

The Board Chair, Cedric D. Fairbanks, called the meeting of the North Carolina Board of Examiners for Engineers and Surveyors to order at 9:01 a.m. on Wednesday, December 11, 2024, to conduct its regular order of business for the Board. Board attendance was as follows:

Present:

Cedric D. Fairbanks, PhD, PE, Chair
Brenda L. Moore, PE, Vice-Chair
Vinod K. Goel, PhD, PE, Secretary (Via Video)
Dennis K. Hoyle, PE, PLS
Carol W. Salloum, Public
Toynia E. S. Gibbs, PLS
Timothy E. Bowes, PLS
Jonathan S. Care, Public
John M. Logsdon, PLS

Guest:

Sherri L. Barron, NCSS

1. Ethics Awareness and Conflict of Interest Reminder – Chair

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 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 Fairbanks entertained a motion to approve the consent agenda. Mr. Care made a motion to approve the consent agenda. Ms. Gibbs seconded the motion. Following a vote, the motion to approve the consent agenda was unanimously approved.

The consent agenda included: a request for Board Authorized Case Openings; Comity, Initial Licensure, and PE Reinstatements, Firm Applications for 3 Professional Corporations, 17 Professional Limited Liability Companies, one Business Firm, one Name Change Request, one Request to be Resident for Multiple Companies, and one Summary of d/b/a; Retired Status Requests; Review Committee Agenda; and Settlement Conference Committee Agenda.

3. Election of Board Officers – 2024 – Board Chair

Chair Fairbanks opened the floor for nominations.

Mr. Logsdon nominated Ms. Moore for Chair. Ms. Gibbs seconded the nomination. There being no further nominations, Chair Fairbanks declared nominations for Chair closed.

Ms. Salloum nominated Mr. Goel for Vice Chair. Ms. Moore seconded the nomination. There being no further nominations for Vice Chair, Chair Fairbanks declared the nominations for Vice Chair closed.

Ms. Moore nominated Ms. Gibbs for Secretary. Mr. Hoyle seconded the nomination. Ms. Salloum expressed her desire to be considered for the position thereby nominating herself for Secretary. Mr. Fairbanks seconded Ms. Salloum's nomination. There being no further nominations for Secretary, Chair Fairbanks closed the nominations.

Chair Fairbanks sought confirmation of acceptance of nomination by Ms. Moore for Chair and Mr. Goel for Vice Chair. They each responded in the affirmative.

Mr. Logsdon made a motion to elect Ms. Moore and Mr. Goel as Chair and Vice Chair, respectively. Ms. Salloum seconded the motion. A vote was taken, and Ms. Moore and Mr. Goel were elected unanimously by acclamation.

Following the election of Chair and Vice Chair, Ms. Salloum and Ms. Gibbs left the meeting for members to consider the two options for the role of Secretary/Treasurer. Members spoke in support of each candidate. Mr. Logsdon, noting that he was entering his final year with the Board, abstained from participating in the discussion. Mr. Care spoke on the significance of being one of the two public members in the Board's history to be elected to official roles. He mentioned that the roles were historically limited to the technical members of the Board and questioned whether the Board should consider a formal position on non-technical members serving as officers. Discussion ensued. Ms. Salloum and Ms. Gibbs returned to the meeting.

Mr. Goel experienced technical issues and left the meeting at 9:17 a.m. Mr. Goel is observed to again be in remote attendance at the meeting during the discussion. His input was sought; however, technical difficulties limited his participation before losing connection for the duration of the meeting.

Chair Fairbanks called for a vote. All members in physical attendance were given a ballot to memorialize their vote. The ballots were collected and passed to Chair Fairbanks who tallied and announced the votes. Chair Fairbanks confirmed three votes for Ms. Salloum and five votes for Ms. Gibbs. Ms. Gibbs was confirmed as Secretary/Treasurer. Ms. Salloum congratulated Ms. Gibbs.

4. Committee Reports – Committee Chairs

Engineering Committee – Mr. Hoyle

Mr. Hoyle reported that the committee met on December 9, 2024, via a video conference and discussed the following matters:

New Business

1. School Bus Stop-Arm Cameras – The Board received a request that it decide whether the design and operations of bus stop-arm camera systems require the certification of a Professional Engineer. It was noted that an individual joined the committee meeting regarding this topic and the individual will contact Mr. Evans or Mr. Tripp if there are additional questions. Following a lengthy discussion, the committee determined that more information was needed. Ms. Moore will contact NCDOT to determine if they are party to the operation or evaluation of the systems or if they are aware of who to in that regard. Pending additional information.
2. CMTE, Inc. – The firm is seeking a non-objection letter from the Board. It was reported that following discussion, the committee approved the request. Discussion ensued. Mr. Tripp provided his input and clarification of the staff's position. Mr. Mazanek will issue the non-objection letter.
3. International Tooling & Engineering, LLC – The committee reviewed the request for the firm's non-objection. The committee declined to recommend that the Board issue a non-objection letter given the firm has "Engineering" in its name and the firm's website indicates the company provides engineering. Mr. Mazanek will provide a response advising the company that at this time the Board will not issue a non-objection letter. However, the letter will indicate the Board's willingness to review claims that they are not providing engineering in North Carolina. Matter pending company's response.
4. Typical Details – Daniel Knoch, inspector with the Town of Leland, asked the Committee to provide guidance on how they should evaluate a submission by an engineer using typical details not prepared by them. Mr. Hoyle explained the Board's historical position and reasoning. Discussion ensued. The committee's position is that required typical details are to be the responsibility of the engineer of record.

5. Certification of Electrical Plans – The committee reviewed a request from a City of Raleigh employee who questioned when commercial electrical plans need to be certified. Mr. Hoyle explained the need for the review of the electrical system and interconnectivity to the electrical grid. He stated that such a review must be prepared by an engineer. The response to the City of Raleigh will reflect this position.
6. ZefSci – The company has requested a letter of non-objection. The company reported that it uses an analytical instrument to repair analytic products using “reverse engineering.” Mr. Mazanek will advise the company that the Board is unable to provide a letter of non-objection without additional information which clearly shows the company is not providing engineering services in North Carolina. The matter is pending the company’s response.
7. Jeffery S. Munn, PLS of the City of Durham Question Regarding Easement Exhibits – Mr. Hoyle noted that the matter generated a lot of discussion for the committee and noted that the matter is also being considered by the surveying committee. Ms. Gibbs will address the matter during her report.
8. Landscape Architect using N.C. Gen. Stat. § 160D-111 to sign and seal plans that include civil site, grading, drainage, and utility (informational) – A question as to the appropriateness of a Landscape Architect signing and sealing civil site, grading, drainage and utility plans was submitted by an employee of the City of Mount Holly. Mr. Hoyle explained the focus of the matter and stated that the committee will recommend the requestor contact the Landscape Architecture Board to verify what its licensees are permitted to do; however, the response will make clear that the committee considers utility plans as engineering services which should not be provided by landscape architects. Discussion ensued. Mr. Tripp informed the Board that he was originally contacted regarding the matter, he gave a summary of significant events leading to this point. He noted that the landscape architect cited a statute recently enacted by the Legislature when responding to questions from the municipality. Mr. Tripp explained that the statute states that a plan reviewer cannot make an administrative decision or deny plans based on the scope of work of an architectural or engineering seal. Mr. Tripp noted that as he interprets the statute, when a plan reviewer receives plans from a licensed engineer that includes architectural work, or vice versa, that plan reviewer cannot deny the plans for that reason alone, but the reviewer can file a complaint with either board. Mr. Tripp further informed that Board that he communicated to the planner his concurrence with the actions taken because the landscape architect was performing engineering services. Mr. Tripp reiterated Mr. Hoyle’s recommendation that the more appropriate avenue would be for the planner to first contact the Landscape Architecture Board as a complaint filed with the Board would have resulted in a referral to the Landscape Architecture Board. Discussion ensued. Staff will request a copy of the plans in question.
9. Emanuele Sozzi Request for Professional License Recognition – Mr. Sozzi, who holds a PhD in chemical engineering and has a Professional Engineer’s license in the European Union, requests consideration for license recognition. Mr. Hoyle noted that North Carolina does not offer exemptions for the PE examination. Mr. Ritter explained that Mr. Sozzi sought to use the UK MOU path, to essentially skip the IEA and NCEES verification. The requestor will be informed that he is eligible for the PhD FE waiver, so he will be required to sit for the PE examination. Discussion ensued. Staff will communicate decision.
10. NCDOT Ferry Division Marine Engineering and Naval Architecture Questions – Mr. Hoyle explained that the division recently purchased a new ferry which was constructed out of state and will be Coast Guard approved before being put in use. However, the division questioned whether the engineers licensed in the state the vessel was built and who designed the vessel need to be licensed in North Carolina. Further to the question; what if after the vessel is approved by the Coast Guard and put in use for some time, the DOT decides that some modifications are needed to the vessel and the vessel is still located in North Carolina; does the engineer who provides those modifications need to be licensed in North Carolina? Discussion ensued. Mr. Tripp explained the origins and context of the question reaching the Board. Further discussion ensued. Due to the complexity of the issue, Mr. Hoyle informed the Board the item would be moved to old business.

At 10:03 a.m. Chair Fairbanks initiated a ten-minute break. The meeting resumed at 10:16 a.m. to continue the regular order of business.

11. Review Ronald L. Horvath, PE Retired Application – This application has been presented to the committee for review since Mr. Horvath received a reprimand in 1989. The committee reviewed relevant details and recommended approval of the application.
12. Review Comity PE Application–Applicant had a felony conviction in 2009. The committee reviewed relevant details and recommended approval of the application.
13. Hurricane Helene Response Guidance – Patrick A Beville, PE asked the Board to provide guidance regarding a way to expedite replacing private bridges on private property in areas impacted by Hurricane Helene. The committee concluded that any licensed PE had a duty to perform the work properly according to Board rules and code. It was noted that any work done by an engineer was subject to complaints to the Board.
14. Paul C. Gilham, PE Retirement Request – The committee reviewed the retirement request of Paul C. Gilham, PE, who had received prior discipline from the Board. Mr. Ritter explained the uniqueness of Mr. Gilham’s circumstances and explained that the committee agreed to a modified approach. Mr. Gilham will be notified via email of his approval.

Surveying Committee – Ms. Gibbs

Ms. Gibbs reported that the committee met at Noon on December 10, 2024. She informed the Board that the committee met in person and guests were invited to the meeting. The committee discussed the following matters:

New Business

1. Site Planning Services – Ms. Gibbs asked for Mr. Tripp’s input regarding the question of who should be able to put together a site plan. Mr. Tripp explained that a response was provided to the requester in July and staff were to update the Board as an informational item at the September meeting; however, the committee did not meet in September. Mr. Tripp further stated that the requester was not satisfied with the response and contacted him directly. Mr. Tripp stated that following their discussion, he informed the requester that he would relay his dissatisfaction to the committee. Ms. Gibbs reiterated the committee’s response and noted that the committee’s stance and that of the Engineering Committee remained the same as determined in July and the matter closed.
2. Campsite Survey Court Ordered. – Doug Suttles sought Board Counsel Tripp’s direction regarding the need to survey and monument individually designated lots in a property distribution ordered by a court. The committee determined that while there was a need to survey the property and boundary lines, it was determined that whether the individual lots needed to be surveyed should remain a contractual issue to be resolved between the parties and was not within the purview of the committee to decide. Mr. Tripp will respond.
3. 4M Presentation – The matter was brought to the committee through Ms. Gibbs who was contacted by NCDOT. She explained that NCDOT had questions regarding 4M, a company domiciled in Israel which collects and compiles subsurface utility data collected from various platforms to generate a map for a particular jobsite or location. NCDOT’s concern is related to the company asserting that their product can be used for design purposes or to replace actually performing a survey. The committee reviewed the company’s website. In particular, the committee found information contained in the FAQ section to be very misleading. On behalf of the committee, Ms. Gibbs moved that the Board approve the opening of a case to determine whether the services the company is offering meets the definition of surveying as described in 89C. Chair Fairbanks called for a vote. The motion to open an investigation carried unanimously.
4. Existing Survey Credit – A surveyor questioned how to properly credit a boundary plat provided by a surveyor when an engineer submits plans. Specifically, he wanted to know if the plat needs to be included in the final plans or is it acceptable to simply include a CD with the plat information along with the plan submission. Ms. Gibbs sought input from Mr. Bowes who is more experienced with plan development. Mr. Bowes explained acceptable practices used by engineers when submitting plans. Board Rule .0701(d) and (b) were referenced. Discussion ensued. Mr. Tripp will inform the requestor that either method is appropriate so long as proper credit is given to the individual whose work is being referenced.

5. Improper Tie Down – A surveyor reached out to Mr. Tripp with concerns about a survey he encountered which had a tie to a nail it appears he set although an NCGS monument was within 2,000 feet. Discussion ensued. Board Rule .1602 and GS 47-30(f)(9) were referenced. It was determined that the surveyor tied to the grid but failed to fully comply with Board Rules or related statute. Advancements in technology may require changes to the Board rules and/or statute. Mr. Tripp will draft a response to circulate among the committee members. A final determination on the matter is pending.
6. Jeffrey S. Munn, PLS of the City of Durham – Question Regarding Easement Exhibits – Ms. Gibbs stated that the committee discussed the exhibit and agreed that if there is an exhibit which creates an easement or is used for an authoritative purpose a surveyor needs to be involved and cannot disclaim his or her responsibilities by labeling a survey as an exhibit rather than calling it a survey. Mr. Tripp will prepare a draft and circulate it among committee members for input and finalization prior to sending.
7. Labeling Question – Question to Mr. Tripp from a surveyor who had surveyed a piece of property and labeled a road in a manner that caused objection by the adjoining property owner and his attorney. The committee acknowledged that it was the responsibility of the surveyor to include the road in the survey. However, the committee felt that the surveyor can label attributes as he finds them but may want to resist labelling items in a way that could be seen as speculative. Mr. Tripp will formulate a response.
8. Zoutewelle Question – The committee received a question regarding a boundary survey he performed which showed an overlap. The question is if the client’s attorney agreed that the line should be cleared up to remove the overlap, can the surveyor then create the map to eliminate confusion. Discussion ensued. The committee determined that the matter should be resolved by going through the proper channels to get a property line agreement recorded or each property owner should enlist the services of an attorney. Mr. Ritter and Mr. Mazanek will respond.
9. Contact for NCDOT Communications Issue – Mr. Ritter received a request from a newly licensed surveyor who was having trouble getting a response from NCDOT regarding some records. He wanted the Board to contact NCDOT and solicit a response. A response will be prepared to direct the surveyor to resources as the Board does not get involved in such matters.

Old Business

1. Rule Review per G.S. 150B-19.1(b) – Proposed Statute Changes – Mr. Tripp presented suggested changes to Board Rule .0602. He explained that the nature of the changes was stylistic, organizational, or changes needed to align with current Board practices. He also noted that changes to .0602 were to align more closely with changes previously approved to .0502. Ms. Gibbs made a motion to start the rules review process with the Rules Review Commission to publish a notice of text and begin receiving public comment. A vote was taken, and the motion was unanimously approved.
2. Minimum Requirements for an Airborne Survey – Ms. Gibbs explained that the topic was initially entertained by then committee members in 2020 and is being revisited. Noting that the committee is taking the start-from-scratch approach, Ms. Gibbs informed the Board that the committee invited Seth Swain, Remote Sensing Director, of WithersRavenel, and Ryan Swinley, Geospatial Business Unit Executive, at ESP to participate in discussions on the topic of airborne surveys. Both participated remotely and elaborated on their procedures and understanding while offering suggestions for the direction of the committee and differences and commonalities between FGDC and ASPRS. Rule .1606 was referenced. It was concluded that language needed to be included in Board Rules. The committee has established a general direction and will continue to research how to proceed. Mr. Bowes explained that current rules need to be updated to align with current technology. Discussion ensued.
3. GICC Work Group – Committee Information – This topic is pending input.
4. Exam Questions for Review – The committee met on November 6, 2024, and reviewed exam questions submitted by licensed surveys for PDH credit. The committee also reviewed five of six possible questions for inclusion in rotation for the new PLS exam. Four questions were approved, two of which were hydro related.

Electronic Certification Ad Hoc Committee – Ms. Moore

Ms. Moore informed the Board that the committee met on November 12, 2024, at 1:00 p.m. The meeting was conducted by Zoom and the following items were discussed.

1. Recap Ad Hoc Committee’s Planning Session presentation – Ms. Moore stated that feedback from October’s planning session was discussed, and Ms. Moore noted that she shared the presentation presented at the planning session with committee members. The location of the presentation was provided to the Board.
2. Future Stakeholder Engagement – Ms. Moore explained that the committee discussed future stakeholder engagement strategies and determined the meeting schedule for 2025. The committee plans for three or four meetings and a report out at the 2025 planning session. The committee anticipates concluding the mission of the committee with its report at the 2025 planning session.
3. Review Board Rule 21 NCAC 56 .1103 – Ms. Moore informed members that Mr. Tripp provided an overview of the draft changes. Committee members offered suggestions, and it was determined that input from the Engineering Committee would be beneficial. To allow for further review and discussion, finalization of the changes is delayed until 2025.

