draft 07/11/23 – Changes to Board Rule .0701." Chair Hoyle added that the committee also added a paragraph "in order to satisfy ourselves that the person was in responsible charge, there is a paragraph that adds that if you are in responsible charge, you need to document the steps you have taken to be that responsible person." He further noted that in certain case studies, just being an employee was not enough to show that responsible charge had been maintained. Discussion ensued. Mr. Logsdon again stated that it was the recommendation of the ad hoc committee that the Board adopt the changes and instruct the Board attorney to start the process of rules revision. Further discussion ensued. Chair Hoyle acknowledged that the topic is being discussed on the national level and checked with Mr. Tuttle to determine if there would be an opportunity to revise the rule as Board members are prompted by national level decisions. Mr. Tuttle confirmed that based on the scheduled timing of the national level talks and the rules review schedule, there would be an opportunity to make revisions.

Mr. Care made a motion to approve the changes to Board Rule .0701. Mr. Goel seconded the motion. A vote was taken, and the motion was unanimously approved.

Chair Hoyle informed the Board that the Responsible Charge Ad Hoc Committee has completed its work and is now dissolved.

In addition, Chair Hoyle noted that he had also established an Electronic Signature Ad Hoc Committee. He explained that the topic took on a life of its own which grew to also highlight the need to address the topic of BIM. He considers work of the Electronic Signature Ad Hoc Committee to also be completed and is now dissolved.

Chair Hoyle initiated a break at 10:13 a.m. The Board reconvened at 10:28 a.m.

4. NCEES Activities – Executive Director

Mr. Ritter addressed the following NCEES items:

- Committee Appointments:
 - Mr. Goel – FE Exam Writing Committee
 - Ms. Moore – Education Committee
- Mr. Zoutewelle noted that Mr. Ritter was reappointed to the Finance Committee in the role of Committee Chair.
- Mr. Ritter gave an overview of what to expect at the upcoming Annual Meeting and gathered a headcount of who will be bringing their spouse. Mr. Ritter will work with Mr. Care and Chair Hoyle to determine the dinner location.
- Mr. Ritter reviewed the ten motions not on the consent agenda to allow for Board input. Unless otherwise noted, brief discussion ensued for each motion discussed.
 - ACCA Motion 2 – Board Response: Yes
 - Education Motion 3 – Board Response: Yes
 - EDP 10 – Board Response: No
 - Mr. Logsdon objects to changing "after" to "of." Mr. Zoutewelle will pass along the concerns.
 - EPS Motion 1 – Board Response: Oppose
 - Mr. Ritter turned the matter over to Mr. Zoutewelle to discuss. Extensive discussion ensued.

- UPLG Motion 4 – Board Response: Yes
- UPLG Motion 9 – Board Response: Yes
 - Ms. Salloum had questions concerning the U.S. Citizen requirement.
- UPLG Motion 12 – Board Response: Yes
- UPLG Motion 13 – Board Response: Yes
- UPLG Motion 26 – Board Response: Yes
- Mr. Ritter explained that years ago North Carolina signed an MOU with Japan. JPEC is the licensing entity in Japan. The MOU formalized the relationship with North Carolina, Kentucky, and Texas for ceremonial reasons.
 - 20th Anniversary Commemoration
- FYI Item presented by Mr. Ritter. He explained that approximately 30 years ago, Washington Accord document established a partnership between ABET and English-speaking countries around the world and NCEES was a part. Essentially, the document said if you are from an English-speaking country and your Engineering Degree is from an English-Speaking school, you would be given an ABET equivalency designation. Since ABET never accredited the schools with the promised official visits, NCEES asked states to disregard the Washington Accord. Now the US and Canada have established an ABET equivalency agreement.
 - President Biden signed the Atlantic Declaration for a Twenty-First Century U.S. – UK Economic Partnership with the UK. NCEES and its UK equivalent, the Engineering Council will work to develop a mutual recognition agreement to make it easier for licensed engineers to practice in each country. Efforts are being made to include Canada. Discussion ensued.
- FYI Item – Nuclear Exam.
 - Mr. Ritter clarified that a recent communication from Steven Arnt that inferred that the NCEES would stop offering the Nuclear PE Exam was false.
 - Due to the cost of the exam and the number of candidates, the PE Nuclear Engineering exam has been placed on probation for 2023 and 2024.
- Surveying Exam
 - Mr. Ritter explained a Plan B option that a state can use to request NCEES develop an exam. Mr. Ritter explained the process NCEES has identified as appropriate when a state wants a particular exam. First the state must be able to demonstrate a need and if ten states or more states are willing to agree to the need, NCEES will develop the exam. Mr. Ritter explained that he would need a motion to prepare a written request.
 - Ms. Salloum made a motion that Mr. Ritter write a letter to NCEES requesting that they institute a new map and science surveyor exam. The motion was seconded by Ms. Gibbs. A vote was taken, and the motion was approved.

The Board broke for lunch at 11:57 a.m. and was gaveled back into session at 12:44 p.m.

5. Board Secretary Report – Board Secretary and Executive Director

Ms. Moore gave a breakdown of the Budget versus Actual Report for the month of May 2023. She noted that actual expenditures were slightly over budget; however, overall – there was a positive budget variance. Ms. Moore approved a budgetary expense for an Appellate Court counsel for a legal matter before the Board. Discussion ensued. Mr. Ritter explained current and expected expenditures for legal fees.

6. Violations Activities – Executive Director

Mr. Ritter presented the Violations Report for July 12, 2023, in Mr. Evan's absence. The report showed that at the time Mr. Evans ran the report, the Board had opened 62 cases and closed 11 cases. The report provided the details of the actions taken for each of the 11 cases closed, provided information regarding the stage of completion of the 117 cases open as of June 28, 2023, and gave a highlight of the data related to the number of cases with licensees who have prior charges. The report Board showed that the average number of days from case-open to investigation complete currently stands at 169 days. And that currently 72 cases investigated.

7. Applications – Director of Business Licensure

Mr. Mazanek introduced the request submitted by Barton & Loguidice Engineers & Architects, PLLC requests permission to use the name of its two individuals in its firm name. Discussion ensued. Following discussion, Mr. Logsdon motioned to approve the request. Ms. Salloum seconded the motion. A vote was taken, and the motion was approved. Mr. Goel declined to participate in the vote.