5. NCEES Activities – Executive Director

Mr. Ritter reported that the Board Members and Board staff assigned to committees are currently engaging in meetings and he will update the Board of relevant outcomes in January and March. Mr. Ritter reminded the Board of the upcoming Southern Zone Meeting in April. He noted that volunteers for the funded delegate travel will be solicited in January.

6. Board Secretary Report – Executive Director

Mr. Ritter noted that in anticipation of Mr. Goel’s planned absence from today’s meeting, Ms. Moore was looped into discussions as a member of the Finance Committee and, along with him, could answer questions should any questions arise during the report. Mr. Ritter noted that both Mr. Goel and Ms. Moore have seen everything he is reporting on at the meeting. Mr. Ritter stated that Ms. Scarborough, who was present, did an excellent job preparing the final monthly report for the year and expressed his gratitude for her extra effort to finalize the report with a shorter than usual window between the end of the fiscal year and the next Board Meeting. Mr. Ritter reported that the final monthly report for fiscal year 2024 reflected a combination of staff efforts to secure engineering and firm renewals, and investment strategies. He noted that all but one item fell within budgetary expectations. Legal expenditure was a large expense which prevented what would have been a positive revenue variance. Overall, the report reflected a strong year for the Board. Discussion ensued.

Mr. Ritter provided information related to proposals by BRC, CLA, and Glidewell – all seeking to become the Board’s Auditor. He shared the staff’s considerations and the staff recommendation to select Glidewell as the auditor. He asked for a motion to approve Glidewell as the Board’s new auditor. Mr. Bowes made a motion to approve Glidewell as the Board’s new auditor. Ms. Gibbs seconded the motion. Chair Fairbanks opened the matter for discussion. Hearing none, a vote was taken, and the motion was unanimously approved.

Mr. Ritter moved on to the budget portion of the report. He explained that although the new fiscal year begins on December 1, the request for budgetary approval is typically done at the December Board Meeting. He further explained that he tasked Ms. Scarborough with preparing the budget for 2024 and again for 2025. He found her approach to follow his own conservative budgetary strategy and follows historical trends. Mr. Ritter stated that following his review, he presented the budget to Ms. Moore and Mr. Goel, who recommended moving this budget forward for adoption. Chair Fairbanks solicited questions. Ms. Salloum asked that all the previous years be listed on one page. Mr. Ritter confirmed that the requested change would be completed. Chair Fairbanks questioned the availability of training funds for staff and was assured that all staff have the opportunity for annual training. Mr. Ritter explained the method for increasing funding after budget approval if additional funding is needed for training during the year.

Mr. Care left the meeting at 11:38 a.m. and was not present for the vote.

Chair Fairbanks called for a motion. Ms. Gibbs moved to approve the budget as presented. Mr. Logsdon seconded the motion. A vote was taken and all present voted to approve the budget.

Mr. Care returned to the meeting at 11:41 a.m.

Mr. Ritter explained the concept and use of restricted funds. He advised that the Board has two line items that qualify as restricted funds items; legal fees/legal expenses and capital improvements. Mr. Ritter informed the Board of staff recommendation to increase the legal fees/legal expenses from \$150,000 to \$500,000. Discussion ensued. Ms. Salloum made a motion to increase the legal fees/legal expenses restricted fund item from \$150,000 to \$500,000. Ms. Gibbs seconded the motion. Chair Fairbanks called for a vote. All voted to approve the motion. The motion was unanimously approved.

Chair Fairbanks called for a break for lunch at 11:57 a.m. The Board returned from lunch at 12:40 p.m. to continue the regular order of business.

7. Board Counsel Report – Board Counsel

Mr. Tripp updated the Board regarding the status and recent activities surrounding the Drone case. He expressed his satisfaction with the excellent legal team working on the Board's behalf. The Supreme Court was set to review the Petition on Friday, January 10th. A decision as to whether the justices will grant or deny the petition to be heard is expected by Monday, January 13, 2025.

Mr. Tripp explained the settlement conference scheduling chart. He noted that four of the six pending settlement conferences have been scheduled. He further explained that the chart's format was changed to only include settlement conference data from those that had closed since the previous Board meeting and those pending. If acceptable, this format will be used going forward. Mr. Care requested that in addition to the current "average" data listed at the top, he would like the annual averages beginning with the 2023 data. Mr. Tripp agreed to the change moving forward.

Chair Fairbanks moved that we enter into closed session pursuant to North Carolina General Statute Section 143-318.11(a)(3), Section 143-318.18 subsection (6), and Section 89C-10 subsection (f) in order to consult with Board counsel to discuss the settlement of a disciplinary action between the Board and Charles R. Farwell, Jr. and have all staff present. Mr. Care seconded the motion. A vote was taken, and the Board entered into closed session at 12:48 p.m.

The Board returned from closed session at 1:00 p.m.

Chair Fairbanks reported that during closed session, the Board approved by a vote of 8/0 to approve entering into a consent order in which Charles R. Farwell, Jr. agreed to voluntarily and permanently surrender his license to practice engineering in North Carolina.

8. Violations Activities – Assistant Executive Director

Mr. Evans presented the Violations Report for 2024 and explained that the Board opened 148 cases during fiscal year 2024 which he stated is the third highest number of cases opened in a single year since 1998. Mr. Evans noted that cases related to non-licensed individuals were on the uptick in 2023, but 2024 data align more with historical norms. He provided data on respondents with prior violations and data on the source of the cases. He provided details of the actions taken for each of the 160 cases closed, provided information regarding the stage of completion of the 109 cases open as of December 11, 2024, noting a significant increase in the number of actions taken by the Board in 2024. He provided data showing the stage of completion of the 109 open cases.

Mr. Evans provided a final report regarding the 2024 Board Programs. He expressed his satisfaction with the Board's outreach program and finds it to be at its highest level. Mr. Ritter shared Mr. Evan's sentiment and

expressed his appreciation for Mr. Evans' efforts and the efforts of all the facilitators. Mr. Ritter stated that the tremendous reach of the outreach program was an unanticipated consequence of the mandatory ethics course. Discussion ensued. Mr. Logsdon sought to revisit the question of whether the investigations department has adequate staffing. Mr. Evans noted that in addition to the case traffic generated from the mandatory ethics course he also believes that the removal of the requirement that complaints be notarized has also contributed to the increase in the number of cases. Seeing these factors continuing, he noted that he was not opposed to considering an additional staff member. Ms. Moore asked to be updated in May or July. Mr. Ritter stated that he would thoroughly investigate the need for additional staffing. The matter is pending.

9. Old Business – Executive Director

Mr. Ritter reported on the UNCW Coastal Engineering Advisory Board. He explained that UNCW will be asking for its ABET visit. Coastal Engineering is considering requiring all students to take the FE and FS exam. The school is uniquely situated for growth and the main contact is a PE. The school is getting calls from all over the world regarding its cyber security engineering program.

Mr. Ritter presented the 2024 Goals and Objectives chart. Discussion ensued.

10. New Business – Executive Director and Board Counsel

Mr. Ritter showed a slide which highlighted the fact that the Board has reached over 40,000 licensees. Mr. Ritter explained that when he first came to the Board in 1993, the Board was the 29th largest engineering population state in the country. We are now number eight. Further, regarding land surveying, we were customarily between three and five and we are now at four.

Mr. Ritter noted that at day ten of the renewal cycle approximately 33% of the licensed engineers had already renewed and approximately 25% of surveys have already been renewed. He stated that Stephanie Bryant was doing a fantastic job with renewals.

Mr. Ritter informed the Board of a case that needed to be opened that could not be on the consent agenda. He asked Mr. Care to recuse from participation. Mr. Evans read the charges. Ms. Moore made a motion to open a case. Ms. Gibbs seconded the motion. The motion passed by a vote of 8/0. Mr. Care recused himself and did not participate.

Mr. Ritter checked with Chair-Elect Moore regarding committee assignments. Ms. Moore stated that she was not ready to proceed. Mr. Ritter stated that those assignments would be scheduled for the January Board meeting.

Mr. Care moved that the Board go into closed session to discuss a personnel matter. Ms. Gibbs seconded the motion. The Board went into closed session at 1:35p.m. Upon returning from closed session, the Board immediately adjourned.

11. Informational Item – Executive Director

None

The Board adjourned at 2:30 p.m. and is next scheduled to meet on January 29, 2025.

Respectfully submitted



Toynia E. S. Gibbs, PLS
Secretary

Approved by the Board in Session

Date: March 19, 2025

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

November 13, 2024

Raleigh, North Carolina

The Board Chair, Cedric D. Fairbanks, called the meeting to order. Chair Fairbanks gavelled the meeting of the North Carolina Board of Examiners for Engineers and Surveyors into session at 9:01 a.m. on Wednesday, November 13, 2024, to conduct the regular order of business. Attendance was confirmed as follows:

Board Members on Teleconference Call:

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

Absent:

Staff on Call:

Andrew L. Ritter, Executive Director
S. Wesley Tripp III, Board Counsel
Cora Houston, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Chair

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 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 conflicts were identified.

Chair Fairbanks directed the meeting to the public hearing.

2. Public Hearing – Proposed Permanent Rules – Chair

Chair Fairbanks stated that the Board of Examiners for Engineers and Surveyors intends to amend the Rules cited as 21 NCAC 56 .0502, .0901, and .0902. He further informed the Board that the proposed permanent rules are published on the Office of Administrative Hearings' website and the Board's website. He noted that the proposed effective date for the amendments is February 1, 2025, and explained that the Board is conducting the public hearing to allow, in addition to the required public comment period, an opportunity for attendees to comment on the proposed amendments. Chair Fairbanks asked that all attendees identify themselves, provide contact information, and he requested that attendees also provide their comments in writing to assure that the comments are correctly captured for the Board to be able to respond. Chair Fairbanks provided the name, address, and Email address for the Board Counsel. He advised that the comment period will end December 16, 2024.

Chair Fairbanks opened the hearing for public comment. Hearing none; Chair Fairbanks closed the hearing.

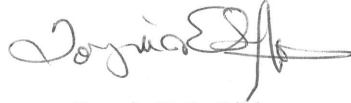
3. Consent Agenda – Chair

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. Chair Fairbanks confirmed the vote. No nays were heard. The motion to approve the Consent Agenda was unanimously approved.

The Consent Agenda included: Comity, Initial Licensure, and PE Reinstatements; Firm Applications for 5 Professional Corporations, 13 Professional Limited Liability Companies, one Chapter 87 Corporation, two Name Change Requests, and one Request to Use Individual's Name in Company Title, Requests for Retired Status; and Review Committee Agenda.

Ms. Salloum made a motion to adjourn. Mr. Bowes seconded the motion. Chair Fairbanks adjourned the meeting at 9:05 a.m. The Board is next scheduled to meet on December 11, 2024.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Toynia E. S. Gibbs", with a long horizontal flourish extending to the right.

Toynia E. S. Gibbs
Secretary

Approved by the Board in Session

Date: January 29, 2025

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 16 - 17, 2024

Winston Salem, North Carolina

The Board's Vice Chair, Brenda Moore, called the meeting of the North Carolina Board of Examiners for Engineers and Surveyors to order at 1:00 p.m. on Wednesday, October 16, 2024, to conduct its regular order of business for the Board. Board attendance was as follows:

Present:

Brenda L. Moore, PE, Vice Chair
Vinod K. Goel, PhD, PE, Secretary
Dennis K. Hoyle, PE, PLS
Carol W. Salloum, Public
Toynia E. S. Gibbs, PLS
Timothy E. Bowes, PLS
John M. Logsdon, PLS
Jonathan S. Care, Public

Absent:

Cedric D. Fairbanks, PhD, PE, Chair

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Vice Chair Moore 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 identified.

Vice Chair Moore informed the members of the unexpected need for her to fill in for Chair Fairbanks, invited members to share their ideas during the meeting, and announced that the election portion of the meeting would be held during the December meeting.

2. Consent Agenda – Vice Chair

Vice Chair Moore entertained a motion to approve the consent agenda. Mr. Care made a motion to approve the consent agenda. Mr. Bowes seconded the motion. A vote was taken, and the motion was approved by a vote of eight to zero.

The consent agenda included: a request for a Board Authorized Case Opening; Comity, Initial Licensure, and PE Reinstatements; Firm Applications for 7 Professional Corporations, 22 Professional Limited Liability Companies, two Business Firms, two Name Change Requests, and two d/b/a Requests; Minutes, Retired Status Requests; Review Committee Agenda; and Settlement Conference Committee Agenda.

3. Board Secretary Report – Secretary and Executive Director

Mr. Goel asked Mr. Ritter to present the report. Mr. Ritter explained the budgetary impact of legal expenses, engineering renewal income, and the increase in the number of individuals seeking to sit for the surveyor examination. Discussion ensued. Vice Chair Moore noted a correction needed to one of the exhibits. Mr. Ritter stated that he would make the correction. Vice Chair Moore directed the Board's attention to Item 5., Old Business.

4. Closed Session – Vice Chair

At 3:02 p.m., Vice Chair Moore moved to enter into closed session pursuant to N.C. Gen. Stat. §§ 142-318.11(a)(3), 143-318.18(6), and 89C-10(f), in order to consult with Board Counsel to discuss the settlement of a disciplinary action between the Board and Atef A. Takla.

The Board returned to open session at 3:17 p.m. and Vice Chair Moore stated that the Board, by vote of eight to zero, approved entering into a consent order in which Atef A. Takla agreed to voluntarily and permanently surrender his license to practice engineering in North Carolina.

Vice Chair Moore directed the Board's attention to Planning Session topic 6 a), Resident Engineer/Surveyor – Remote Presence.

5. Old Business – Executive Director

Mr. Ritter informed the Board that letters in support of the reappointments of Mr. Care and Chair Fairbanks had been sent out.

Mr. Ritter requested that staff be allowed discretion to delay cases which were pending prior to Hurricane Helene. Discussion ensued. The Board agreed to reasonable discretion. Vice Chair Moore sought clarification and noted that the limited delays should be specifically limited to the western region cases.

Mr. Ritter discussed the topic of the Board's goal of nominating an Emeritus Board member for NCEES recognition. He explained the limitations and suggested renewing efforts in 2026 since current disqualifying factors will not be an issue.

At 1:15 p.m. Board Counsel, Wes Tripp, joined the meeting to address specific items on the agenda.

6. Planning Session – Vice Chair Moore

- a.) Rules Frequency – Mr. Ritter introduced the topic and gave Mr. Tripp the floor. Mr. Tripp explained various factors he considered as he explored providing the Board with a frequency expectation. He noted that some cleanup efforts, due to statutory and other factors, will require a period of greater work as the needs arise. He further explained that he expects to eventually move to a more predictable and scheduled approach. Discussion ensued and consensus was reached to allow Mr. Tripp to move forward with rulemaking on an as needed basis. Members discussed options to ensure licensees are aware of changes to the Rules as soon as possible. Strategies will include the use of the Board's communications software and communication channels between the Board and the three societies.
- b.) Draft Rules/Law Language Review – Board Counsel – Mr. Tripp noted that most changes to rules and laws are initiated via committee which aides in the process.
- c.) Resident Engineer/Surveyor – Remote Presence – Mr. Goel discussed Rule .0901 noting advances in the ability to perform work remotely. Discussion ensued. Mr. Ritter shared his view that the issue was one of responsible charge. Mr. Care presented a scenario whereby the Board's overarching directive for protecting the public could be made more difficult without careful consideration of certain changes. Mr. Ritter noted that, for staff, the availability of a resident professional is a mechanism for having a named point of contact in the event there is a need. After further discussion, Vice Chair Moore expressed the need to have a clear distinction between the terms "resident professional" and "responsible charge." The topic will be discussed at future meetings.
- d.) Review of format for Board and Committee Meetings – Executive Director
 - i. Presenting Final Orders – Board Consent vs Regular Agenda – Board Counsel – Mr. Ritter opened the topic for discussion. Mr. Logsdon expressed his views regarding the need for certain Review Committee items to be put before the Board for a vote. It was noted that current actions, although on the Consent Agenda, may need to be presented in a manner which allows for discussion, determination, and vote. Further discussion ensued. It was determined that Review Committee items that do not result in Board approval will go to hearing. Mr. Hoyle explained the significance of the participation of the Executive Director and the Board Counsel as voting members of a settlement conference and Ms. Salloum noted that consensus was usually reached by the settlement conference members. Mr. Tripp reiterated the use of the closed session option. Following further discussion, the matter was tabled and slated to be revisited at the December Board meeting.
 - ii. Mr. Ritter explained that he had questions and recommendations regarding the calendar and suggestions for changes to Board and Committee meeting formats. Mr. Ritter informed the Board of certain changes he thought would be beneficial. Ms. Moore asked her fellow Board members for

their views. Discussion ensued. Mr. Ritter will add conference calls back to the calendar with latitude for the Chair to cancel. The September meeting will have the option of being in person or being converted to a hybrid format of meeting and committee meeting. Monday meetings by Zoom were confirmed. Vice Chair Moore wanted to delay decision on some topics to have the input of the full Board.

Vice Chair Moore entertained a motion to adjourn the meeting. Mr. Goel made a motion to adjourn. Ms. Gibbs seconded the motion. A vote was taken and the motion to adjourn was unanimously approved. The meeting adjourned at 5:03 p.m. The meeting was scheduled to reconvene at 8:00 a.m., October 17, 2024.

Vice-Chair Moore called the meeting back to order at 8:10 a.m. on October 17, 2024. She directed the Board's attention to item 6 e).

- e.) Artificial Intelligence (AI/Electronic Signature/Seal) – Board Discussion – Vice-Chair Moore introduced the topic and discussed how the topic relates to electronic certification and BIM. Discussion ensued. Various solutions and pitfalls were discussed. The Board seeks to develop clear guidance that can be referred to in disciplinary cases. Mr. Tripp suggested changes to Rule .1103. Further discussion ensued. The matter is set for continued discussion at the December Board meeting. Vice-Chair Moore guided the discussion back to the topic of AI and gave Mr. Ritter the floor. Mr. Ritter presented an article written by former Board Member, Mike Benton, then Chair of the Board. Mr. Benton's article was titled "Unmanned Aircraft Systems – Old Dogs Learn New Trick." Mr. Ritter noted how the 2017 article is still relevant today. Vice-Chair Moore sought position language regarding means, methods, and mechanisms and noted that the level of responsibility attributable to the licensee needs to be established. Mr. Ritter suggested the possibility of bringing draft language for Board consideration at the December meeting.

Vice Chair Moore gave a presentation which disclosed the Electronic Certification and BIM Ad Hoc Committee meetings held, and provided the topics discussed during 2024. During the presentation she provided a list of future goals for the committee as she informed the Board that she saw the need for the Electronic Certification and BIM Ad Hoc Committee to continue for another year and noted that it would be beneficial to interface with the stakeholders at least once more. Staff are directed to reach out to city managers of certain municipalities to secure participation. She noted that the next Electronic Certification and BIM Ad Hoc Committee will be held November 12, 2024.

- f.) CPC – Mr. Goel was given the floor to give a presentation and discuss suggestions to the CPC process. Discussion ensued.

Vice-Chair Moore initiated a break at 9:14 a.m. The meeting resumed at 9:30 a.m. Mr. Goel resumed his presentation.

Mr. Care sought clarification as to whether the topic had been fully considered by the CPC Committee. Discussion ensued. Mr. Goel asked Vice-Chair Moore for her input regarding discussion of the topic. Vice-Chair Moore solicited input from Mr. Logsdon, the CPC Committee Chair. Further discussion ensued. Mr. Ritter stated that he would like the CPC Committee to determine if the current PDH and Ethics capture methods are sustainable long-term. It was agreed that the topic will be further discussed by the CPC committee for final reporting and consideration by the full Board.

- g.) Foundation Donations – Mr. Ritter introduced the topic of whether the Board can make contributions to certain special interest groups or specific foundations, including the NCEES Foundation. Statutory limitations and the possibility of changing those statutes were discussed. The topic is slated for further discussion as certain items require further clarification, and some items evoke concerns regarding priorities and accountability. Mr. Ritter will seek additional information and input from Chair Fairbanks.
- h.) University Outreach - Board Discussion – Options for outreach were discussed. Suggestions included a Meet the Board Night, a greater connection with the NCEES Ambassador Program, and the pros and cons of reestablishing certificate ceremonies. Currently, two meets and greets are planned for two universities and certificate ceremonies with NCSS are also planned. The use of the Board's communication software is suggested as a means for sending out a survey to gather information to be used to attract individuals in the early stages of their career selection. Vice Chair Moore suggested working with university professors

to promote licensure. Mr. Goel suggested including community college outreach and questioned the rate of success among individuals who utilize the community college system. The matter is scheduled for additional discussion and input from Chair Fairbanks.

At 2:47 p.m. Vice-Chair Moore recessed the meeting. The meeting was called back to order at 3:01 p.m. Vice Chair Moore directed the Board's attention to item 4 – Closed Session..

- i.) International Travel Discussion – Executive Director – Mr. Ritter reported on the trend that certain opportunities for advanced technical training and seminars are being held internationally. He explained that a strong justification would be required to clear audit for those seeking to travel internationally. Following discussion, Mr. Ritter will speak with other executive directors on the topic. Discussion ensued. Developing a travel policy based on cost and purpose rather than location was suggested by Mr. Logsdon. Vice-Chair Moore, crediting her perspective to her lengthy career in government service, stated that the purpose would need to show a clear benefit to the Board. Vice Chair Moore will initiate the process of establishing an Ad Hoc Committee on the topic.
- j.) NCBELS – Logo and Name Discussion – Mr. Goel was given the floor and he suggested the possibility of changing the name and logo for the Board. Discussion ensued regarding the pros and cons of rebranding efforts. Mr. Tripp advised that 89C specifies certain components of the Board seal while Board Rules govern the design. Staff to research and report findings to the Board as time permits.

7. Board Elections – Vice Chair

Postponed until December Board Meeting.

8. New Business – Executive Director

Mr. Ritter gave a brief update on efforts to move to a two-year renewal cycle. Mr. Ritter will seek additional information and report back.

Vice Chair Moore entertained a motion to adjourn. Mr. Bowes made a motion to adjourn. Ms. Gibbs seconded the motion. A vote was taken, and the motion was approved. The Board adjourned at 11:39 a.m. and is next scheduled to meet on November 13, 2024.

Respectfully submitted,



Toynia E. S. Gibbs, PLS
Secretary

Approved by the Board in Session

Date: January 29, 2025

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 11, 2024

Raleigh, North Carolina

The Board Chair, Cedric D. Fairbanks, requested a motion to call the meeting of the North Carolina Board of Examiners for Engineers and Surveyors to order. Mr. Goel made a motion to call the meeting to order. Ms. Gibbs seconded the motion. A vote was taken and the motion carried unanimously. Chair Fairbanks called the meeting to order at 9:01 a.m. on Wednesday, September 11, 2024, to conduct its regular order of business for the Board. Board attendance was as follows:

Present:

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

Absent:

John M. Logsdon, PLS
Jonathan S. Care, Public

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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 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.

Chair Fairbanks requested a moment of silence in remembrance of September 11th. A moment of silence was observed.

2. Consent Agenda - Chair

Chair Fairbanks entertained a motion to approve the consent agenda as is. Ms. Salloum made a motion to approve the consent agenda. Mr. Bowes seconded the motion. A vote was taken and the motion to approve the consent agenda was unanimously approved.

The consent agenda included: a request for a Board Authorized Case Opening; Comity, Initial Licensure, and PE Reinstatements; Firm Applications for 30 Professional Corporations, 46 Professional Limited Liability Companies, three Business Firms, two Chapter 87 Corporations, seven Name Change Requests, one Request to be Resident for Multiple Companies, and three Requests to Use Individual's Name in Company Title; Minutes, Retired Status Requests; Review Committee Agenda; and Settlement Conference Committee Agenda.

Mr. Ritter asked for time to update the Board regarding member attendance for the meeting and the effect on the meeting schedule for the day. Ms. Salloum requested that the Board consider options for acknowledging and showing support for members during personal challenges. Chair Fairbanks directed the Board's attention to the Engineering Committee.

3. Committee Reports – Committee Chairs

CPC Committee – Mr. Logsdon

No report given due to unforeseen circumstances.

Engineering Committee – Mr. Hoyle

Mr. Hoyle reported that the committee met on September 9, 2024, via a video conference and discussed the following matters:

New Business

1. Review BP-2303-1 - Subsurface On-Site Wastewater System Board Policy. Mr. Hoyle reported that changes to BP-2303-1 were approved by the committee. Mr. Hoyle brought forward a motion for the full Board to approve the updated policy. A vote was taken, and the updated policy was unanimously approved.
2. Ethical & professional issues related to incident response / deployment duties. It was reported that the Committee discussed the matter. G.S. 89C-19.1 was referenced. Mr. Tripp will provide written response noting the Board's cognizance of the situation but will advise that further direction is necessary. Such items will be evaluated on a case-by-case basis.
3. Review PE Application Re: Conviction - Matthew Gillaspay. Following careful review of the matter, the committee approved the application.
4. Construction Management and Engineer Licensing Question. It was determined by the committee that many of the various tasks specified under the construction manager position noted did not require an engineering license. Mr. Hoyle further advised that for any specific task that requires engineering, an engineer should be engaged.
5. Glamping Structures – Board members shared personal knowledge of the subject. Mr. Hoyle reported that the committee's opinion was structure driven with structures having a more permanent nature and a high occupancy possibility among other factors, then an engineer may be required. Building code review was suggested along with the determination to review on a case-by-case basis. Mr. Tripp to respond.
6. Review FE Waiver Request for Dr. Abimbola Ogungbire – Mr. Hoyle provided details of Dr. Ogunbire's education background and basis for his waiver request. After careful consideration, the committee's recommendation is to require the applicant to take the FE examination.
7. Review proposed changes to Board Rule .0502 – Mr. Hoyle noted that most of the changes to the rule were non-substantiative; however, section f, dealing with international applicants and corresponding countries needed input from the full Board. Section f will therefore be discussed at the October planning session. Ms. Salloum made a motion to propose the other changes to Rule .0502 to the Rules Review Commission. A vote was taken, and the motion carried unanimously. Mr. Tripp will move forward with the rule-making process.
8. 2024 North Carolina State Building Code (informational item) – The process for enacting changes to the building code was shared with the committee and the topic noted as an informational item.
9. Request for non-objection letter from Content Engineering – Mr. Hoyle noted that he elected to bring the matter to the full Board since consensus could not be reached in committee. Ms. Salloum requested more information. The full Board was allowed to view the presentation submitted. Discussion ensued. Mr. Hoyle requested input from Mr. Tripp. Mr. Tripp provided a historic prospective and gave the litmus test based on the IBM case, detailed the factors in the request, and advised that in his opinion, the services presented are not engineering. Further discussion ensued. Mr. Ritter noted the customary cautionary language which could be used and noted that the AI factor will be discussed at the planning session and is on NCEES' radar as well. Mr. Ritter noted his support for how Mr. Tripp handled the matter. Mr. Hoyle called for a vote to approve the non-objection letter. Mr. Goel abstained from participation. A vote was taken, and the motion was approved 6/0. Mr. Mazanek will issue the nonobjection letter with cautionary language.

Old Business

1. Rules Review per G.S. 150B-19.1(b) – Proposed Statute Changes. Mr. Hoyle reported that item (2) 21 NCAC 56.0902 (Business Titles) and item (6) 21 NCAC 56.0901 (Offices) would be removed from Old Business due to some additional rule changes.

2. Power System Simulations. Mr. Hoyle reported that this item had been pending receipt of additional information. Due to the amount of time elapsed since requested, the committee removed the item from Old Business until the requested information is received.
3. Site plans prepared by Professional Land Surveyors (Informational item). The committee noted that it had sent out its response and no further action was needed so the item is being removed from Old Business.

Mr. Hoyle concluded his report. Chair Fairbanks checked for ad hoc committee reports. None were noted. Chair Fairbanks directed the Board's attention to NCEES Activities.

4. NCEES Activities – Executive Director

Mr. Ritter gave a report regarding his and Chair Fairbanks' attendance at the signing ceremony for the Mutual Recognition Agreement between the United States (NCEES) and the United Kingdom (EC). Mr. Ritter noted that 26 licensing boards participated in the ceremony. Providing further details, Mr. Ritter noted that this would be the first time that the Board has entered into an agreement which the PE and FE exams will be waived. Mr. Ritter explained that future reciprocity agreements are moving towards more international opportunities. He explained the multifaceted system of applicant review which will take place before applicants come to the Board for licensing and the plan for all North Carolina applicants to come through NCEES. North Carolina will be used as a beta tester, but NCEES does not expect to have the system capabilities updated until December. Mr. Ritter noted the difficulty in guessing the number of IEA candidates who will apply. Discussion ensued. Chair Fairbanks shared his view and noted benefits to both the UK and the US. He provided his opinion on the topic and noted his enthusiasm for the future opportunities. Mr. Ritter advised the Board that the North Carolina statutes permit the state to enter into the Mutual Recognition Agreement and Board Rules do not prevent participation, but staff is now considering rule changes to further refine Board practices on the topic.

Mr. Ritter provided a summary of the motions and asked if there were any comments or questions. No comments or questions were noted.

Ms. Moore sought information regarding the topic of foundation support. Mr. Ritter tasked Mr. Tripp with review of the associated statute and Mr. Ritter will add the topic to the planning session agenda. Mr. Tripp located and read the statute. He advised that the statute as currently written did not permit such expenditures. Discussion ensued. He further informed the Board that a prior board had approved language to modify the statute to permit the Board to expend funds to nonprofit and professional societies dedicated to improving the professions of engineering and surveying. Mr. Ritter advised that he will take the prior approved language to the surveying society for review. Chair Fairbanks noted his concurrence.

At 9:59 a.m. Chair Fairbanks initiated a ten-minute break. The meeting resumed at 10:13 a.m. to continue the regular order of business.

5. Board Secretary Report – Board Secretary and Executive Director

Mr. Goel reported on a strong year for the Board. He noted the positive revenue variances and noted factors which affected expenses. Discussion ensued. Mr. Ritter answered building expenses-related questions. Mr. Goel noted that all items were within statistical norms and completed his report.

6. Violations Activities – Assistant Executive Director

Mr. Evans explained that the case load is currently ahead of the total number of cases for the past fiscal year and we are on track to have more cases this year than in any one year of the last 16 years. He explained factors that may be contributing to the increase. Mr. Evans presented the Violations Report for September 10, 2024. He reported that at the time he ran the report, the Board had opened 105 cases for FY-2024 and 96 cases were closed. He provided details of the actions taken for each of the 96 cases closed, provided information regarding the stage of completion of the 129 cases open as of September 3, 2024, and gave a highlight of the data related to the number of cases with licensees who have prior charges.

Mr. Evans provided updates regarding the 2024 Board Programs. Mr. Ritter noted the item will be included as a planning session topic list due to the volume. Mr. Hoyle noted his attendance at one of Mr. Evans' meetings and noted that Mr. Evans asked very thought-provoking questions. Discussion continued. Mr. Evans completed his report.

7. Rules and Legislative Update – Board Counsel

Mr. Tripp explained the nature of the changes to Rules .0901 and .0902. Ms. Salloum made a motion to approve these proposed Rules changes and start the process with the Rules Review Commission. Mr. Goel seconded the motion. Chair Fairbanks called for a vote. A vote was taken. The motion was unanimously approved.

Mr. Tripp introduced Rule .0902 and asked Mr. Mazanek to elaborate the requested changes. Mr. Mazanek gave the history of the modifications to the rule. He noted that the newly requested changes will allow him to approve certain requests that are not out of the ordinary. Mr. Tripp and Mr. Mazanek explained that the requested changes had received prior Board approval but were never finalized. Mr. Tripp requested a motion to approve the proposed changes to Rule .0902 and start the process with the Rules Review Commission. Mr. Goel made a motion to approve these proposed Rule changes and start the process with the Rules Review Commission. Mr. Bowes seconded the motion. Chair Fairbanks called for a vote. A vote was taken. The motion was unanimously approved.

Mr. Tripp provided an update regarding the Drone case and concluded his report.

8. Old Business – Executive Director

Mr. Ritter asked Chair Fairbanks to pass the gavel to Ms. Moore. Mr. Ritter noting that both Chair Fairbanks and Mr. Care have expressed their desire to be reappointed to the Board, sought Board approval to write letters of recommendation in support of Chair Fairbanks and Mr. Care for second terms. Mr. Goel made a motion for letters in support of the reappointments of Chair Fairbanks and Mr. Care. Ms. Gibbs seconded the motion. Ms. Moore called for a vote. The motion passed 6/0. Mr. Care and Mr. Logsdon were absent, and Chair Fairbanks abstained from participation. Ms. Moore returned the gavel to Chair Fairbanks.

Mr. Ritter noted that Ms. Moore had been requested by Ms. Ratcliff to participate in a tour of the Campbell University Engineering Department. Mr. Ritter asked Ms. Moore to provide a report. Ms. Moore advised that she was particularly impressed by the lab and classroom integration and the relationships between the students and faculty. She informed the Board that she is interested in developing an outreach template and would like the Board to consider a level of support for various colleges and universities regardless of the size. Ms. Moore will also participate in the Campbell University cord ceremony. Mr. Ritter explained the current levels of outreach. Discussion ensued.