Mr. Mazanek introduced the request submitted by Engineered Construction Products Ltd. The company requested a certificate of authority. Discussion and review of attachments ensued. Following discussion, Mr. Logsdon motioned to approve the request. Mr. Goel seconded the motion. A vote was taken, and the motion was unanimously approved.

8. Old Business – Executive Director

Ms. Gibbs reported on her recent trip to a meeting of the Federation of International Geometrics. Ms. Gibbs noted that there were over 12 thousand participants from 87 countries. She found the topics interesting, spoke to the "civil servant" model used in many countries, and enjoyed seeing the universal interest in promoting the survey industry. The topic enjoyed a high level of interest from fellow Board members.

9. New Business – Executive Director

Mr. Ritter informed the Board that he, Mr. Zoutewelle, and Mr. Fairbanks will participate in a call with NCEES in late July for further finalization of plans for the 2024 Southern Zone Meeting.

Mr. Ritter noted that the 2023 Planning Session would take place at the O. Henry Hotel and may include a tour of A&T University and a meeting with the Dean.

Mr. Ritter surprised Mr. Tuttle with a gift of appreciation on behalf of the staff.

Mr. Goel made a motion to adjourn the meeting. Mr. Fairbanks seconded the motion. The motion to adjourn was unanimously approved. The meeting adjourned at 1:41 p.m. The Board is next scheduled to meet on September 13, 2023.

Respectfully submitted,



Brenda Moore., PE
Secretary

Approved by the Board in Session

Date: November 15, 2023

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 14, 2023

Raleigh, North Carolina

Board Chair, Dennis K. Hoyle, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, June 14, 2023, to conduct the regular order of business. Chair Hoyle noted that there was a quorum in attendance. Attendance was as follows:

Board Members on Teleconference Call:
Dennis K. Hoyle, PE, PLS, Chair
Cedric D. Fairbanks, PhD, PE, Vice-Chair
Brenda L. Moore, PE, Secretary
John M. Logsdon, PLS
Vinod K. Goel, PhD, PE
Jonathan S. Care, Public
Toynia E. S. Gibbs, PLS
Carol W. Salloum, Public

Staff on Call:
Andrew L. Ritter, Executive Director
David S. Tuttle, Board Counsel
Cora Houston, Assistant

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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

2. Consent Agenda – Chair

Chair Hoyle entertained a motion to approve the Consent Agenda. Mr. Goel made a motion to approve the Consent Agenda as presented. Ms. Salloum seconded the motion. A vote was taken. The motion was unanimously approved.

The Consent Agenda included: A Request for a Board Authorized Case Opening; Firm Applications for 8 Professional Corporations, 28 Professional Limited Liability Companies, 1 Business Firm, 2 Chapter 87 Corporations, and 3 d/b/a Requests; Minutes; Review Committee; and Comity, Initial Licensure, and PE Reinstatement.

Two informational items were briefly discussed. Mr. Logsdon reminded members to provide him with their comments on the topic of responsible charge which is slated for discussion at the next Board meeting. Reminding members of Mr. Fairbanks' suggestion that it may be beneficial for the new NCEES Vice President to preview the location, Mr. Zoutewelle confirmed that Southern Zone Vice President Elect Jim Kelly has agreed to be available to join the October planning session to preview the proposed venue for the 2024 Southern Zone Meeting and explore area amenities. In addition, Mr. Zoutewelle informed members that both he and Mr. Kelly will need to leave Thursday by 10:00 a.m. due to an NCEES-related obligation.

Mr. Zoutewelle 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 July 12, 2023.

Respectfully submitted,



Brenda L. Moore, PE
Secretary

Approved by the Board in Session

Date: July 12, 2023

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

May 17, 2023

Raleigh, North Carolina

Board Chair, Dennis Hoyle, gavelled the North Carolina Board of Examiners into session at 9:06 a.m. on Wednesday, May 17, 2023, to conduct the regular order of business. Attendance was as follows:

Board Members:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Hoyle 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. Goel stated that he had a conflict with an item on the Engineering Committee agenda.

2. Consent Agenda – Chair

Chair Hoyle 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. 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 20 Professional Corporations, 40 Professional Limited Liability Companies, 6 Business Firms; 1 Name Change Request, 1 Request to be Resident for Multiple Companies, 4 Requests to Use Individual's Name in Company Title, and 2 d/b/a Requests; Review Committee Agenda; Retired Status Requests; Comity, Initial Licensure, PE Reinstatement, and PLS Certification; CPC Consent Agenda; and Settlement Conference Agenda.

3. Committee Reports – Committee Chairs

CPC Committee – Chair Salloum

The CPC Committee did not provide an agenda. Ms. Salloum initiated a brief discussion regarding the parameters of the previously approved election of the Board to have an Emeritus Board Member continue to provide CPC programs on behalf of the Board. Discussion ensued. Staff will add budgetary considerations as a topic for the CPC agenda. Ms. Salloum reported on the April trip to Houston.

Mr. Ritter added review of the current renewal cycle structure to the planning session discussion list.

Engineering Committee – Mr. Goel

New Business

Mr. Goel gave a report of the May 15, 2023, Engineering Committee meeting which was conducted by video conference.

1. NCDEQ Dam Breach Analysis Question – Professional Engineer, Jerry L. Meade, asked the Board to determine if a dam breach analysis is the practice of engineering. Mr. Goel reported that based on NCDEQ's interpretation of G.S. 143-215.31. (a1)(2)d., a downstream inundation map prepared for an Emergency Action Plan does not require that it be prepared by a licensed Professional Engineer nor must the person be under the responsible charge of a licensed Professional Engineer. However, if the analysis is prepared by a licensed Professional Engineer, it must be sealed by the licensed Professional Engineer in accordance with Board requirements.

2. Subsurface On-Site Wastewater System Design Policy Question – Informational item. Stacey Smith and staff will prepare an answer.
3. HB726 CE Credit Acceptance Study – Informational item. House Bill DRH10367-NB-152A sponsored by Representative Crutchfield is a bill directing various licensing boards to study the acceptance of continuing education credits from other boards. The General Contractors board will submit a report to the Joint Legislative Administrative Oversight Committee by April 1, 2024.
4. Review Andre Chillo's PE Application – Applicant sought licensure via comity. The motion coming out of committee is to deny the application due to deficiencies in education and experience. Mr. Logsdon seconded the motion. A vote was taken and the motion to deny the application was unanimously approved.
5. HB624 An Act to Clarify the Red-Light Camera Delay Interval – Informational item. Session 2023 House Bill 624 sponsored by Representative Pare will amend Section 1. G.S. 20-158 by adding subsection (f).
6. Engineer Buildings – Request for Non-Objection Letter – The motion coming out of committee is to deny the request for a Non-Objection Letter. Mr. Logsdon seconded the motion. A vote was taken, and the denial of the Request for a Non-Objection Letter was unanimously approved.
7. John Wilson – Request for PE Retired Status – Coming out of committee, the motion to deny request was seconded by Mr. Logsdon. A vote was taken, and the denial of the Request for Retired Status was unanimously approved.

Old Business

Mr. Goel explained that item number three under Old Business was discussed. He asked Ms. Moore to present the item to the Board and recused himself from participating in the matter.

- Request for Interpretation of G.S. 55B-14 (Ancillary Services) – The matter relates to two small companies, one a geology company and the other a licensed engineering company. The owners of the companies, one owned by a husband and the other by his wife, want to merge to reduce duplicate expenses. Following the interpretation of G.S. 55B-15 by Mr. Tuttle who noted that he relied on the Board's historic use of the common dictionary definition of "ancillary." He further informed the Board that the committee did not agree that construction services could be considered ancillary to engineering because to be considered ancillary, activities must be subordinate to, but related to, the practice of engineering, using resources and employees regularly engaged in the engineering business of the company. Staff will inform the requestor.

Mr. Goel concluded his report.

Surveying Committee – Mr. Logsdon

Mr. Logsdon gave a report of the May 16, 2023, Surveying Committee meeting which was conducted in person.

New Business

1. Plat Question from Mike Benton – The committee reviewed two plats from Mr. Benton. Both plats were signed/sealed by an engineer, were void of a surveyor's signature but marked as preliminary, not for recordation, conveyances, or sales.
 - Mr. Tuttle to send a letter addressing the lack of clarity of purpose for the plats.
2. NSPS/FEMA Question – Can e-LOMA be performed by non-licensees?
 - The committee did not find that non-licenses should perform e-LOAMA. Discussion ensued. Staff will inform NSPS. NSPS will relay to appropriate parties.
3. Approved Associates degree at CPCC –
 - Staff to compare curriculum and revisit next month.
4. Exam Phone Reviews – Rule .0603 was cited as allowing applicant to review and see the correct answer.
 - The committee determined that this cannot be done over the phone.

5. Matthew Svejkovsky Map.
 - Postponed
6. Administrative Conference – Applicant to provide new map.

Ad Hoc Committees

Responsible Charge

Mr. Logsdon provided handouts of current Board Rule .0701 and proposed revisions. Discussion ensued.

- Chair Hoyle delayed a vote on the matter.

Chair Hoyle initiated a break at 10:23 a.m. The Board reconvened at 10:39 a.m.

Extensive discussion ensued regarding the obligations of responsible charge. The Board Counsel was asked to give his opinion. Mr. Tuttle explained that in his opinion, a Professional Engineer must “do enough work to satisfy himself/herself of the project,” to take full charge and responsibility of the project. Following continued discussion, Mr. Logsdon explained that the evolution of engineering may require a change in the Board Rules because the person who has responsible charge must be able to be judged as having responsible change.

A member of the public, Mike Benton, enters at 10:53 a.m.

Mr. Ritter asked for a change in the order to the agenda. Mr. Ritter informed the Board that Doug Hanna was expected and would give an update on current legal actions. The Board was directed to item 5. The Board Secretary Report.

4. NCEES Activities – Executive Director

Mr. Ritter thanked Ms. Moore for agreeing to serve on the NCEES Nominating Committee and Mr. Hoyle for agreeing to serve on the Elections Committee.

Mr. Zoutewelle gave an update regarding various NCEES issues including committee and task force possibilities. Mr. Goel suggested engaging Deans of schools of engineering. Discussion ensued regarding various avenues and restrictions on Board involvement.

Mr. Ritter noted Mr. Zoutewelle’s recent election win and provided information regarding the upcoming Annual Meeting in Boston.

Mr. Ritter shared a memo from NCEES wherein Mike Benton was confirmed as an Emeritus Member at the April 29 – 30, 2023, meeting in Houston, TX.

5. Board Secretary Report – Board Secretary and Executive Director

Ms. Moore gave a breakdown of the Budget versus Actual Report for the month of April 2023. She noted that actual expenditures were slightly over budget. Discussion ensued. Mr. Ritter explained current and expected expenditures for legal fees.

6. Violations Activities – Assistant Executive Director

Mr. Evans presented the Violations Report for May 17, 2023. He reported that at the time he ran the report, the Board had opened 38 cases; however, at the time of the meeting, 49 cases had been opened and 8 cases closed. He provided the details of the actions taken for each of the 8 cases closed, provided information regarding the stage of completion of the 100 cases currently open, and gave a highlight of the data related to the number of cases with licensees who have prior charges. Mr. Evans informed the Board that the average number of days from case-open to investigation complete currently stands at 158 days. Mr. Evans, acknowledging the uptick in turn-around time, advised the Board that he expected the new investigator to be up to speed and independently handle cases within a couple of weeks. 63 cases are currently being investigated. Ms. Moore questioned the number of cases in the investigative stage for a year or more. Mr. Evans explained various scenarios that impact the timeline.

With Mr. Hanna now present, the Chair Hoyle entertained a motion to go into closed session. Mr. Zoutewelle made a motion to go into closed session to receive information from counsel concerning pending litigation. Mr.

Fairbanks seconded the motion. The Board went into closed session at 11:11 a.m. Mr. Mazanek and Mr. Benton left the meeting.

Mr. Goel made a motion to end the closed discussion and resume the regular order of the meeting. Mr. Zoutewelle seconded the motion. The Board returned to the regular open session at 11:40 a.m. and immediately took a break. The Board members, staff, and guests returned from break at 11:44 a.m.

Chair Hoyle explained that everyone had gathered to acknowledge David Tuttle's upcoming retirement. Mr. Tuttle worked as the first in-house Board Counsel. He served in the position for over 29 years. Mr. Hoyle expressed appreciation on behalf of the Board for Mr. Tuttle's service and dedication as he presented him with gifts commemorative of his service. Mr. Tuttle gave remarks on his career and expressed his appreciation for having served in the role of Board Counsel. He briefly detailed his plans for retirement, inserting an amusing analogy between his career and songs from the Beatles. Mr. Tuttle was warmly applauded.