Mr. Ritter reviewed the current list of planning session topics and provided logistical details for the upcoming planning session.

9. New Business – Executive Director and Board Counsel

Mr. Ritter explained that the upcoming newsletter will be a bit voluminous and reminded Board members who owe content to provide that content. Mr. Ritter noted that Chair Fairbanks will provide an article from the Chair.

Chair Fairbanks moved that we enter into closed session pursuant to North Carolina General Statute Section 143-318.11(a)(3), Section 143-318.18(6), and Section 89C-10(f) in order to consult with Board counsel to discuss the settlement of a disciplinary action against a licensee. Mr. Ritter, Mr. Evans, Mr. Mazanek, and Ms. Houston were invited to the closed session. Mr. Goel made a motion to go into closed session. Ms. Gibbs seconded the motion. A vote was taken, and the Board entered into closed session at 11:12 a.m.

Ms. Salloum made a motion that we enter into open session. Ms. Gibbs seconded the motion. A vote was taken, and unanimously approved. The Board returned to open session at 11:21 a.m.

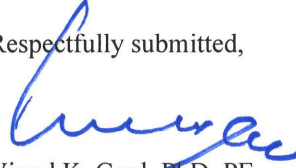
Chair Fairbanks announced that in closed session, the Board approved a consent order for the voluntary permanent surrender of the surveying license of Joseph R. Brochure by a vote of 8-0.

10. Informational Item – Executive Director

None

Chair Fairbanks entertained a motion to adjourn. Ms. Salloum made a motion to adjourn. Ms. Gibbs seconded the motion. A vote was taken, and the motion was unanimously approved. The Board adjourned at 11:22 a.m. and is next scheduled to meet on October 16 -17, 2024.

Respectfully submitted,



Vinod K. Goel, PhD, PE
Secretary

Approved by the Board in Session

Date: October 16 - 17, 2024

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 10, 2024

Raleigh, North Carolina

The Board Chair, Cedric D. Fairbanks, requested a motion to call the meeting of the North Carolina Board of Examiners for Engineers and Surveyors to order. Mr. Goel made a motion to call the meeting to order. Mr. Hoyle seconded the motion. A vote was taken and the motion carried unanimously. Chair Fairbanks called the meeting to order at 9:01 a.m. on Wednesday, July 10, 2024, to conduct its regular order of business for the Board. Board attendance was as follows:

Present:

Cedric D. Fairbanks, PhD, PE, Chair
Brenda L. Moore, PE, Vice-Chair
Vinod K. Goel, PhD, PE, Secretary
Dennis K. Hoyle, PE, PLS
Jonathan S. Care, Public
John M. Logsdon, PLS
Carol W. Salloum, Public (9:07 a.m.)
Toynia E. S. Gibbs, PLS
Timothy E. Bowes, PLS

Guests:

Sherri Barron

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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 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 Fairbanks entertained a motion to approve the consent agenda. Mr. Goel made a motion to accept the consent agenda. Ms. Gibbs seconded the motion. The Board voted. The consent agenda was approved 8/0. Ms. Salloum was not present for the vote.

The consent agenda included: a request for a Board Authorized Case Opening; Comity and Initial Licensure; Firm Applications for eight Professional Corporations, 16 Professional Limited Liability Companies, four Business Firms, three Name Change Requests, two Requests to Use Individual's Name in Company Title, and one Request for Use of d/b/a; Minutes, Retired Status Requests; Review Committee Agenda; and Settlement Conference Committee Agenda.

3. Committee Reports – Committee Chairs

CPC Committee – Mr. Logsdon

Mr. Logsdon informed the Board that the committee met on June 26, 2024, via video conference and discussed the following matters.

Old Business

Review CPC Rules and CPC Renewal – Mr. Logsdon reported that the committee continues to work to fine tune changes to the Rules in anticipation of approval of changes to the statutes. He noted that discussions are on target to present the final product to the Board by the end of the year. Topics of particular interest include ethics hour carryover, PDH carryover plans, and audit procedures. The committee seeks input from all Board Members. Discussion ensued. Mr. Goel noted that he plans to add items to the agenda at the next meeting. Mr. Logsdon completed his report. Chair Fairbanks thanked Mr. Logsdon and Mr. Goel and expressed interest in future reporting on the topics.

9:07 a.m. – Ms. Salloum has now joined the meeting via Zoom.

Engineering Committee – Mr. Hoyle

Mr. Hoyle reported that the committee met on July 8, 2024, via video conference and discussed the following matters:

New Business

1. Michael J. Dykes – Request for Hearing – Denial of Request for License Reinstatement. Mr. Hoyle reported that Mr. Dykes' license was revoked in 2009 and solicited additional information about the case. Mr. Ritter provided a general timeline of events leading up to the 2009 revocation and continuing through the time Mr. Dykes applied to have his license reinstated earlier this year. Mr. Ritter reminded the Board that Mr. Dykes' request was denied by the Board in March, and Mr. Dykes has now requested a hearing. Mr. Ritter gave additional details of the case and advised of options available to the Board when a hearing has been requested. Mr. Hoyle reported that following review of the matter, the Committee is recommending that the Board send the matter directly to the Office of Administrative Hearings for an Administrative Law Judge to hear. Further discussion ensued. Ms. Gibbs, realizing familiarity with Mr. Dykes, informed the Board that she had a conflict and would recuse herself due to a shared employment history. Mr. Hoyle made a motion out of committee to have the matter heard by the Office of Administrative Hearings. Chair Fairbanks called for a vote. The matter was carried 8/0. Ms. Gibbs abstained from participation in the vote.
2. Response to Notice of Unlicensed Practice of Engineering – MCC Design Solutions LLC. The Committee reviewed the company's website to determine if the services offered required licensure with the Board. Mr. Hoyle reported that the committee determined that the company's website contained offerings that were clearly offerings of engineering services. Mr. Hoyle further informed the Board that staff member, Mr. Mazanek, had been in communication with the company and the website is currently down. Mr. Tripp will provide written directions to the firm outlining the types of services that require licensure and include cautionary language informing the firm that it can't offer engineering services. Mr. Hoyle noted that the company does provide some residential design services which are permitted under the residential building code.
3. Design of Underground Cistern with a Pump, Piping, Swales, etc. Janet Boyer, a PE with Wake County, requested that the committee review the design of an underground cistern plan which was prepared by a licensed soil scientist. The committee was asked to determine whether the design falls within the practice of engineering requiring a licensed PE. Mr. Hoyle reported that the design is for a single-family residential stormwater pump. The committee will recommend responding that the plan does not appear to be adequate as it lacks necessary details for permitting purposes. The response will also direct Ms. Boyer to follow up with the Soil Scientist Board for its review of the matter to determine if its licensee should be providing such design work. The committee felt that there were some technical elements to the report; however, the committee determined that those elements did not reach the level of requiring a professional engineer.
4. Power System Simulations. Brandon Meier is a PE whose company provides power systems simulations regarding renewable energy sources. Mr. Meier asked the committee to determine whether such work needed to be performed by a licensed engineer. Noting that Mr. Meier provided very little information on the product being sold to other energy companies, the committee has requested additional information including a sample work product for further review.
5. Question on AI and Responsible Charge – Joseph E. Hummer, PhD, PE of NCDOT and past- professor, asked the committee to review the concept of engineering work performed by artificial intelligence and determine how engineers can handle the requirement that the work has been performed under their direct supervision. Noting the significance of the question, the committee moved this item to Old Business. The topic will be further discussed after obtaining additional information. Mr. Hoyle informed the Board that the topic is slated for discussion at the NCEES Annual Meeting in Chicago. Mr. Hoyle noted that additional insight is expected to be gleaned from the presentation as he acknowledged the challenges of keeping up with technology.

6. Site Plans Prepared by Professional Land Surveyors – Anthony Maltese, PE, PLS asked the Engineering Committee for clarification as to who is permitted to prepare site plans. The committee felt that there were roles for various disciplines, each preparing portions but usually neither preparing the full site plan. Landscape architects, engineers, and surveyors were mentioned; however, the need for specific individual contributors was deemed to be determined by the specifics of the site. Competency in the specific area of work was the primary determining factor. Mr. Hoyle noted that the Surveying Committee also reviewed the matter and sought input from Ms. Gibbs, the Surveying Committee Chair. Ms. Gibbs stated that the Surveying Committee reviewed the matter and concurred with the Engineering Committee. She reiterated that who could prepare a site plan depended on what was needed and was contingent on the professionals working within their areas of competence. Mr. Logsdon referenced Board Rule .0701 and clarified the position that multiple professionals can sign and seal the same document so long as each professional clearly indicates which portion of the work they completed. Mr. Tripp, Board Counsel, will provide a response noting the joint recommendation of the two committees. Mr. Hoyle concluded his report. Chair Fairbanks thanked Mr. Hoyle for his outstanding report out.

Surveying Committee – Ms. Gibbs

Ms. Gibbs informed the Board that the committee met in person on July 9, 2024, and discussed the following matters.

New Business

- 1.) Mineral Rights Easement Question – The committee explored a question brought by Mr. Tripp. The question was from Mr. Jones, a surveyor who conducted a survey and discovered a decades-old mineral rights easement on the property surveyed. Mr. Jones noted the easement on the survey he prepared; however, the title company requested the removal of the note. Mr. Jones contacted the Board Counsel, Wes Tripp, for guidance. The committee concurred with Mr. Tripp's determination that since the information was discovered, it should be reported on the plat and, if the title company wants it removed, they should seek a legal remedy. Mr. Tripp will respond.
- 2.) Wetland Guidelines Policy Question – The committee considered a question from Mr. Hodges who contacted Mr. Tripp for guidance on the Board's Wetland's Guidelines Policy. Mr. Hodges wanted to know if he could show a privately delineated non-surveyed wetlands on his plat. Ms. Gibbs referred to the Wetlands Guideline. The committee concluded that adding mapped content from a governmental agency is acceptable, if shown on a preliminary plat and added under the guidance of a PE or PLS. Noting the absence of those factors, the committee response to the question is "no." Discussion ensued.
- 3.) Site Planning Services – Not discussed.
- 4.) Pleasant Park Record Drawings – A surveyor doing an "as-built" for a constructed project was asked by an Apex municipality to sign and seal a certification document which would certify that the survey conformed to the construction document. The surveyor declined and sought guidance from the Board. Since a surveyor can only certify work performed by them, the committee agreed with the surveyor's action. Discussion ensued. Mr. Tripp will advise the surveyor that the committee concurs with his action.
- 5.) Existing Parcel Survey vs Recombination Survey – Ms. Gibbs and Mr. Tripp reported on a Randolph County matter related to zoning versus a subdivision ordinance matter. She explained that two existing lots were below minimum size requirements for the zoning requirement because the lots fell into a watershed. The surveyor was asked to recombine the two lots; however, the two grandfathered parcels together were still too small to meet the zoning requirements. That was the surveyor's conclusion; however, due to the complexity of the determination, the surveyor sought committee input. Mr. Tripp noted the surveyor's correct understanding of the matter and will provide him with written confirmation.
- 6.) Responsible Charge – NCSS Meeting – Ms. Gibbs reported that the committee received a letter from the president of the Society of Surveyors which stated that they have questions on the topic of responsible charge. The matter was discussed, and the parties agreed that Mr. Tripp and Mr. Logsdon will attend the NCSS meeting in August and be available for questions and discussion.
- 7.) Idaho State University – Surveying and Geomatics Engineering Technology – Ms. Gibbs reported that the university requested the Board's formal acceptance of their curriculum. She reported that the committee reviewed the submission and agreed that the program met the requirements for formal

acceptance. Mr. Ritter will advise the university of the determination. Mr. Goel sought clarification regarding the Board's role. Mr. Ritter explained the differences in engineering and surveying laws and detailed how the Board had a larger role in reviewing statutory requirements for surveyors. He noted that infrequently a college or university will ask the Surveying Committee to confirm that the hours will fulfill the statutory requirements. Discussion ensued regarding online class hours versus classroom and lab/field hours. Chair Fairbanks expressed interest in NC State's ABET accreditation process. Mr. Ritter will keep him updated. Credit for a master's degree, the inability to double dip, the opportunity afforded by online educational opportunities, and the discrepancy between credit for a master's degree and the four-years-from-the-date-of-graduation requirement which is consistent with Model Law was discussed. Mr. Ritter noted that he would also add the item to the planning session topics.

- 8.) Use of Tags in a Plat – Ms. Gibbs reported that Mr. Tripp was asked if the use of tags in a survey to convey distance measurements was acceptable. The question concerned a plat wherein the surveyor had used a line table and referred to the boundary lines as “tags.” Ms. Gibbs explained that Mr. Tripp sought additional information and was provided with a screenshot of one portion of the plat. She stated that he gave his response based on the screenshot provided. Continuing, she noted that the interpretation came to the attention of the North Carolina Society of Surveyors which questioned the interpretation. Ms. Gibbs asked for Mr. Tripp's input. Mr. Tripp explained that he was initially contacted by an employee from the Town of Cary regarding the matter, he stated that he asked for clarifying information, received a screenshot, and based on that screenshot, gave a response inconsistent with his final interpretation after receiving the entire plat and reviewing the matter with surveying members. Mr. Tripp explained that after being contacted by the NCSS, he secured a copy of the entire plat to review. The final determination is that the practice in question is commonly practiced and well accepted. Mr. Tripp noted his mistake and informed the Board that he provided the Town of Cary with a corrected written determination.

Old Business

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

(1) 21 NCAC 56.0701(e)(1)(2) – Conflict of Interest

(2) 21 NCAC 56.1606 (ASPRS & FGDC Standards)

Ms. Gibbs reported that the item was moved to the next meeting.

- 2.) Minimum Requirements for an Airborne Survey

Ms. Gibbs reported that the topic is being revisited. Starting from scratch, both she and Mr. Bowes are bringing in individuals knowledgeable about the topic. They are expected to participate at the next Surveying Committee Meeting.

- 3.) GICC Work Group – Committee Information

Ms. Gibbs explained that this matter is being tabled until the next meeting. Mr. Logsdon provided a historic review of the matter and explained that he and Mr. Tripp are currently comparing the use cases and the guidelines. Mr. Ritter confirmed with guest, Sherri Barron, that she is the current chair of GICC.

- 4.) Exam Question Review

Ms. Gibbs explained that they are in the process of finding a location for an exam writing session planned for the fall. Mr. Mazanek is finalizing plans.

- 5.) Right of Entry Statute

Ms. Gibbs distributed an example related to the law that went into effect July 1, 2024. She explained that the law requires surveyors to reach out to the owners of adjoining properties when a property is to be surveyed. Discussion ensued. Mr. Tripp gave an update regarding the Attorney General's interpretation of the law. Ms. Gibbs advised the Board that the Surveying Committee recognizes the sense of urgency to get something agreed upon and published. She further noted that Mr. Tripp posted a description of the topic on the Board's website and solicited and received valuable feedback. Mr. Ritter

noted that staff's job is to communicate to the licensee community and assure them that we are working towards answers for the questions surrounding the topic.

Chair Fairbanks confirmed no further discussion and called for a 10-minute break. The meeting resumed at 10:39 a.m.

Ad Hoc Committees

Electronic Certification and BIM – Ms. Moore reported that the committee met on June 10, 2024, via Zoom. The following three agenda items were discussed:

- April 10, 2024, Ad Hoc Committee Stakeholders Meeting Recap – Ms. Moore informed the Board that the focus was to secure feedback from the committee members as it related to the stakeholders' meeting held on April 10, 2024. In general, the ad hoc committee members felt the meeting was informative, and provided an opportunity for those in attendance to share their experiences regarding the electronic certification requirements as currently written. Ms. Moore stated that the members would have liked to have heard more from the municipalities; however, due to some technical issues, input was limited. The committee plans to take steps to secure additional feedback from the municipalities.
- Review ACEC/NC E-Signature Simplification Proposed Revisions and Regulatory Exception Example - Suggested changes provided by Brock Storrusten, PE. The committee reviewed his suggestions for simplification and expressed a belief that the language puts the responsibility for control of individual seals and signatures back on the licensee rather than a third-party vendor authenticating the certification. Mr. Storrusten's comments on behalf of ACEC will be made a part of the records and taken into consideration moving forward. Mr. Hoyle noted that the recommendation appeared to have a greater financial impact as opposed to offering an impact to protecting the public. Discussion ensued.
- Review Board Rule 21 NCAC 56.1103 for possible revisions - Ms. Moore reported that Mr. Tripp has reviewed and made suggested changes to .1103. The changes are noted to be for uniformity and grammar. He will present or provide those changes for review at the planning session for the full Board to consider. Ms. Moore concluded her report.