The Board broke for lunch at 11:58 a.m. and was gaveled back into session at 12:59 p.m. Chair Hoyle directed attention to item 4, NCEES.

7. Applications – Director of Business Licensure

Mr. Mazanek introduced the request submitted by Nederveld, Inc. (a Michigan registered C Corporation). Following discussion, Mr. Logsdon motioned to approve the request. Ms. Salloum seconded the motion. A vote was taken, and the motion was unanimously approved.

8. Old Business – Executive Director

Mr. Ritter noted that Mr. Hanna covered the Old Business items.

9. New Business – Executive Director

Mr. Ritter turned the meeting over to Mr. Fairbanks to discuss the planning session location. Mr. Fairbanks explained how he decided to recommend Asheville as the location. There were no objections. Mr. Ritter resumed discussions.

Mr. Ritter informed the Board that PENC seeks to partner with the Board to provide ethics programs. Discussion ensued. It was noted that the Board is precluded from directing licensees to any particular entity. Chair Hoyle and Mr. Ritter will attend PENC Board meeting.

In conclusion, Mr. Ritter informed the Board that Mr. Hanna will serve as counsel to the Board until someone is hired for the Board Counsel position. Discussion ensued regarding the hiring process.

Ms. Salloum made a motion to adjourn the meeting. Mr. Goel seconded the motion. The motion to adjourn was unanimously approved. The meeting adjourned at 2:05 p.m. The Board is next scheduled to meet on June 14, 2023

Respectfully submitted,



Brenda Moore, PE
Secretary

Approved by the Board in Session

Date: October 18 – 19, 2023

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 15, 2023

Raleigh, North Carolina

Board Chair, Dennis Hoyle, gavelled the North Carolina Board of Examiners into session at 9:03 a.m. on Wednesday, March 15, 2023, to conduct the regular order of business. Attendance was as follows:

Board Members:

Dennis K. Hoyle, PE, PLS, Chair

Brenda Moore, PE, Secretary

Carol W. Salloum, Public Member

Andrew G. Zoutewelle, PLS

John M. Logsdon, PLS

Jonathan S. Care, Public Member

Toynia Gibbs, PLS

Cedric D. Fairbanks, Ph.D., PE, Vice-Chair (beginning at 1:10 p.m.)

Absent:

Vinod K. Goel, Ph.D., PE

1. Ethics Awareness and Conflict of Interest Reminder – Chair

Chair Hoyle 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 today. 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.

Chair Hoyle recognized Jonathan Care for his leadership as Board Chair during 2022 and presented him with gifts on behalf of the Board. Mr. Care expressed his appreciation.

Chair Hoyle then invited staff member, David J. Evans, to come forward. On behalf of the Board, Chair Hoyle presented Mr. Evans with a plaque in appreciation of his 25 years of service to the Board. Mr. Evans thanked the Chair and briefly remarked on his tenure.

2. Consent Agenda – Chair

Chair Hoyle introduced the Consent Agenda and entertained a motion to approve. Mr. Ritter informed the Board that an item had been pulled from the agenda. Mr. Zoutewelle made a motion to approve the Consent Agenda. Mr. Care seconded the motion. A vote was taken, and the Consent Agenda was unanimously approved.

The Consent Agenda included: A Request for Board Authorized Case Openings; Firm Applications for 11 Professional Corporations, 20 Professional Limited Liability Companies, 2 Chapter 87 Corporations, 2 Name Change Requests, 4 Requests to Use Individual's Name in Company Title, and 2 d/b/a Requests; Minutes; Review Committee; and Retired Status Requests.

3. Board Member Appointment – Executive Director

Mr. Ritter officially recognized new Board Member, Toynia Gibbs. Ms. Gibbs has been on the Board since January; however, except for the Consent Agenda, a lengthy Board hearing in January prevented regular Board business from being conducted.

4. Committee Reports – Committee Chairs

CPC Committee – Chair Salloum

New Business

Ms. Salloum asked the Board to consider permitting previous Board Member, Richard M. Benton, PLS to continue to provide CPC programs on behalf of the Board as an Emeritus Board member and afford him the same level of financial support as a current Board member. Following a brief discussion, Mr. Logsdon moved that the Board allow Mr. Benton to continue to provide ethics education as an Emeritus Board Member on behalf of the Board with per diem and reimbursement benefits equivalent to current Board members. Mr. Care seconded the motion. Ms. Salloum asked if there were any questions. As discussion ensued, Mr. Ritter provided background information as to the formation of this request, including his role in suggesting the option and he explained the benefits to the Board. A vote was taken, and the matter was unanimously approved.

Ms. Salloum informed the Board that the committee discussed the logistics of enacting the new ethics and standards of practice requirements. Per revised Rule .1703, effective as of the 2024 license renewal, all licensees must acquire at least one (1) PDH in “Ethics or Rules of Professional Conduct.” Professional Land Surveyors have the additional requirement of obtaining one (1) PDH in the Standards of Practice for Land Surveyors. The committee recommended a strategic roll-out and delayed enforcement of this provision. Bringing audit related cases to the Board based on failed audits will start in 2025 for this provision. Mr. Ritter noted that similar roll-out strategies have been used in the past. The measure is seen as necessary since the new requirement took effect during the current year. Discussion ensued. The Board concurred with the committee’s recommendation and suggested that staff disseminate information to licensees as broadly as possible.

In addition, Ms. Salloum informed the Board that the committee thoroughly reviewed current CPC rules and requirements in an effort to determine if changes were warranted. The committee considered various factors including the NCEES Model Rules and Guidelines, Mr. Goel’s 2022 planning session presentation, and the need for licensees to have some flexibility in choosing courses that align with their individual disciplines. At this time, the CPC Committee does not recommend changes.

Engineering Committee – Ms. Moore

In Mr. Goel’s absence, Ms. Moore chaired the March committee meeting and reported on matters from both the January and March committee meetings. Mr. Goel chaired the committee in January.

New Business - January:

Ms. Moore reported on the committee’s review of the application of Cody M. Childress. The committee considered and approved the application. Staff are directed to include cautionary language directing the applicant to comply with all laws and rules in the future.

Old Business – January:

Ms. Moore provided an update on Old Business items discussed.