Hearing Procedures – Mr. Logsdon reported that the committee consisting of himself, Mr. Care, and Mr. Tripp discussed the following matters:

- Mr. Logsdon noted that the committee felt that the time between the Review Committee and the final Board action needed to decrease. Of particular concern was the timeline in cases where the Review Committee has decided that the licensee should not be practicing and the final agency decision. Regarding settlement conferences, Mr. Logsdon noted that Mr. Tripp has implemented internal procedures which have essentially cut the time between the Review Committee and Settlement Conferences in half. Mr. Logsdon also mentioned the committee had some concerns about the length of time between settlement conferences and hearings, for those that proceed to a hearing. He noted that staff members are conscious of the Board's concern to get that timeline shortened. In addition, Mr. Logsdon stated that the committee will provide a complete written report by the end of the year. Discussion ensued. The matter may be moved to a planning session item if so determined by the vice-chair.

4. NCEES Activities – Executive Director

Mr. Ritter gave an update regarding registration and confirmed full Board attendance. In addition, Mr. Ritter stated that he has permitted certain staff participation in NCEES training activities this year. He noted that the full agenda is included in the Board Book and gave a logistical update for the events scheduled. He informed the Board that he and Board Chair Fairbanks would act as the official guests at the UK/MOU signing ceremony. Mr. Ritter noted any Board member could come; however, only he and Chair Fairbanks would be noted as official participants. Ms. Salloum expressed interest in attending. Mr. Ritter, noting that Mr. Zoutewelle, in his capacity as new NCEES President, made several committee assignments leaving the Board well represented. The assignments are as follows: Mr. Tripp, the UPLG Committee; Mr. Bowes has

volunteered for the Exam Writing Committee; Mr. Logsdon is on Bylaws; Ms. Moore is again on the Education Committee; Mr. Goel, PE Writing; Mr. Hoyle, EPE; Ms. Gibbs, EPS; Mr. Ritter; Chair of Finance; and Mr. Thompson, Chair of Mapping Science Taskforce. Mr. Ritter gave instructions for the members to keep him abreast of scheduled meetings. He gave a brief orientation as to what could be expected regarding associated travel-related expenses and how the assignees should expect to receive additional information regarding their assignments.

NCEES Motions to be Voted on – Mr. Ritter explained the NCEES consent agenda motions, explained the motions that need to be voted on, and gained consensus as to how the Board would vote on each as numbered.

Item # 1 – ACCA Committee – Motion 1. – Mr. Bowes made a motion to vote “Yes” to #1. Ms. Salloum seconded the motion. Chair Fairbanks called for a vote. The motion passed unanimously.

Item # 2 and #3 – Finance Committee – Motions 4 and 5. – Ms. Moore made a motion to vote “Yes” to #3 and #2. Mr. Goel seconded the motion. Chair Fairbanks called for a vote. The motion passed unanimously.

Items #4 and #5 – MBA Committee – Motions 1 and 2. – Mr. Goel made a motion to vote “Yes” to #4 but “No” to #5. Ms. Moore seconded the motion. Chair Fairbanks called for a vote. The motion passed unanimously.

Item #6 – ETLF Committee – Motion 1 – Mr. Logsdon made a motion to vote “No.” Mr. Goel seconded the motion. Chair Fairbanks called for a vote. The motion passed unanimously.

Item #7 – NZ Committee – Motion 1 – Mr. Goel made a motion to vote “No.” Mr. Logsdon seconded the motion. Chair Fairbanks called for a vote. The motion carried 8/0. Mr. Hoyle abstained from voting.

5. Board Secretary Report – Board Secretary and Executive Director

Mr. Goel reported that Firm renewals were off to a great start and are currently ahead of budget projections and expenses, except for legal expenditures, are tracking at or below budgeted amount. Mr. Goel reported to the Board regarding a request for equipment from Mr. Ritter. Discussion ensued. Chair Fairbanks inquired about an earlier request for updated Boardroom seating and requested fulfillment of both requests at once, if the equipment is approved. Mr. Goel completed his report. Discussion ensued.

Chair Fairbanks initiated a lunch break at 12:02 p.m. The meeting was reconvened at 12:38 p.m.

6. Drone Case – Board Counsel

Mr. Tripp provided an update regarding the matter. He noted that the 4th Circuit determined that the Board was not in violation of the 1st Amendment. However, plaintiffs filed a motion for an extension of time to appeal. The request was granted. September 9, 2024, is the deadline. Mr. Tripp briefly detailed elements of the case, possible strategies moving forward, and noted key players. Discussion ensued.

7. Violations Activities – Assistant Executive Director

Mr. Evans presented the Violations Report for July 10, 2024. He reported that at the time he ran the report, the Board had opened 79 cases for FY-2024 and 89 cases were closed. He provided the details of the actions taken for each of the 89 cases closed, provided information regarding the stage of completion of the 110 cases open as of July 10, 2024, and gave a highlight of the data related to the number of cases with licensees who have prior charges.

Mr. Evans introduced the topic of the 2024 Board Programs. He provided program data and informed the Board of an exceptional number of requests for the Board to present to groups. Mr. Evans, Mr. Tripp, and Mr. Ritter are the presenters. Noting that most of the programs relate to the topic of ethics, Mr. Evans estimated that through in-person and virtual meetings, the participants numbered in the thousands. Discussion ensued. Mr. Tripp explained the topics he presented on and noted the participation of Mr. Hoyle during one of his presentations. Mr. Hoyle confirmed his attendance and stated that the program was excellent. Discussion ensued. Mr. Evans completed his report.

8. Rules and Legislative Update – Board Counsel

Mr. Tripp provided a recap of the progress made regarding the periodic review of the rules. He noted that there were no public comments received. Mr. Tripp sought a motion to approve the spreadsheet confirming the determination of the Board that all Rules were necessary. Mr. Care made a motion to approve the spreadsheet confirming all Rules are necessary. Mr. Bowes seconded the motion. Chair Fairbanks called for a vote. A vote was taken. The motion was unanimously approved.

Mr. Tripp provided an update on certain bills that may impact the Board. Discussion ensued. Mr. Tripp concluded his report.

9. Old Business – Executive Director

Mr. Ritter presented letters from the State Ethics Commission confirming its review of the Biennial Evaluation of Statements of Economic Interest filed by Board Members; Carol Salloum, Timothy Bowes, Brenda Moore, Dennis Hoyle, Cedric Fairbanks, and Toynia Gibbs.

10. New Business – Executive Director and Board Counsel

The topic of the definition of quorum requirements versus public meeting requirements was discussed. Clarifications regarding procedures for emergency meetings, committee meetings, and visitor participation in meetings were discussed. Visitor participation was noted to be at the discretion of the chair of the meeting.

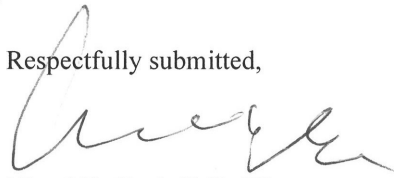
Mr. Ritter discussed matters regarding the 2024 planning session and noted that staff is working out the final details. Discussion ensued.

11. Informational Item – Executive Director

None

Chair Fairbanks entertained a motion to adjourn. Mr. Goel made a motion to adjourn. Ms. Gibbs seconded the motion. A vote was taken, and the motion was unanimously approved. The Board adjourned at 1:42 p.m. and is next scheduled to meet on September 11, 2024.

Respectfully submitted,



Vinod K. Goel, PhD, PE
Secretary

Approved by the Board in Session

Date: September 11, 2024

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 12, 2024

Raleigh, North Carolina

The Board Chair, Cedric D. Fairbanks, entertained a motion to call the meeting to order. Mr. Logsdon made a motion to call the meeting to order. Mr. Goel seconded the motion. A vote was taken and the motion to call the meeting to order was unanimously approved. Chair Fairbanks gavelled the meeting of the North Carolina Board of Examiners for Engineers and Surveyors into session at 9:00 a.m. on Wednesday, June 12, 2024, to conduct the regular order of business. Chair Fairbanks asked Mr. Ritter to confirm attendance. Attendance was confirmed as follows:

Board Members on Teleconference Call:

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

Absent:

Carol W. Salloum, Public

Staff on Call:

Andrew L. Ritter, Executive Director
S. Wesley Tripp III, Board Counsel
Cora Houston, Assistant

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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 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 conflicts were noted.

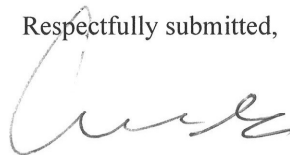
2. Consent Agenda – Chair

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. Chair Fairbanks confirmed the vote. No nays were heard. The motion to approve the Consent Agenda was unanimously approved.

The Consent Agenda included: a Request for Board Authorized Cases, Comity, Initial Licensure, and PE Reinstatements; Firm Applications for 15 Professional Corporations, 31 Professional Limited Liability Companies, two Business Firms, one Chapter 87 Corporation, two Name Change Requests, one Request to Use Individual’s Name in Company Title, and two Requests for use of d/b/a; Minutes; and Review Committee Agenda.

Mr. Goel made a motion to adjourn. Ms. Gibbs seconded the motion. Chair Fairbanks adjourned the meeting at 9:03 a.m. The Board is next scheduled to meet on July 10, 2024.

Respectfully submitted,



Vinod K. Goel, PhD, PE
Secretary

Approved by the Board in Session

Date: July 10, 2024

May 15, 2024

Raleigh, North Carolina

Board Chair, Cedric D. Fairbanks, called the meeting of the North Carolina Board of Examiners for Engineers and Surveyors to order at 9:02 a.m. on Wednesday, May 15, 2024, to conduct its regular order of business for the Board. Board attendance was as follows:

Present:

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

Guests:

Sherri Barron

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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 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 advised.

2. Consent Agenda - Chair

Chair Fairbanks entertained a motion to approve the consent agenda. Mr. Care made a motion to accept the consent agenda. Mr. Hoyle seconded the motion. Mr. Goel requested a point of discussion. Mr. Goel explained that the March minutes presented for approval referenced certain follow up matters and sought to make sure time was reserved to discuss those matters. Mr. Ritter confirmed. The Board voted. The consent agenda was unanimously approved.

The consent agenda included: a request for Board Authorized Case Openings, Comity, Initial Licensure, and PE Reinstatements, and PLS Registrations; CPC Consent Agenda; Firm Applications for 19 Professional Corporations, 41 Professional Limited Liability Companies, three Business Firms, four Chapter 87 Corporations, and one Request for use of d/b/a; Minutes, Retired Status Requests; Review Committee Agenda; and Settlement Conference Committee Agenda.

3. Committee Reports – Committee Chairs

CPC Committee – Mr. Logsdon

Mr. Logsdon informed the Board that the committee met on April 30, 2024, via Zoom and discussed the following matters:

New Business

1.) CPC Sponsor Applications:

- Convergent Technologies Design Group, Inc.
- Amico Security

Mr. Logsdon explained how the review of the applications elicited discussion among the committee members regarding the Board's practice of sponsor approval rather than program approval and the likely

perception that if the sponsor is approved, then any course offered by the sponson is approved. The committee brought the matter to the full Board for consideration. Discussion ensued. Following Mr. Care's initial motion and Mr. Goel's seconding of the motion, a series of discussions and amendments prior to vote resulted in a final amended motion by Mr. Care and seconded by Mr. Goel to instruct staff to immediately stop approving Sponsor applications and discontinue renewals effective January 1, 2025. Ms. Moore questioned administrative aspects. Mr. Ritter asked and was granted time to plan the administrative approach for communicating the dissolution of the program to the participants. He will report back to the CPC Committee within two weeks. Chair Fairbanks called for a vote for the matter at hand. A vote was taken, and the motion was approved by a vote of 8/0. Mr. Hoyle is noted to have briefly left the meeting and was not present for the vote.

- Convergent Technologies Design Group, Inc. – Application not approved due to the immediate discontinuance of approving sponsor applications.
- Amico Security. – Application not approved due to the immediate discontinuance of approving sponsor applications.

- 2.) Review CPC Rules – Mr. Logsdon explained that the CPC Committee is still in the process of finalizing the move to a bi-annual renewal model. It is the current view of the committee that the requirement will be 30 hours every two years, 15 hours can carry over to the next renewal cycle; except that you must get the minimum ethics and, for surveyors – Standards of Practice, within every renewal period. Ethics and Standards of Practice will not carryover; however, courses will carryover. The committee plans to come back with a much more detailed plan and invites input from other Board members. Ms. Salloum questioned the technicalities which will allow the Board's income stream to be unaffected. Discussion ensued. Mr. Ritter explained that staff will draft plan options for the Board to review.

Mr. Bowes sought clarity regarding the difference between the requirements for engineers and surveyors. Mr. Logsdon cited Rule 1600 and the number of complaints being filed related to the standards of practice. Mr. Logsdon concluded his report.

Engineering Committee – Ms. Moore

Ms. Moore chaired the Engineering Committee in Mr. Hoyle's absence. She informed the Board that the committee met on May 13, 2024, via Zoom and discussed the following matters:

New Business

- 1.) PE Application Review – Christopher A. Johns (Conviction) – The application was reviewed earlier, and additional information was requested and received. The committee recommended that Mr. Johns be licensed by comity in NC.
- 2.) Pavement Condition Survey – Professional Engineering Requirement – An RFQ was submitted by a municipality. The municipality sought to contract out some pavement condition work and questioned whether the work needed to be done by a PE. Following review, the committee determined that gathering the data is not the practice of engineering but the analysis and making recommendations would be the practice of engineering. Mr. Tripp will respond.
- 3.) Wastech Controls & Engineering, LLC – A determination was needed regarding whether the work the company was doing fell within the definition of the practice of engineering. Following review, the committee recommended approval of the nonobjection letter since the company will operate under an assumed name that does not contain the word "engineering." Mr. Mazanek will prepare a cautionary letter which will also include specific instructions limiting the company's marketing and website content.
- 4.) Essex Consulting Group – A review of the company's services resulted in the determination that the company does not need licensure. Mr. Mazanek will inform the company that it needs to convert from a professional company to a general company. The letter will also include cautionary language limiting the company's marking and website content.
- 5.) Certification Standard Detail Drawings – The committee received a question as to whether standard detail drawings need to be certified. Board Rule .1106 was cited. The committee determined that the drawing should be certified. Mr. Tripp to respond.

- 6.) PE Application Review- Michael J. Dykes (Reinstatement) – The committee reviewed. On behalf of the committee, Ms. Moore made a motion to send Mr. Dykes a notice of contemplated action recommending denial of his request for reinstatement of his license. A vote was taken, and the motion was carried unanimously.
- 7.) Delegated Design – There was a question concerning adding additional features to the design plans for a pre-engineered metal building. The engineer of record can accept responsibility for the original work and modification, or they can request that the modifications be made by the model building engineer.
- 8.) Stormwater Pond Inspections – Question from Jason West, PE. - Does the inspection of stormwater ponds need to be certified? The committee determined that the collection of the data is not engineering, but the evaluation and recommendation component is and would need to be done under the direct supervisory control of a licensed engineer.

Mr. Tripp noted that item three needed a motion. Ms. Moore directed the Board’s attention back to item three. Item three is amended to include a motion. Ms. Moore made a motion to approve the request for a nonobjection letter given that the company will operate under an assumed name that does not contain the word “engineering” and engineering services will not be provided by the firm. A vote was taken, and the motion was carried unanimously. Ms. Moore concluded her report. Chair Fairbanks opened the floor for comment.

Mr. Hoyle thanked Ms. Moore for chairing the Engineering Committee in his absence and brought the Board’s attention to Old Business, item number two, UK Mutual Recognition Agreement. Mr. Hoyle made a motion to approve entering into the UK Mutual Recognition Agreement. Mr. Logsdon seconded the motion. Discussion ensued. Pending questions were discussed and resolved. Chair Fairbanks called for a vote. The motion carried unanimously.

Mr. Ritter explained that during the NCEES Annual Meeting in Chicago, the British Embassy/Consulate is having a signing ceremony. Mr. Ritter and Chair Fairbanks will attend as the official guests; however, all Board members are invited to attend. Discussion ensued.

Chair Fairbanks brought the Board’s attention back to item number one under New Business. He requested that the item be returned to the committee for discussion during the July meeting. Discussion ensued. Item one, PE Application Review – Christopher A. Johns (Conviction) was returned to the committee for discussion.

Surveying Committee – Ms. Gibbs

Ms. Gibbs informed the Board that the committee met in person on May 14, 2024, and discussed the following matters and noted last minutes which brought the number of New Business items to six.

New Business

- 1.) Question Regarding Mapping Stamp Requirements – The committee explored a question from DEQ’s Assistant AG regarding a mining permit application and whether a PLS needed to be involved. The committee determined that generally, if any data on the map is being used for enforcement, then the information is for an authoritative purpose for which a surveying license is required. More specifically, if someone’s property line is a boundary of a permitted area, then a surveyor is required to locate the boundary line. If a map uses lat/long coordinates to locate the outline of areas or other locations and those coordinates fall within the accuracy standards of 21 N.C. Admin. Code 56.1608(a)(1), then that is the act of surveying in which a licensed surveyor is required. If a map contains a computation of acreage, then that is the act of surveying in which a licensed surveyor is required.. Mr. Tripp will respond.