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

- Responsible Charge – Mr. Ritter provided the committee with a status report. Coordination efforts are still ongoing with PENC and NCSS. Some feedback has been provided by ACEC. The Responsible Charge Ad hoc committee will continue efforts to coordinate the development of a joint position.
- Conflict of Interest – Messrs. Hoyle, Logsdon, and Care await feedback from the Surveying Committee.
- Business Titles – Policy and draft Rule were approved by the Ad hoc Committee.
- Digital Signatures - Chair Hoyle appointed an Ad hoc committee for Digital Signatures. The members are Ms. Moore, Ms. Gibbs and, as consultant, Chair Hoyle. The focus will be the development of a policy addressing 3-D and BIM mediums.
- Certification of Standard Plans – Discussions are ongoing.
- 8-Year Experience Requirement – NCEES favors a 6-year experience model; however, the Board has some concerns. Chair Hoyle has requested additional information from staff.

On-Site Wastewater System Design (Policy Question)

Ms. Moore stated that the topic had previously been discussed by the Board and in committee but now had a specific request from Patricia Angoli of the Department of Health and Human Services. Ms. Angoli asked the Board to consider readopting Board Policy 1007. Unable to comply with the request, the committee is working on a new policy. The committee is working with former Board Member, Stacey Smith, to formulate.

New Business - March:

Technical Associates of Charlotte, PC – The company, in the process of selling the business, sought the Board’s review of their services, and asked for a determination that its services do not constitute the practice of engineering. Following communications between the company and the committee and after the company eliminated the phrase “analysis of the noise” from its advertised services; the committee determined that the remaining advertised services

did not constitute the practice of engineering. The committee will prepare a written response which will include cautionary language regarding the company's use of certain employee titles. Mr. Ritter noted the participation of the company's owner and his attorney during a portion of the committee meeting. Their participation was by Zoom and was only in an observation capacity.

NC Code Officials Qualification Board Statute Changes – Informational Item. Ms. Moore informed the Board that Mr. Evans gave a presentation to the committee regarding engineers who obtain certification by the NC Code Officials Qualification Board.

Request for Interpretation of G.S. 55B-15 [sic] (Ancillary Services) – Owners of an engineering company and a geology company, separately owned by a husband and wife, explore options to merge. The committee was asked to provide an interpretation of the phrase “may be ancillary thereto,” as written in G.S. 55B-15 [sic]. Specifically questioned, is whether construction services are considered ancillary to engineering under the statute. Mr. Tuttle was asked to obtain additional information about the scope of services offered by each company. The matter will be moved to Old Business. Discussion ensued.

Mr. Tuttle, when asked to provide clarification of the topic, noted that the reference to the statute contained a typo. G.S. 55B-14 is the correct citation. Mr. Tuttle explained that in North Carolina, most licensed companies are limited to one profession. However, it is possible to combine companies that offer different professional services if each company's services fall under G.S. 55B and provided the elements of licensure of each company type are met. The owner would be required to be an officer, a shareholder, and a director of the company so that person has the required level of control of the combined entity. Only then can a professional service, provided by the company, expand beyond that particular professional service and only to the extent that the service is ancillary to the particular professional service. Mr. Tuttle stated that “ancillary” is not defined in the statutes, but the Webster's Dictionary interpretation has long been relied upon. The service cannot be a primary service of the particular profession and cannot encroach upon another licensed profession. Ms. Moore stated that the item would remain on the agenda for further consideration.

Request for Exemption – Security Engineers, Inc. – The committee reviewed the company's request for a non-objection letter. The company seeks to be allowed to use the word “engineers” in the company name. Based upon the specifics of the request, under the current policy, the committee chair may make the decision, or the committee chair may bring the matter to the full Board for determination. Since Mr. Goel, the committee chair, is out of the country and not available to make the decision, the matter was reviewed and approved by the Engineering Committee. Since the matter was approved by the Engineering Committee, rather than the committee chair, Board approval is required. In an effort to avert delays in issuing decisions when unanticipated scenarios arise, a review of the policy is being considered. Discussion ensued. Ms. Moore requested a motion to approve the exemption requested by Security Engineers, Inc. Ms. Salloum moved the motion, Mr. Care seconded the motion. Further discussion ensued. A vote was taken, and the motion was approved. Staff are instructed to provide a non-objection letter with cautionary language. The Board's internal policy on the matter is unchanged.

Insight Transportation Consulting – Review of Services – The committee reviewed a list of services. Some services on the list were identified as the practice of engineering while others were not considered the practice of engineering. The list was provided to the committee for review in the form of a Department of Transportation (DOT) spreadsheet. The committee directed staff to contact DOT for information as to how the items listed are reviewed and determined to be the practice of engineering or determined to not be the practice of engineering.

HB 198 – Informational Item – The item relates to a draft bill wherein progressive design build is to be piloted in North Carolina. Brief discussion ensued. Progress of the bill's movement through the House will continue to be monitored and the item is noted by Mr. Ritter to have been put forward as an informational item as part of his ongoing efforts to proactively keep the Board informed of legislative matters that may impact the Board.

Old Business – March:

On-Site Wastewater System Design (Policy Question)

Ms. Moore presented the draft policy prepared by Stacey Smith. She explained that the policy drafted as BP-2301-1 will replace BP-1000. Discussion ensued. Chair Hoyle explained the history that led to the need for what is expected to be an interim solution until the State finalizes its policy. Ms. Salloum made a motion to approve the draft policy. Mr. Care seconded the motion. A vote was taken, and the motion was unanimously approved.

Chair Hoyle initiated a break at 10:20 a.m. The meeting resumed at 10:32 a.m.

Surveying Committee – Mr. Logsdon

Mr. Logsdon reported on matters from both the January and March committee meetings.

New Business - January:

Mr. Logsdon informed the Board that the committee spent the first part of the meeting reviewing the procedures for map reviews. He noted that the process was beneficial and ensured that the members were on the same page. After which, he reported that the committee focused on a request made by Gary Thompson. Mr. Thompson's section is reviewing Jackson-Macon boundary maps. Mr. Thompson asked the committee to review the maps before they submitted them as final. The gesture was well received by the committee. The committee shared some notable observations and made suggestions. As a result of this joint effort, a number of additional monuments will be put in place.

Old Business – January:

Mr. Logsdon informed the Board that Old Business items were not discussed.

New Business - March:

Exam Question – The committee reviewed a state exam question after an applicant felt that his answer was correct. It was noted that there was some ambiguity in the stem of the question; however, that ambiguity was not in the portion of the question that the applicant pointed out. Therefore, based upon the applicant's interpretation of the question, there was but one right answer. The ambiguity, as noted by Mr. Zoutewelle, at the stem portion of the question will be modified during the next administration.

The Retirement of the United States Foot – Informational Item. Governor Cooper sent out a notification letter. Per the notification, the U.S. unit of measurement for one "foot" is being retired. The international measurement for the "foot" will be the standard. Mr. Logsdon noted that the change is so small that it will have no effect on most boundary surveys. However, grid system conversions and long root surveys will be impacted. Mr. Ritter noted that the difference is one one-hundredth of a foot per mile. Mr. Logsdon stated that the transition to the international measurement is expected to go into effect in North Carolina in 2024 or 2025.

Elevation Certificate – The topic indirectly originated out of a review committee discussion focused on one of the Board Rules which requires that a surveyor must provide all the information that appears in .1607 if GPS is used. "Is an elevation certificate the final report of a survey?" was considered. The committee determined that in many cases, an elevation certificate is the final report of the survey. If you use GPS during the determination of elevation, the surveyor must include on the elevation certificate all the information required under .1607. As noted by the committee, this question had not been previously explored but does need to be addressed moving forward. The topic will be disseminated to the surveying population by newsletter article.

ASPRS Positional Accuracy Standards for Public Review – The American Society for Photogrammetry and Remote Sensing (ASPRS) is a professional society that has produced the positional accuracy standards and is in the process of modifying those standards. They sent out a request for public comments. The committee did not provide comments but will monitor their modification efforts to see if such modifications have an effect on Board Rules.

Map Review Discussion – Mr. Logsdon stated that during the map review discussion, Ms. Gibbs brought fresh prospective, valuable input, and insightful comments. The committee discussed GPS surveying and required designation of fixed control stations and positional data usage. Updates to the state system include CORS stations that continuously send out data. Do you need to identify the specific CORS station? The committee determined that it would be sufficient for a surveyor to state that the CORS system was used and there was no need to identify the specific station(s). It was observed that in many cases, maps were being completed incorrectly. Often, the methods being used rather than the stations being used were being entered. The committee will send out a clarification.

The Right of Entry Bill – Mr. Logsdon expressed that the North Carolina Society of Surveyors has long wanted the NC Legislature to pass a statute to allow surveyors the right to enter private property to perform a survey. Mr. Logsdon deduced significant administrative requirements would need to be followed to be able to use such a statute as a defense against trespassing.

Old Business – March:

The committee reviewed an applicant's past criminal history and determined that it would not prohibit him from surveying. The applicant is working to finalize his map submissions.

Chair Hoyle requested updates from the two Ad hoc Committees.

Ad hoc Committees

Signature Ad hoc Committee – Ms. Moore

Ms. Moore reported that the initial meeting was held on February 27, 2023. She noted that it was largely a brainstorming session to determine the logistics and scope. A more formal meeting is scheduled for April 10, 2023. Mr. Zoutewelle noted that the Board reviewed the topic a couple of years ago and determined that the current rules were sufficient. He sought more clarity on the topic and expressed his concerns regarding certain vulnerabilities in current technologies when attempting to use electronic sealing methods. Discussion ensued. Ms. Moore acknowledged the benefits of reviewing the facsimile policy that was developed a few years ago to make sure the current Board is satisfied before moving on to efforts to develop a "3D" policy.

Responsible Charge Ad hoc Committee – Mr. Care

Mr. Care informed the Board that the status was "pending comments." After noting that the period for comments by the interested parties had elapsed, he asked Mr. Ritter to move forward with scheduling a meeting with the parties.

5. NCEES – Executive Director

Mr. Ritter shared information regarding the logistics for the upcoming NCEES Southern Zone Meeting which is considered a super zone meeting since all four zones will be present. As such, the agenda will be a little different than the usual zone meeting. Notably, there will be portions of the meeting which include all zones similar to an annual meeting. Other portions will be divided into zone specific gatherings as is customary during a traditional zone meeting.

Mr. Ritter secured funded delegates for the August Annual Meeting. Mr. Hoyle, Ms. Salloum, and Ms. Moore agreed to travel as funded delegates. Ms. Gibbs will attend as a first-time attendee.

Mr. Zoutewelle made a motion to nominate Richard Benton as an emeritus member of the Board. Mr. Care seconded the motion. A vote was taken, and the motion was unanimously approved.

Mr. Ritter listed the candidates running for Southern Zone Assistant Vice President and explained the concept of rank choice voting before turning the floor over to Mr. Zoutewelle. Mr. Zoutewelle discussed the four-way Interim Meeting which will take place April 27 – 29, 2023, in Houston and the Annual Meeting in Boston scheduled for August 15 – 18, 2023. He also gave a status update regarding the Annual Meeting to be hosted by the Board in April 2024. Discussion ensued. Mr. Zoutewelle led a discussion regarding the upcoming elections, the candidates, and election related issues pending decisions by the NCEES Nominating Committee. Further discussion ensued. Mr. Zoutewelle left the meeting during the ranking process. The members ranked the candidates respectively, Texas, South Carolina, and Oklahoma. Chair Hoyle will check with Mr. Goel and Mr. Fairbanks. Mr. Zoutewelle returned to the meeting and provided an update regarding business items currently under consideration. Mr. Ritter noted that initiatives suggested to NCEES by the Board years earlier have been re-evaluated and are being reviewed for possible implementation. Other topics reported on included computer-based testing, foundations under development, responsible charge, expungement at state level vs retention at the national level, CPC exemptions for active-duty military, the records program, and the possibility, as suggested by the MBA Committee, of instituting color-coded maps.

Chair Hoyle broke the meeting for lunch at 12:15 p.m. The meeting resumed at 12:49 p.m.

Mr. Ritter informed the Board that he received an update from NCEES regarding the Board's hosting of the 2024 Southern Zone Meeting. He stated that the Board has been given the choice of deferring to 2025, shifting the meeting to a week earlier, or selecting a different city. The Board discussed the options and settled on the city of Asheville.

Mr. Fairbanks joined the meeting by audio at 1:10 p.m.

More discussion ensued. Mr. Zoutewelle will communicate the wishes of the Board to NCEES. Chair Hoyle, on behalf of the Board, thanked Mr. Zoutewelle for his work both on the Board and at the national level. All members concurred.