At 10:03 a.m. Chair Fairbanks passed the gavel to Ms. Moore and briefly left the meeting. Chair Fairbanks returned at 10:06 a.m. and reclaimed the gavel.

- 2.) Stormwater Pond Inspection – The committee determined that a PLS was not needed for the inspection. Mr. Mazanek will respond.
- 3.) Drone Question – The committee reviewed a question from a landscape architect who was using drone information to create schematics. He requested determination from the Board as to whether he needed

to be licensed. Mr. Tripp requested more information which was reviewed and discussed. The Committee opined that the sample information provided by the landscape architect was a compilation of publicly available information and was not land surveying. However, producing contours obtained from drone data and then placing it on a map would be within the practice of land surveying and is not permissible. Mr. Tripp will respond with a cautionary letter.

- 4.) Mapping Science Exam – Ms. Gibbs reported on the Board’s efforts to support a mapping science examination. NCEES CEO acknowledged receipt of the Board’s letter in support of Mr. Thompson’s request. The matter was moved to Old Business.
- 5.) Utility Mapping Services – Company sought to gain a professional corporate license for work they will do in North Carolina. Mr. Mazanek asked the company for additional information for clarity and presented the findings to the committee. The committee determined that the work planned was more administrative in nature and did not rise to the level of providing mapping services. Mr. Mazanek will respond with a cautionary letter.
- 6.) Employer Request – Ms. Gibbs reported that an employee with previous surveying experience but not a licensed surveyor who is working for a general contractor was requested to perform certain surveying tasks. The employee contacted the Board Counsel to make sure he was permitted to do the tasks without being licensed. Following in-depth discussions, the committee concluded that the request made by the general contractor for its own projects was acceptable under the industrial exemption statute. Mr. Tripp will respond citing N.C.G.S. 89C-25 (7a). Discussion ensued.

Old Business

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

Ms. Gibbs reported that the matter was continued.

- 2.) Minimum Requirements for an Airborne Survey

Ms. Gibbs reported that the matter was continued.

- 3.) Plat Questions from Mike Benton

Mr. Mike Benton requested input from Mr. Hoyle and Mr. Logsdon regarding a surveying plat with an engineering professional’s seal. Mr. Logsdon provided the history of the question which was initially discussed in 2023 but not resolved. Mr. Logsdon presented the plat in question and pointed out the specific elements being discussed. Mr. Logsdon cited Rules .1103(c) and .0701(d)(4)(b) He noted that, as presented, it gave the appearance that the engineer was performing surveying work. The committee determined that if the engineer stamped the plat pursuant to .1103(c), the engineer was required to provide a description under the seal stating the subject matter for which the engineer is responsible. No disciplinary action is recommended; however, a cautionary letter will be sent to the engineer which instructs the engineer to clearly designate the portion of the plat for which responsibility is being taken. Mr. Logsdon explained that although the Board does not require preliminary plats be signed and sealed, some jurisdictions do. Discussion ensued. Mr. Logsdon retracted/clarified his position on a recommendation for a letter to the engineer. Instead, a newsletter article will be written giving guidance for such situations. Mr. Logsdon volunteered to write the article.

- 4.) Exam Question Review

A surveying applicant had questions regarding a question on the exam. Following review, the committee decided that the question was ambiguous and was removed. The applicant answered the question correctly and was not affected. An exam writing session will be planned.

- 5.) Right of Entry Statute

Ms. Gibbs reported that the statute has been sent to the Attorney General’s Office for interpretation. Pending response. Ms. Gibbs concluded her report. Chair Fairbanks asked if there was any discussion or questions. Mr. Tripp was asked to briefly state what is being sought from the Attorney General’s Office.

Mr. Tripp stated that in March, the Board approved a letter to be sent for interpretation of the new right of entry statute taking effect on July 1. He stated that he and others on the staff have been receiving questions. He noted that the statute is subject to multiple interpretations. At issue is whether it is a safe harbor provision or, since the statute is in 89C, Board enforcement is permitted. Mr. Logsdon further explained the two possible interpretations.

At 10:30 a.m. Chair Fairbanks after confirming no further discussion, directed a 10-minute break. The meeting resumed at 10:41 a.m. with staff present.

Chair Fairbanks, noting that a chain is no stronger than its weakest link, he stated that NCBELS has a very strong chain which was evident by the great job done by the staff during the Southern Zone. He read some of the comments from attendees such as David Cox, Liz Compton, Henry Dingle, Tim Lingerfelt, and Glenn Haynes. Staff member, Amy Bush, was given special mention. Mr. Ritter presented the staff members with gifts for working the event and gave special thanks to Martha Michalowski and Laura Parham for manning the office.

Ad Hoc Committees

Electronic Certification and BIM Committee – Ms. Moore reported that the committee met on April 10, 2024, with some participants attending via Zoom. Ms. Moore reported excellent attendance and included stakeholders from NCDOT, ACEC, PENC, NCSS, NC Geodetic Survey, and the NC Secretary of State Land Records Management Division, and the City of Charlotte. Ms. Moore reported that the meeting was to begin discussions related to standard certification requirements. The attendees had an opportunity to review and provide feedback on the draft electronic certification guidelines prepared by Mr. Hoyle and Mr. Evans. Ms. Moore noted the collaborative nature of the interactions which included BIM and AI. Discussion ensued. Ms. Moore concluded her report.

4. NCEES Activities – Executive Director

Mr. Ritter, reported on calendar items and gave logistical information. Mr. Ritter reminded the Board of Mr. Zoutewelle’s swearing in on Friday night and asks Board attendance for the Banquet to support Mr. Zoutewelle. Discussion ensued. Mr. Ritter noted that the Southern Zone Meeting followed the script of Southern Zone Meetings prior to 2016. Chair Fairbanks noted the positive feedback. Mr. Ritter noted that it was determined that every fourth year will be a mega zone meeting.

5. Board Secretary Report – Board Secretary and Executive Director

Mr. Goel reported on the 2022 – 2023 Actuals and noted a solid budget year. Mr. Goel made mention of items affecting the revenue and expenses. Mr. Goel completed his report. Discussion ensued.

6. Rules and Legislative Update – Board Counsel

Mr. Tripp reported on Legislative and Rules Updates. He noted that Rules .0502 and .0701 have been adopted and were effective May 1, 2024. Discussion ensued. Mr. Tripp concluded his report.

7. Violations Activities – Assistant Executive Director

Mr. Evans presented the Violations Report for May 15, 2024. He reported that at the time he ran the report, the Board had opened 54 cases for FY2024 and 59 cases were closed. He provided the details of the actions taken for each of the 59 cases closed, provided information regarding the stage of completion of the 115 cases open as of April 30, 2024, and gave a highlight of the data related to the number of cases with licensees who have prior charges. Mr. Evans completed his report. Mr. Care asked that the settlement conference data always be included in his report. Discussion ensued.

8. Applications – Director of Business Firms

Mr. James Freeman sat in on the Applications portion of the meeting via Zoom. Mr. Mazanek presented the request for permission to use the name “Faircloth” in the firm name. Discussion ensued. Mr. Care made a motion to approve the request. Ms. Gibbs seconded the motion. A vote was taken, and the request was approved 8 to 0. Mr. Bowes recused himself as he realized familiarity with the requestor.

9. Old Business – Executive Director

None

10. New Business – Executive Director

None

11. Informational Item – Executive Director

Mr. Ritter presented data put together by Stephanie Bryant and concluded his report.

Mr. Care made a motion to adjourn. Ms. Gibbs seconded the motion. A vote was taken, and the motion was unanimously approved. The Board adjourned at 11:46 p.m. and is next scheduled to meet on June 12, 2024.

Respectfully submitted,



Vinod K. Goel, PhD, PE
Secretary

Approved by the Board in Session

Date: June 12, 2024

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 13, 2024

Raleigh, North Carolina

Board Chair, Cedric D. Fairbanks, gavelled the North Carolina Board of Examiners for Engineers and Surveyors into session at 9:00 a.m. on Wednesday, March 13, 2024, to conduct a hearing in the matter of Kevin R. Adams, pursuant to his request for reinstatement of his license to practice professional engineering. Attendance was as follows:

Present:

Cedric D. Fairbanks, PhD, PE, Chair
Brenda L. Moore, PE, Vice-Chair
Vinod K. Goel, PhD, PE, Secretary
Dennis K. Hoyle, PE, PLS
Jonathan S. Care, Public
John M. Logsdon, PLS
Carol W. Salloum, Public
Timothy E. Bowes, PLS

Excused:

Toynia E. S. Gibbs, PLS

Prosecuting Board Counsel:

S. Wesley Tripp III

Advisory Counsel to the Board:

Douglas W. Hanna \ Fitzgerald Hanna & Sullivan, PLLC

Executive Director:

Andrew L. Ritter

Court Reporter:

Carol M. Smith, CVR

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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 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 advised.

2. Hearing – Kevin R. Adams – Request for Reinstatement

A hearing was held for Kevin R. Adams, PE [Revoked]. When the hearing concluded the Board then deliberated on the matter with a decision to be rendered and issued at a later date.

Chair Fairbanks gavelled the meeting back into session on March 13, 2024, at 10:33 a.m. to reconvene its regular order of business for the Board. Board attendance was as follows:

Present:

Cedric D. Fairbanks, PhD, PE, Chair
Brenda L. Moore, PE, Vice-Chair
Vinod K. Goel, PhD, PE, Secretary
Dennis K. Hoyle, PE, PLS
Jonathan S. Care, Public
John M. Logsdon, PLS
Carol W. Salloum, Public
Timothy E. Bowes, PLS

Absent:

Toynia E. S. Gibbs, PLS

3. Consent Agenda – Executive Director

Chair Fairbanks entertained a motion to approve the consent agenda. Ms. Salloum made a motion to accept the consent Agenda. Ms. Moore seconded the motion. The Board voted. The consent agenda was unanimously approved.

The consent agenda included: a request for Board Authorized Case Openings, Comity, Initial Licensure, and PE Reinstatement; CPC Consent Agenda; Firm Applications for 13 Professional Corporations, 29 Professional Limited Liability Companies, one Business Firm, two Chapter 87 Corporations, two Name Change Requests, two Requests to Use Individual's Name in Company Title, and two Requests for use of d/b/a; Minutes, Retired Status Requests; Review Committee Agenda; and Settlement Conference Committee Agenda.

4. Committee Reports – Committee Chairs

CPC Committee – Mr. Logsdon

Mr. Logsdon informed the Board that the committee met on March 5, 2024, via Zoom and discussed the following matters:

New Business

- 1.) CPC Sponsor Application – Rummel, Klepper & Kahl, LLP d.b.a. RK&K. The matter was discussed, approved by committee, and presented for Board approval on the consent agenda.
- 2.) Review CPC Rules – Mr. Logsdon noted that, at the guidance of Mr. Goel, the committee members reviewed multiple rules and determined that rules .1704(4), .1704(6), and .1713 warrant further review and possible changes.
 - .0174(4) The committee advocates changing the way professional development hours are counted. The move would change the incremental method in which hours are counted from a third of an hour increment to a half hour increment.
 - .1704(6) For papers, articles, and books; the current rule allows up to ten professional development hours. Following review and comparison with NCEES Model Rules, the committee plans to come back to the Board with a formal recommendation to change .1704(6) to align more closely with NCEES Model Rules and establish criteria for the types of articles that will qualify for credit.
 - .1713. The committee discussed the possibility of increasing the license fee applicants must submit with their sponsor applications. Also discussed was the possibility of adding an annual renewal fee. It was noted that Rule changes would be necessary for some elements while statutory changes would be required for other aspects.

Mr. Logsdon noted that the committee began discussions to explore the changes that would be necessary to the Board's CPC requirements if the Board moves to a two-year renewal model. He noted that, at this time, the Board is statutorily authorized to require evidence of continued competency at renewal, noting that the statute is silent as to renewal intervals. He further surmised that if the Board decides to move to a two-year renewal cycle, the CPC Committee would then review the effects of a two-year cycle on other Board rules consequentially affected. Ms. Salloum and Mr. Logsdon noted that staff are being requested to review how other jurisdictions are managing a two-year renewal model. Mr. Logsdon concluded his report.

Mr. Ritter added that certain matters reported on correlated with his responsibilities of maintaining contact channels with legislative representation. He informed the Board that he had contacted Representative Arp on certain Board matters and discussions including the renewal cycle as currently established by Board Rules, the Board's exploration of moving to a two-year renewal cycle, and the effects of moving to a two-year renewal cycle on CPC requirements. Mr. Ritter informed the Board that the possibility of the Board moving to a two-year cycle was well received and Representative Arp was open to moving legislation forward that would allow both the renewal cycle and the CPC requirements to be contingent upon Board Rules. Mr. Ritter and Representative Arp are to restart discussions in the fall. Chair Fairbanks initiated discussion directed toward ensuring steps are in place to be fully prepared to move forward in the fall. Discussion ensued. Mr. Care made a motion. Mr. Logsdon seconded the motion. More discussion ensued. Following a request that staff read back the motion; Mr. Care restated his motion, "That Board endorse a legislative change to the statutes for the renewal period and the continuing education requirement to be subject to the Board Rules." Chair Fairbanks asked Mr. Logsdon if he still seconded this restated motion. Mr. Logsdon confirmed. A vote was taken, and the motion was unanimously approved.

Mr. Ritter made a request that the Board designate a Board member whom he could call if Representative Arp has questions. The request was acknowledged. Mr. Goel made a motion that the Board request Representative Arp to make a legislative change to give the Board authority that the sponsor fee could go up to \$500.00 max and that it should be required annually. Mr. Care seconded the motion. Mr. Logsdon asked Mr. Goel if he would accept an amendment to say, “authorizes the Board to make an annual fee,” rather than require an annual fee. Mr. Goel agreed. Chair Fairbanks called for a vote. Mr. Care initiated discussion on the matter and requested that staff confirm his recollection that a few years ago the Board sought to move away from sponsorship approvals and the processing of CPCs. Mr. Evans and Mr. Ritter gave their recollections of the matter. Mr. Logsdon suggested course approval versus sponsor approval. Discussion ensued. Chair Fairbanks suggested tabling discussion of the matter until the next Board meeting. Mr. Care made a motion to table the discussion and send the topic back to the CPC Committee for further consideration and an updated report on the specifics at the next Board meeting. Ms. Moore seconded the motion. A vote was taken, and the motion was unanimously approved.

Engineering Committee – Mr. Hoyle

Mr. Hoyle informed the Board that the committee met on March 11, 2024, via Zoom and discussed the following matters:

New Business

- 1.) Plan Content Question – Mecklenburg County – Mecklenburg County contacted staff seeking information regarding the minimum requirements needed on residential building design plans. Mr. Hoyle reported that the committee felt that there were better sources for the information other than the Board. The staff is directed to prepare a letter to that effect, taking the opportunity to assure the county that the committee is available for engineering specific matters. Discussion ensued.

- 2.) UK Mutual Recognition Agreement – Mr. Hoyle introduced the topic and deferred reporting to Mr. Ritter. Mr. Ritter reported on a recent trip to the United Kingdom. He reported that the trip allowed him a greater understanding of its purpose. He informed the Board that, as a result of leaving the European Union, the United Kingdom lost access to EU trade agreements and is now taking steps to reestablish connections with desired entities. The United States is among the first countries the UK entered into a trade agreement with and, because many business opportunities are at the state level, the UK is seeking to enter into trade agreements with various states. At the time of his report, Mr. Ritter was aware that, including North Carolina, the UK had entered into trade agreements with the governors of thirteen states. He noted bipartisan representation among the thirteen states and reported that, including twelve of the thirteen invited executive directors, participants from UK’s Washington, DC office, and members of NCEES; twenty-two individuals were treated to an impressively choreographed series of meetings with, among others, high level officials and members of parliament, taken on tours of historic sites and engineering projects, and treated to banquet dinners. Mr. Ritter provided a detailed breakdown of the UK’s process for engineering licensure. He explained that the attendees were afforded the opportunity to ask questions during a full day devoted to presentations. Additionally, he explained that the UK is a member of the fourteen-country International Engineering Alliance (IEA). All fourteen of these countries, following exacting stringent reviews by peers, have been deemed NCEES Model Law equivalent. The UK is a member of IEA and has been determined by NCEES to meet Model Law equivalency standards. NCEES has agreed to provide a written affirmation to that effect. Mr. Ritter explained that statutory guidelines regarding licensure by comity vary from state to state and although some states are currently permitted by statute to license foreign applicants by comity, some states must enact legislative changes to participate. Such changes will require one to two years to finalize. He further explained that North Carolina’s statutes permit the Board to license by comity foreign applicants whose foreign jurisdiction’s licensure requirements are equivalent to or more stringent than ours. For states that are going to participate or have pledged to participate in a memorandum of understanding, a signing ceremony is scheduled to occur at the UK Embassy during the NCEES Annual Meeting in Chicago. California, Georgia, and Nevada have indicated they will participate. For any state that has state specific licensing requirements, any such requirements are covered by the MOU with the UK. As an aside, Mr. Ritter noted that UK charter engineers who have taken the FE and PE exams have pass rates equal to US PEs. Disciplinary reciprocity is an element of the MOU. Those licensed by comity are named on an international registry. As part of the disciplinary process, any disciplinary action in any state or country will cause removal from the registry and consequently, loss of comity licensure. Mr. Ritter noted that he

has discussed the matter with the Engineering Committee Chair and answered questions from the committee members. Mr. Ritter concluded their report. Discussion ensued.