6. Board Secretary Report – Board Secretary and Executive Director

Ms. Moore discussed the December financials. Overall, she advised that things looked good. Focusing on the revenue and expense components, she noted an increase in renewal fees over the budgeted amount. Conversely, she pointed to a negative impact to unrealized income based on the current market. Expenses were positively noted to be lower than the budgeted amount. The final result to the bottom line was an increase in the net income. Ms. Salloum noted the alternating proration strategies and requested a way to quickly identify which is being used. Mr. Ritter explained the historic reason for the variations, expressed his agreement regarding the benefits of making it easier to identify, and noted that he will speak with Ms. Scarborough for a solution. Ms. Moore discussed the January financials. She focused on budgeted vs actual revenue. Overall, the revenue was 110% of the budgeted amount. Ms. Moore thanked Mr. Ritter for his investment strategy which resulted in a gain to both the interest income and unrealized gain categories. Mr. Ritter gave further explanation. Ms. Moore concluded by noting that overall, revenue had increased. Mr. Ritter credited staff, particularly Ms. Bryant, for efforts that resulted in the success of the Board's first fully electronic renewal cycle. He noted the fully electronic method resulted in a positive impact to on-time renewals. He will report back on the impact on late renewals.

Shifting to the audit, Ms. Moore advised that the team met on March 8, 2023, and was informed of the positive audit results. She thanked Mr. Ritter and Ms. Scarborough for their hard work in compiling and presenting everything, and for being very responsive to the questions of the audit company. Mr. Ritter praised Ms. Scarborough, noting that the majority of the credit goes to her. He advised the Board members that if they did not have sufficient time to review the report, they could take time to read it and approve it later. Mr. Ritter answered questions from Board members and Chair Hoyle, reflecting on his experience with prior Board audits, expressed his appreciation for the efforts and confidence in the audit process. Discussion ensued regarding restated items and how the lease was capitalized. Mr. Logsdon made a motion to approve the Audit as presented. Mr. Care seconded the motion. A vote was taken, and the motion was unanimously approved.

Mr. Ritter noted that Mr. Logsdon got special mention in the Audit Report for the internal audit report he requested. Mr. Ritter advised that within the next two years another internal audit will be initiated.

7. Violations Activity – Assistant Executive Director

Mr. Evans presented the Violations Report for March. He reported for FY2023, the Board has opened 24 cases and closed 7 cases. He provided the details of the actions taken for each of the 7 cases closed, information regarding the stage of completion of the 90 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 has increased and is currently at 147 days with 62 cases currently in the investigative stage. Mr. Evans explained that the new investigator is expected to be independently working cases by May which will have a positive benefit to the average. Mr. Evans noted pending cases including hearings. Discussion ensued regarding the uniqueness of a matter that is pending hearing. Options were discussed. Mr. Tuttle noted that due to the amount of time that has passed and status of the respondent's license, administrative closure may be an option. Mr. Tuttle to follow-up and finalize.

Mr. Care initiated discussion regarding the scheduling of settlement conferences. Staff will move forward with scheduling.

8. Old Business – Executive Director

Goals and Objectives – Mr. Ritter provided the quarterly update to his list of 2023 Goals and Objectives.

RRC Approved Permanent Rules – Mr. Ritter explained that the Rules were approved by the Rules Review Commission and advised that new Rules books will be available by May's Board Meeting. Mr. Tuttle was asked to provide the status of any additional Rules that are pending. Mr. Tuttle explained that there are some Rules that are at various stages but none that are ripe for moving forward. Discussion ensued. Mr. Evans noted that each committee has a placeholder for pending Rule changes. Mr. Care asked that staff review, identify, and have a specific location

for any approved Rules ready to move forward. Mr. Ritter indicated that the Rules that were ready for rulemaking were included in the recent batch.

9. New Business – Executive Director

Mr. Ritter, noting that he would discuss Old Business, New Business, and Informational items from January and March; stated that Chair Hoyle participated in a number of activities on behalf of the Board in recent weeks. Chair Hoyle represented the Board at the Legislature's Annual Engineering week. At the meeting, his name was called, and he was asked to stand and be recognized in front of the entire General Assembly. Chair Hoyle also represented the Board at the NCSU Engineering Gala celebration honoring Dr. Louis Martin-Vega as he retired from his position as NCSU Dean of Engineering. The event gave special recognition to the 100-year milestone attained by both the North Carolina Society of Surveyors and the North Carolina Board of Examiners for Engineers and Surveyors. Chair Hoyle gave a speech on the history of the Board and the Board's long association with NCSU and the Society of Engineers. Chair Hoyle gave a summary of the event and noted that Mr. Martin-Vega was presented with the Old North State Award at the event.

Mr. Ritter updated the Board regarding actions taken by a respondent following a hearing. Mr. Baggie has appealed the hearing's determination. The process is expected to take six to 12 months. The Board will not object to a stay in the case. Respondent will be able to continue to practice pending the result. It was noted that the Respondent did seek to dismiss the appeal if the Board reevaluates its hearing decision. The Board has a policy that requires any such negotiations to be concluded prior to requesting a hearing.

10. Informational Items – Executive Director

Mr. Ritter informed the Board that, as happens from time to time, the NC General Assembly is reviewing and determining the necessity of the boards and commissions.

Mr. Ritter reported on a recent trip to Cherokee. Mr. Logsdon and Ms. Gibbs were also in attendance. Mr. Ritter gave an hour-long Board report as a lunch presentation. During the presentation, he highlighted an increase in applicants seeking testing and an increase in the number of licensees following the changes to surveying application requirements.

Mr. Ritter informed the Board that Christy Davis of the Surveying Society is retiring. Her long-time assistant, Sherri Barron, will assume the position. Mr. Ritter has reached out and will meet with her once she has gotten acclimated to the role. Ms. Gibbs and Mr. Logsdon reported on their attendance. Ms. Gibbs stated that as a prior member of the Surveying Society, her attendance as a Board member was notably different. Mr. Logsdon reported that the topics were good, and the location was nice. He noted that there was a large number of attendees.

Mr. Zoutewelle stated that he had received a response from Mr. Cox and relayed that NCEES has requested the Thursday through Saturday schedule for the April 2024 meeting.

Mr. Ritter reported that there was no activity in the two legal cases.