Mr. Hoyle took a poll to see if any Engineering Committee members still had questions. Mr. Goel affirmed. Mr. Hoyle deferred the matter to the May Board meeting to make sure everyone has all their questions answered.

- 3.) Review PE Application of Nicholas E. Hoffman (Conviction) – The committee reviewed the applicant’s 2018 conviction and confirmed information provided. The committee recommended approval of the PE application.
- 4.) ESLSCO LLC – Review of Services – As an update to an ongoing review of the company’s initial request for a non-objection letter, the Board sent a letter of inquiry. The company’s website has since been updated. Mr. Tripp noted that the website has currently been removed. Mr. Hoyle advised that at this time the committee does not feel that the company is offering engineering services; however, the committee has instructed Mr. Tripp to send a letter to inform the company that if it wants to practice engineering, the company must be licensed and if not, it must stop providing those particular services which were of initial concern. The committee has instructed staff to monitor the company’s website for continued compliance. Ms. Salloum added that the committee also determined that it was to be communicated to the company that it was not allowed to broker engineering services.
- 5.) Consultech Environmental, LLC Practice Questions– The company is a Chapter 87 entity. The Board received a letter from the owner in which the owner sought answers as to the acceptability of an exhaustive list of practices. The committee opined that the items on the list did not fall within its purview as the questions could not be answered by a simple yes or no. The committee determined that the questions were more appropriately answered by the company’s professional engineer after considering specific variables for each project. The Board’s counsel is requested to respond back to the owner.
- 6.) Use of US/International Foot – The committee reviewed. No action required.

Mr. Hoyle concluded his report.

Surveying Committee – Mr. Bowes

In Ms. Gibb’s absence, Mr. Bowes reported on the committee’s agenda. Mr. Bowes informed the Board that the committee met in person on March 12, 2024, and discussed the following matters:

New Business

- 1.) Exam Question Review – Noting that Ms. Gibbs was absent from the meeting, Mr. Bowes stated that the committee had been presented with an exam question for review. Members present reviewed and discussed a question and, upon review of past answers given for the question, decided to pull the question and take steps to revise it to a more viable question format.
- 2.) Mapping Science Exam – The committee reviewed Mr. Thompson’s letter to NCEES in support of a mapping sciences exam. Mr. Bowes reported that the consensus of the committee was to support Mr. Thompson’s efforts towards validating a mapping sciences exam.
- 3.) Right of Entry Statute – Mr. Bowes introduced the topic and deferred to Mr. Logsdon for reporting. Mr. Logsdon explained that the Surveying Society put forth a proposal for a right of entry statute which was codified into 89C and, as such, the Board is obligated to develop guidelines or rules for applying the statute if it is determined that there is an enforceable component. He noted some possible ambiguity in how the statute could be interpreted. The Board Counsel agreed to contact the Attorney General’s Office for interpretation. Coming out of committee, Mr. Logsdon made a motion that the Board instruct the Board’s counsel to seek an opinion from the Attorney General’s Office interpreting the new right of entry statute. Mr. Care gave his concurrence to the seeking an opinion from the Attorney General’s Office. Discussion ensued. Chair Fairbanks called for a vote. The motion was unanimously approved.
- 4.) US International Rule – Mr. Bowes noted that the issue was briefly discussed and expressed that the committee members were in favor of the shift once it occurs.

Old Business

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

- (1) 21 NCAC 56 .0701(e)(1)(2) (conflict of interest) – Mr. Bowes stated that this topic was discussed and informed the Board that Mr. Logsdon has agreed to prepare a newsletter article outlining some of the foreseeable possible conflicts of interest, possible complaints, and ways in which licensees may be found to be in violation. Mr. Logsdon noted that since the proposed changes would affect both engineers and surveyors, he will draft an article and circulate it to both committees for review and input.

2.) Minimum Requirements for an Airborne Survey – Mr. Bowes reported that discussions with technical experts are ongoing.

- 3.) GICC Work Group – Mr. Logsdon reported that the committee had requested that Mr. Ritter reach out once more to the GICC Work Group before the committee published the use cases for people to use. Following recent discussions, the committee determined that the use cases need to be compared to the inclusions and exclusions guidelines for uniformity. The inclusions and exclusions guidelines may be pulled and replaced with the use cases in the interim. Mr. Logsdon stated that the committee will report back at the next meeting. It was confirmed that anytime guidelines are published, full Board approval is required. Chair Fairbanks thanked Mr. Bowes and Mr. Logsdon. Chair Fairbanks noted the conclusion of the Surveying Committee Report.

Ad Hoc Committees

Electronic Certification and BIM Committee – Ms. Moore reported that the committee met on February 12, 2024, via Zoom. She stated that the main objective of the meeting was to schedule the stakeholders meeting. That meeting was scheduled for April 10, 2024, at which time the current certification requirements will be discussed and the draft Electronic Certification Guidelines, authored by Mr. Hoyle with the assistance of legal staff, will be reviewed and feedback received. Ms. Moore noted that if time permits during the meeting, BIM will be discussed. All but one of the stakeholders has responded. Ms. Moore will provide an update regarding the outcomes at the May Board Meeting. She concluded her report.

Hearing Procedures Committee – Mr. Logsdon reported that the committee met on March 12th. He reiterated committee membership: himself, Mr. Care, and Mr. Tripp. He noted that Mr. Ritter was also in attendance. Mr. Logsdon explained the two broad areas under review. The first being the fairness of our current hearing procedures including elements such as how we communicate with the licensee, how the licensee knows exactly what he or she is being charged with; and what evidence the licensee is entitled to receive and when the licensee entitled to receive that evidence.

Reporting further on the issue of hearing procedures, prior to the settlement conference, Mr. Logsdon stated that the committee members want to give the licensee a more detailed description of what the violation is. Although a particular Rule is cited, that may not be enough detail to put the licensee on notice as to the conduct that is of concern, he said. Current methods and practices and possible solutions were discussed. The committee will give a detailed written report for consideration by the Board at the May meeting. Mr. Logsdon concluded his report. Chair Fairbanks asked if anyone had follow-up questions. Mr. Care noted that he would like to supplement the current report. He added that it is going to be the recommendation of the committee that the general consensus of this Board is that these disciplinary processes are not win loss propositions but rather about seeking and getting discipline to the licensees who have failed to do something. Mr. Care gave clarifying comments concerning the topic and noted that efforts were already underway to revise communications for clarity.

Board staff entered the meeting at 11:55 a.m.

Chair Fairbanks took a point of privilege. He asked Mr. Ritter to come forward and be recognized for thirty years of service to the Board. Chair Fairbanks read the inscription on the plaque and presented it to Mr. Ritter along with commemorative gifts and, speaking on behalf of the Board and staff, thanked Mr. Ritter for his outstanding leadership and dedication. Mr. Ritter expressed his gratitude to Chair Fairbanks, the Board, and staff.

At Noon Chair Fairbanks initiated a thirty-minute lunch break. The Board reconvened at 12:33 p.m.

5. NCEES Activities – Executive Director

Mr. Ritter, noting the large volume of NCEES items posted, first directed attention to the Southern Zone Registration Report and explained the content. Including attendees and guests, 173 individuals are expected to attend. Mr. Ritter noted that this is the first stand-alone southern zone meeting since 2018. Discussion ensued.

Mr. Ritter moved the discussion to securing funded delegates for the 2024 Annual Meeting to be held in Chicago in August. Carol Salloum, Brenda Moore, and Toynia Gibbs will be the three funded delegates. Mr. Ritter noted that he was funded as a NCEES committee chair and, therefore, he will designate Mr. Evans to use his MBA funding. Mr. Bowes will be funded as a first-time attendee. Mr. Ritter made sure everyone was aware of the date shift from what was initially informed. Rather than Monday through Friday, the meeting is scheduled for Tuesday through Saturday. He gave logistical details, explaining that former Board Member, Andrew Zoutewelle, will be sworn in to the role of NCEES President at the banquet on Friday night. Mr. Ritter asked that Board members attend to support Mr. Zoutewelle if possible. Dress code for men will be jacket and tie.

Mr. Ritter mentioned several NCEES items. He remarked that proposed changes to NCEES Bylaws would be discussed in depth at the Southern Zone Meeting. The next topic was the ASCE Student Symposium. The timing of the symposium conflicted with the Southern Zone Meeting; else the Board would have participated. Next, Mr. Ritter gave brief remarks on each of the candidates running for the office of Southern Zone Secretary. The Board will have one vote. Chair Fairbanks elected to make a note of any endorsements but deferred the decision of the Board vote to allow members to hear the candidates speak. Next, Mr. Ritter informed the Board that at the NCEES February 23 - 24, 2024, meeting, Mr. Zoutewelle was ratified as an Emeritus Member and Board Counsel, Wes Tripp, was ratified as an Associate Member.

Mr. Ritter reviewed the Southern Zone schedule of events, noted staff participation and event logistics, including Board alumni dinner participation, and the custom-made cups from North Carolina Pottery that will be given out as gifts. Chair Fairbanks confirmed no further discussion on the topic and moved to the Board Secretary Report.

6. Board Secretary Report – Board Secretary and Executive Director

Mr. Goel reported that the auditor presented the results of the 2023 audit the week prior. The Finance Committee received and approved the audit. He noted that the results of the audit show the Board is in a strong equity position. Mr. Ritter described the audit process and explained that although the audit has been approved by Mr. Goel and Ms. Moore as Finance Committee members, the audit must still be accepted by the Board from the Board Secretary which requires a motion. Mr. Goel made a motion for the Board to accept the audit. A vote was taken and the motion to accept the audit was unanimously approved. Mr. Ritter will set a placeholder for questions or discussion at the May Board Meeting in case members have questions after having a greater opportunity to review the audit report. Mr. Ritter stated that it is a perfect audit with no management letters, for which he credits staff member, Nicole Scarborough. Ms. Moore noted that she concurred with Mr. Ritter's assertion that it was a great audit and stated that the auditor focused on the net position number which was noted as neither being too high nor too low. Mr. Goel completed his report.

7. Rules and Legislative Update – Board Counsel

Mr. Tripp reported that in January, the Board approved the amendments to .0502 and .0701. Continuing, he explained that the RRC requested changes; however, Mr. Tripp stated that the changes were grammatical, stylistic or organizational, and clarifying in nature. He did not find the changes to be substantive. He moved that those be submitted to the Rules Review Commission for the next step in the process for permanent adoption of those rules. Reminding the Board that submission of any part of a rule for changes opens the entire rule for review and, as such, the RRC had questions about some other parts of the rules. Mr. Tripp explained that he worked with staff to answer the questions and circulated those answers for individual board member review. He stated that he seeks a motion to approve .0502 and .0701.

Mr. Goel made a motion to approve the revisions to .0502. Mr. Care, noting he had noted a conflict with line 10 – (c)(1), initiated discussion. Mr. Tripp restated his request for a motion to approve .0502, except for line 10 - (c)(1). Chair Fairbanks confirmed Mr. Goel’s acceptance of the amendment to the motion. Ms. Salloum seconded the motion. A vote was taken, and the motion was carried unanimously.

Mr. Care made a motion to approve .0701, as revised. Mr. Bowes seconded the motion. A vote was taken, and the motion was carried unanimously.

At 1:16 p.m. Chair Fairbanks passed the gavel to Vice-Chair Moore to act as Chair in his absence.

Mr. Tripp introduced the Periodic Review of the Board Rules. He reminded the Board that the vote had been postponed until the March meeting and reminded members of the process. Mr. Tripp noted that he had provided a spreadsheet to Board members for review and for individual members to respond with any questions or concerns. Discussion ensued. Mr. Tripp recommended that all Rules be deemed “Necessary.”

At 1:23 p.m. Chair Fairbanks returned and reclaimed the gavel from Vice-Chair Moore.

Chair Fairbanks called for a motion. Mr. Care made a motion that the Board formally adopt the recommendation of the Board Counsel to deem all Rules as “Necessary.” Ms. Salloum seconded the motion. A vote was taken, and the motion was carried unanimously.

Mr. Tripp moved on to legislative updates. He discussed a proposed bill that may modify N.C. Gen. Stat. § 93B-8.1 and 89C-21. He explained how the proposed changes could have an impact on the application process and disciplinary processes for occupational licensing boards. Discussion ensued. The matter is pending outcome of legislative efforts.

8. Violations Activities – Assistant Executive Director

Mr. Evans presented the Violations Report for March 13, 2024. He reported that at the time he ran the report, the Board had opened 24 cases for FY2024 and 38 cases were closed. He provided the details of the actions taken for each of the 38 cases closed, provided information regarding the stage of completion of the 106 cases open as of March 4, 2024, and gave a highlight of the data related to the number of cases with licensees who have prior charges. Mr. Evans noted the positive impact of having his investigative staff fully staffed and completed his report.

9. Old Business – Executive Director

None

10. New Business – Executive Director

None

11. Informational Item – Executive Director

Mr. Ritter informed the Board that he and Andy Zoutewelle, in his capacity as NCEES President Elect, participated in Campbell University’s EWeek! Presentation. Mr. Zoutewelle gave a speech and Mr. Ritter gave a presentation on the FE and PE process.

Mr. Ritter reminded the Board of the NCEES Honor Cords Program whereby engineering students who passed the FE portion of the exam prior to graduating, can receive the cords to wear during the graduation ceremony. Campbell University is one of the five demo schools participating in the ceremonial honor cords from NCEES. Further, Mr. Ritter informed the Board that Mr. Care, as a Board member and an alum of Campbell University, has been invited to participate in the cord ceremony in April.

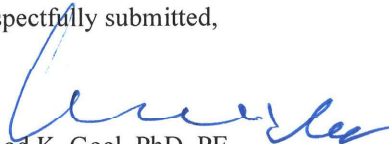
Mr. Ritter noted Board participation during the February Surveying Society Annual Meeting with all Surveying Board members participating in panel discussions. He noted that Mr. Logsdon, Mr. Bowes, Ms. Gibbs, and Mr. Tripp, the new Board Counsel, were in attendance. Mr. Ritter stated that he gave a lunchtime program and Mr. Logsdon participated on a panel to discuss the new trespass law. Noting that Mr. Bowes was a past president of the Surveying Society he asked Mr. Bowes to report on his participation from his

current viewpoint as a new Board Member. Mr. Bowes noted the distinctions that accompany the new hat and discussed the recommendations regarding GIS and unlicensed individuals. He reported that the number of surveying applicants is increasing. Discussion ensued.

Mr. Ritter discussed tentative plans to recognize Mr. Zoutewelle for his role as a former Board member and his current NCEES achievements. Current plans for his farewell dinner and a request to approve two separate gifts since Mr. Zoutewelle will be only the second NCEES President in North Carolina history. The Board agreed to two gifts. Mr. Ritter will provide further details as details unfold.

Mr. Goel made a motion to adjourn. Mr. Care seconded the motion. A vote was taken, and the motion was unanimously approved. The Board adjourned at 2:06 p.m. and is next scheduled to meet on May 15, 2024.

Respectfully submitted,



Vinod K. Goel, PhD, PE
Secretary

Approved by the Board in Session

Date: May 15, 2024

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 14, 2024

Raleigh, North Carolina

Board Chair, Cedric D. Fairbanks, gaveled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, February 14, 2024, to conduct the regular order of business. Chair Fairbanks confirmed attendance. Attendance was as follows:

Board Members on Teleconference Call:

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

Absent:

Staff on Call:

Andrew L. Ritter, Executive Director
S. Wesley Tripp III, Board Counsel
Cora Houston, Assistant

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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 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.

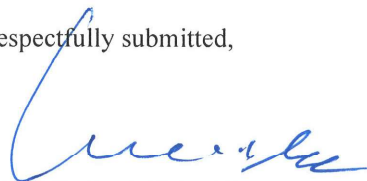
2. Consent Agenda – Chair

Chair 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. Chair Fairbanks confirmed the vote. No nays were heard. The motion to approve the Consent Agenda was unanimously approved.

The Consent Agenda included: Comity, Initial Licensure, and PE Reinstatement; CPC Committee Consent Agenda; Firm Applications for 10 Professional Corporations, 24 Professional Limited Liability Companies, 3 Business Firms, 3 Chapter 87 Corporations, 1 Name Change Request, and 3 Requests for use of d/b/a; Minutes; Retired Status Requests; NCEES Agenda Item; Review Committee Agenda; and Settlement Conference Agenda.