Mr. Care made a motion to adjourn. Ms. Moore seconded the motion. The Board adjourned at 2:08 p.m. The Board is next scheduled to meet on May 17, 2023.

Respectfully submitted,



Brenda L. Moore., PE
Secretary

Approved by the Board in Session

Date: July 12, 2023

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 15, 2023

Raleigh, North Carolina

Board Chair, Dennis K. Hoyle, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, February 15, 2023, to conduct the regular order of business. Chair Hoyle conducted an attendance roll call of the Board Members. Chair Hoyle noted that there was a quorum in attendance. Attendance was as follows:

Board Members on Teleconference Call:

Dennis K. Hoyle, PE, PLS, Chair
Cedric D. Fairbanks, PhD, PE, Vice-Chair
Brenda L. Moore, PE, Secretary
Vinod K. Goel, PhD, PE
Jonathan S. Care, Public
Toynia E. S. Gibbs, PLS

Absent:

John M. Logsdon, PLS
Carol W. Salloum, Public
Andrew G. Zoutewelle, PLS

Staff on Call:

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

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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

2. Consent Agenda – Chair

Chair Hoyle entertained a motion to approve the Consent Agenda. Mr. Care made a motion to approve the Consent Agenda as presented. Mr. Fairbanks seconded the motion. A vote was taken. The motion was unanimously approved.

Mr. Goel made a motion to adjourn. Mr. Fairbanks seconded the motion. The Board adjourned at 9:03 a.m. The Board is next scheduled to meet on March 15, 2023.

Respectfully submitted,



Brenda L. Moore, PE
Secretary

Approved by the Board in Session

Date: March 15, 2023

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 6, 2023

Raleigh, North Carolina

Board Chair, Dennis K. Hoyle, gaveled the North Carolina Board of Examiners into session at 9:00 a.m. on Monday, February 6, 2023, to conduct a special meeting of the Board. Chair Hoyle conducted a roll call for attendance of the Board Members. Attendance was as follows:

Board Members on Teleconference Call:

Dennis K. Hoyle, PE, PLS, Chair
Cedric D. Fairbanks, PhD, PE, Vice-Chair
John M. Logsdon, PLS
Jonathan S. Care, Public
Andrew G. Zoutewelle, PLS
Toynia E. S. Gibbs, PLS

Absent:

Brenda L. Moore, PE, Secretary
Carol W. Salloum, Public
Vinod K. Goel, PhD, PE

correction
- Present

Staff on Call:

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

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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

2. Special Agenda Item - Chair

Chair Hoyle informed the Board that the meeting was being held to recommend a nominee for NCEES office and opened the floor for nominations. Mr. Care made a motion to nominate Andrew Zoutewelle, PLS, to run for the position of President-Elect of NCEES. Mr. Fairbanks seconded the motion. A vote was taken. The motion was unanimously approved.

Mr. Zoutewelle made a motion to adjourn. Ms. Gibbs seconded the motion. The Board adjourned at 9:06 a.m. The Board is next scheduled to meet on February 15, 2023.

Respectfully submitted,



Brenda L. Moore, PE
Secretary

Approved by the Board in Session

Date: March 15, 2023

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 25, 2023

Raleigh, North Carolina

Board Chair, Dennis K. Hoyle, gaveled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, January 25, 2023, to conduct the hearing in the matters of L. Scott Baggie and Progressive Land Development Consultants, PLLC (Case Nos. V2021-058 and V2021-059). Attendance was as follows:

Present:

Dennis K. Hoyle, PE, PLS, Chair
Cedric D. Fairbanks, PhD, PE, Vice-Chair
Jonathan S. Care, Public
Andrew G. Zoutewelle, PLS
Vinod K. Goel, PhD, PE
Toynia E. S. Gibbs, PLS

Recused:

John M. Logsdon, PLS
Brenda L. Moore, PE, Secretary
Carol W. Salloum, Public

Prosecuting Counsel:

Advisory Counsel to the Board:

Attorney for Respondent

Executive Director:

Board Counsel:

Assistant Executive Director:

Board Investigator:

Court Reporter:

Patricia P. Shields \ Hedrick Gardner Kincheloe & Garofalo LLP

Douglas W. Hanna \ Graebe Hanna & Sullivan, PLLC

Jeffrey P. Gray

Andrew L. Ritter

David S. Tuttle

David J. Evans

William P. Casey

Carol M. Smith, CVR and Brad Worley

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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

2. Hearing – L. Scott Baggie, PLS (V2021-058) and Progressive Land Development Consultants, PLLC (V2021-059)

A disciplinary hearing was held for L. Scott Baggie, PLS. When the hearing concluded the Board then deliberated on the matter with a decision to be rendered and issued at a later date.

Chair Hoyle gaveled the meeting back into session on January 25, 2023 at 8:12 p.m. to reconvene its regular order of business for the Board. Board attendance was as follows:

Present:

Dennis K. Hoyle, PE, PLS, Chair
Cedric D. Fairbanks, PhD, PE, Vice-Chair
Jonathan S. Care, Public
Andrew G. Zoutewelle, PLS
Vinod K. Goel, PhD, PE
Toynia E. S. Gibbs, PLS
John M. Logsdon, PLS

Absent:

Carol W. Salloum, Public
Brenda Moore, PE

3. Consent Agenda – Executive Director

The ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER was, again, read by Chair Hoyle for the benefit of any Board members who were not present during the reading prior to the hearing. The Chair asked if any member of the Board had any known conflict of interest or appearance of conflict with

respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

A motion to approve the consent agenda as presented was made and seconded. The Board voted. The consent agenda was unanimously approved by all present at the time of the vote.

Mr. Logsdon was not present for the vote.

The consent agenda included: Comity, Initial Licensure, and PE Reinstatement; Firm Applications for 11 Professional Corporations, 16 Professional Limited Liability Companies, 1 Chapter 87 Corporation, 2 Name Change Requests, 5 Requests to Use Individual's Name in Company Title, and 1 Request for use of d/b/a; a Request for Board Authorized Case Opening; CPC Committee Consent Agenda; Retired Status Requests; and Settlement Conference Committees.

The Board adjourned at 8:22 p.m. The Board is next scheduled to meet on February 15, 2023.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Brenda L. Moore". The signature is fluid and cursive, with the first name "Brenda" and last name "Moore" clearly distinguishable.

Brenda L. Moore, PE
Secretary

Approved by the Board in Session

Date: June 14, 2023