Ms. Gibbs made a motion to adjourn. Mr. Care seconded the motion. The Board adjourned at 9:03 a.m. The Board is next scheduled to meet on March 13, 2024.

Respectfully submitted,



Vinod K. Goel, PhD, PE
Secretary

Approved by the Board in Session

Date: March 13, 2024

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 17, 2024

Raleigh, North Carolina

Board Chair, Cedric D. Fairbanks, gavelled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, January 17, 2024, to convene the regular of business. Attendance was as follows:

Present:

Cedric D. Fairbanks, PhD, PE, Chair
Brenda L. Moore, PE, Vice-Chair
Vinod K. Goel, PhD, PE, Secretary (9:12 a.m.)
Dennis K. Hoyle, PE, PLS
John M. Logsdon, PLS
Jonathan S. Care, Public
Carol W. Salloum, Public (Zoom)
Toynia E. S. Gibbs, PLS
Timothy E. Bowes, PLS

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

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 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 appearance of conflicts were noted.

Chair Fairbanks thanked Mr. Hoyle for serving as Board Chair for 2023 and presented him with a gift on behalf of the Board. Mr. Hoyle expressed his gratitude for being selected to serve as Board Chair and noted his continued excitement about being reappointed for a second term.

2. Consent Agenda – Executive Director

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.

The consent agenda included: Comity, Initial Licensure, and PE Reinstatement; Firm Applications for 12 Professional Corporations, 25 Professional Limited Liability Companies, 1 Business Firm, 1 Chapter 87 Corporation, 1 Name Change Request, 1 Requests to Use Individual’s Name in Company Title, and 1 Request for use of d/b/a; Minutes, Retired Status Requests, a Request for Board Authorized Case Opening; and Review Committee Agenda.

3. Board Member Appointment / Reappointments – Executive Director

Mr. Ritter presented the Board with reappointment documents for Mr. Hoyle and Ms. Salloum. Both are reappointed for an additional five-year term.

In addition to the reappointments, Mr. Ritter presented the Board with an email confirming the appointment of Timothy E. Bowes, PLS. Mr. Bowes introduced himself, giving a brief social and professional history, and expressed his enthusiasm for being selected to serve as a member of the Board. Chair Fairbanks welcomed Mr. Bowes and congratulated Ms. Salloum and Mr. Hoyle on their reappointments. All received a round of applause.

Dr. Fairbanks, noting that he was initiating his first meeting as Board Chair, gave the following statement to the NCBELS Board and Staff:

“I find it an honor and a privilege to serve as your Board Chair this year. I anticipate this year to be highly productive and very effective. Our goals have been set, and with our collective efforts, we will undoubtedly achieve what we have set out to accomplish. Allow me to highlight a few important points:

If you ever have any inquiries, concerns, or suggestions throughout the year, please feel free to approach me in person, give me a call, send a text, or email me. I firmly believe in maintaining an open-door policy, and I'm certain Mr. Ritter shares the same sentiment. Additionally, during our formal Board meetings, it is my preference to consistently adhere to parliamentary procedures, specifically Roberts Rules of Order. Lastly, let us make full use of all the resources available to us in order to successfully achieve our goals this year. These resources encompass engaging with the staff, thoroughly reviewing, and comprehending Mr. Ritter's weekly reports, and attending conferences sponsored by NCBELS.”

Chair Fairbanks was warmly received and preceded to the next order of business.

4. Committee Reports – Committee Chairs

Engineering Committee – Mr. Hoyle

Mr. Hoyle informed the Board that the committee met on January 16, 2024, via Zoom and discussed the following matters:

New Business

- 1.) Review Request for Professional Engineer, Retired Status – The committee reviewed the request from Rockie D. Troxler. Mr. Troxler’s disciplinary history was reviewed by the committee. The request for Retired Status was not approved. Committee Chair Hoyle requested the Board approve the committee’s denial of the request for Retired Status. Chair Fairbanks asked for a vote on the motion coming out of committee to deny the request. The motion was unanimously approved.
- 2.) DISCUS Engineered Products, LLC – Request for a nonobjection letter. The committee reviewed and approved the request. Staff was directed to issue a letter with cautionary language. The company is not allowed to offer or provide engineering services.
- 3.) ConsultTech Environmental, LLC and Agra Environmental, Inc. – As an informational item, the committee informed the Board that the entities, which had previously sought the approval of the Board to combine their companies and was denied, has through their counsel, worked with Mr. Tripp, and is now employing a suitable restructured business model and will provide engineering services in support of its construction activities.
- 4.) Metro Analytics – Review of services and request for non-objection letter. The committee extensively reviewed the request and directed staff to issue the non-objection letter with cautionary language. The company is not allowed to offer or provide engineering services.
- 5.) ESLSCO LLC – Review of services. The committee reviewed the firm’s website. Based on the information gleaned, staff are directed to send a firm inquiry letter.

Old Business

- 3.) Appalachian Landslide Consultant, PLLC – Review of services. The committee first reviewed the firm’s services at its December 11, 2023, meeting and, based upon the results, contacted the NC Licensing Board for Geologists. The committee requested that the Geologist Board review the firm’s services. Following its review, the Geologists Board informed the committee that it considered the services being performed by the company to fall within the practice of geology and planned to pursue the matter. At the January 16, 2024, meeting the committee considered the possibility that the company is also performing some LiDAR services and, as such, requested review by the Board’s Surveying Committee. Ms. Gibbs, Survey Committee Chair, informed the Board that the Surveying Committee concurred with the Engineering Committee regarding the appearance that the company is performing LiDAR services. She noted that the Surveying Committee asks that the language initially crafted by the Engineering Committee for the company to add to its website be modified to include language

restricting services by adding the phrase “surveying and surveying firms.” Staff will communicate with the company.

Surveying Committee – Ms. Gibbs

Ms. Gibbs informed the Board that the committee met in person on January 16, 2024, and discussed the following matters:

New Business

- 1.) Review of Services – Appalachian Landslide Consultants, PLLS Ms. Gibbs noted that the matter was reported on during the Engineering Committee’s Old Business reporting.
- 2.) Mapping Science Exam – Ms. Gibbs explained that to be petitioned to include a mapping science exam, NCEES must receive state level requests from at least ten states and such requests must reflect a statutory level of need for the mapping science exam. Mr. Gary Thompson, Chief of the North Carolina Geodetic Survey, the state agency responsible for maintaining North Carolina’s official survey base, has sent a letter in support of the Board’s efforts explaining that his agency and the Board share a mutual need for a mapping science exam. A signed copy of the letter will be included as a supplement to the Board’s letter which is being prepared by Messrs. Ritter and Logsdon.
- 3.) Robert Tedesco Application – Ms. Gibbs provided details leading to the committee’s decision to delay Mr. Tedesco’s request to be seated for the survey examination. This matter is pending the resolution of a disciplinary matter between the applicant and the Ohio licensing board. Mr. Logsdon provided additional factors which affected the ability of the Board to allow the applicant to take the exam for licensure in North Carolina at this time.
- 4.) State Specific Exam – Ms. Gibbs stated that the committee had put forth a herculean effort to clear a backlog of plats which needed to be reviewed prior to the January exam. Going forward, the exam schedule will be February, May, August, and November.

Mr. Ritter provided data exploring the correlations between NC’s new law which changed the requirements to sit for the exam and the number of applicants taking the surveying exam. He noted that the number of individuals taking the surveying exam is trending upwards in North Carolina as well as nationally. He parsed the data related to 25 of the recent applicants and noted that the new law enacted by the General Assembly, and originally filed by Senator McGinnis allowed five of the applicants to qualify to be seated for the exam who would not have qualified based on the old standards. Mr. Ritter will track the pass rate for the individuals qualifying under the new law and share that information with the Board. Discussion ensued.

- 5.) George W. Midgette, Jr. – Retired Status request. The committee reviewed the licensee’s disciplinary history. The committee’s decision was to approve the request for Retired Status and seek the Board’s approval. Mr. Logsdon made a motion to approve the request. Chair Fairbanks called for a vote. Following a vote, the motion to approve the Retired Status request was unanimously approved.
- 6.) Model Law Section 110.20 – Informational item. The definition of certain terms within the section are being reviewed for conciseness. In Boston, due to the level of concern expressed by attendees who were members of the Society of Surveyors, the matter will be parsed out to each chapter for their review. The concerns from each chapter are being compiled and will be presented under the Society of Surveyors rather than from individual chapters. Mr. Bowes provided additional details regarding the efforts of the Society of Surveyors. The matter is pending.
- 7.) Robert A. Burns – Retired Status request. The committee reviewed the licensee’s disciplinary history. The committee’s decision was to approve the request for Retired Status and seek the Board’s approval. Mr. Logsdon made a motion to approve the request. Mr. Fairbanks called for a vote. Following a vote, the motion to approve the Retired Status request was unanimously approved.
- 8.) Preparing a Legal Description – The matter relates to the purchase of two adjacent parcels of land, located in the same subdivision and purchased by the same individual but at separate times. There is a home on one parcel which is positioned very close to the other parcel. As the owner sought a building

permit to make repairs to the house, he was told by the planning director that a recombination plat was necessary. Seeking the advice of counsel, his attorney prepared a recombination affidavit. That affidavit was rejected by the planning director. The question presented to the committee for review is whether she can prepare a plat based on the prior subdivision without a new survey. Based on the particulars of the matter, the Board rules concerning required reports of a survey, and common legal practices, the committee agreed that it is within the Board's purview to permit a surveyor to prepare a recombination plat based upon either legal descriptions or prior plats as long as the surveyor clearly states what was surveyed and what was not surveyed. Mr. Logsdon will respond.

Old Business

- 1.) Rules Review per G.S. 150-19.1(b) – Proposed Statute Changes – Ms. Gibbs reminded the Board that a few months earlier Gary Thompson reported on area LiDAR standards and compared the practices of the two agencies, FGDC and NAIP. Board Rule 1606 was referenced. Another option explored was ASPRS; however, ASPRS is more licensee focused rather than public focused. The committee will seek input from additional experts on the subject matter before making final recommendations.

Mr. Goel noted that certain items under Rules Review require the input of both committees and made a request to have those items be moved to an appropriate ad hoc committee. Mr. Evans confirmed that the business titles and responsible charge topics would be removed. Mr. Mazanek noted that the conflict of interest topic was missed and will be covered at the next meeting.

- 2.) Minimum Requirements for an Airborne Survey – It was noted that the topic is something that was originally reviewed in 2019. Both Ms. Gibbs and Mr. Bowes have individuals that they will bring in to discuss the matter with the committee and, hopefully, revive the topic with a focus on comity and deliverables. Discussion will continue.
- 3.) GICC Work Group – There have been communications between the Board and GICC. Mr. Ritter is working to finalize a letter to GICC.
- 4.) Plat Questions from Mike Benton – Items that appear to be plats were brought to the attention of the committee by Mr. Benton but are missing a surveyor's seal. Mr. Hoyle noted that the items appear to be preliminary plats prepared by an engineer for subdivision approval. Mr. Logsdon and Mr. Hoyle will write a letter to circulate, gain cohesion, and send out.
- 5.) Gary Thompson Discussion ASPRS – Matter was not discussed.
- 6.) Construction Layout Policy – Ms. Gibbs informed that Board that former Board Member, Andy. Zoutewelle, wrote an article that was circulated among the Surveying Committee members for comments and finalized. The article will be included in the May newsletter.

Chair Fairbanks checked with Mr. Logsdon, Chair of the CPC Committee, to confirm that the committee is not reporting. Mr. Logsdon, noting that the CPC Committee did not meet for this reporting period but is scheduled to meet January 30, 2024.

Ad Hoc Committees

Electronic Certification and BIM Committee – Ms. Moore reported that the committee met on January 8, 2024, and established its goals of reviewing wet sealing and electronic certification requirements and reviewing the process of certification of models. In addition, members identified stakeholders and set future meeting dates. Ms. Moore informed the Board that the committee's main goal is to be able to determine the need for changes to Board Rules and Guidelines with respect to those items and report those needs at the 2024 planning session. Discussion ensued. Mr. Ritter, for the benefit of the new member, gave a historic perspective on the topic.

Hearing Procedures Committee – Mr. Logsdon reported that the committee discussed the issues of hearing procedures and came to a general understanding of the issues. Mr. Logsdon stated that the members plan to meet more formally on the topic. Mr. Ritter explained that the issues were clearly identified; however, the solutions may prove challenging.

Chair Fairbanks initiated a brief break at 10:13 a.m. The meeting was reconvened at 10:24 a.m.

5. NCEES Activities – Executive Director

Mr. Ritter presented an Emeritus Nomination form for Andrew G. Zoutewelle, PLS if the Board so desires. Mr. Care made a motion to nominate Mr. Zoutewelle as an Emeritus member. Ms. Gibbs seconded the motion. A vote was taken, and the motion was unanimously approved.

Mr. Ritter discussed the schedule of events for the Southern Zone Interim Meeting. He explained that NCEES has adopted a new Southern Zone agenda. He explained notable differences in the new agenda from past agendas. Mr. Ritter will contact the recent emeritus members to see if they want to attend. He noted that, per NCEES, only limited NC staff participation will be needed. Mr. Ritter expects to use eight staff members who will man certain duty stations. Board members discussed and provided Mr. Ritter with direction on social activities and emeritus member opportunities. Mr. Ritter stated that at this point he will give weekly updates.

6. Board Secretary Report – Board Secretary and Executive Director

Mr. Goel reported on the fiscal year end 2023 budget and thanked Ms. Moore for her service as Board Secretary for 2023. Giving further details, he noted that the fiscal year ended on a positive variance.

Chair Fairbanks initiated a break at 10:55 a.m. The meeting resumed at 11:00 a.m. Mr. Hanna was present and Mr. Andrussier joined the meeting via Zoom.

Chair Fairbanks entertained a motion to go into closed session. Mr. Goel made a motion to go into closed session. Ms. Gibbs seconded the motion. Mr. Logsdon amended the motion to go into closed session regarding the case Nutt vs Board. A vote was taken. The amended motion was unanimously approved. Mr. Ritter, Mr. Evans, Mr. Tripp, and Ms. Houston were invited to closed session. The Board went into closed session at 11:05 a.m. At 11:46 a.m., Mr. Goel made a motion to end closed session and return to open session. Mr. Logsdon seconded the motion. All in favor, the Board returned to open session.

7. Applications – Director of Business Licensure

Mr. Mazanek presented a special agenda item for Board approval. Straughan Environmental, Inc. requests permission to continue to use the name “Straughan” in the firm name. After discussion, Mr. Care moved to approve the request. Mr. Bowes seconded the motion. A vote was taken. The motion was unanimously approved.

Chair Fairbanks initiated a lunch break at 11:49 a.m. The meeting resumed at 12:35 p.m.

8. Violations Activities – Assistant Executive Director

Mr. Evans presented the Violations Report for January 17, 2024. He reported that at the time he ran the report, the Board had opened 10 cases for FY2024, and 31 cases closed. He provided the details of the actions taken for each of the 31 cases closed, provided information regarding the stage of completion of the 99 cases open as of January 9, 2024, and gave a highlight of the data related to the number of cases with licensees who have prior charges. Mr. Evans provided data regarding Board members for FY2023 Review Committees and Settlement Conferences.

Mr. Ritter states that going forward, in addition to Mr. Evan’s year-to-date data, a 12-month rolling-numbers data slide will be presented. Mr. Evans stated that in response to Board member concerns regarding turn-around times, the investigators have been given latitude, for certain types of cases, to allow greater use of Zoom and audio calls.

Mr. Care sought confirmation that the Board would be provided with settlement conference data showing the number of days from decision coming out of review committee to scheduling of settlement conference. Mr. Ritter assured Mr. Care that the data would be provided and explained that measures regarding setting

settlement conference dates were requested by Mr. Care for 2023, was found to be a positive tool in scheduling settlement conferences and staff would continue to employ those strategies.

9. Rules Update – Board Counsel

Mr. Tripp explained the steps in the Rules Review Process and identified where we are in the process for the two Rules currently being updated and advised of minor revisions. Mr. Tripp informed the Board that he was seeking Board approval to move forward with Rules .0502 and .0701 to have the Rules on the February RRC agenda for a March 1, 2024, effective date.

Mr. Care made a motion to approve .0502, as revised. Mr. Goel seconded the motion. A vote was taken, and the motion carried.

Mr. Care made a motion to approve .0701, as revised. Ms. Salloum seconded the motion. A vote was taken, and the motion carried.

Mr. Tripp explained that in addition to the amendments to Rules .0502 and .0701, it is also time for the Periodic Review of the Board Rules. He explained the past process and how the current process differs. He explained that, as Board Counsel, he has reviewed each Rule and made the initial determination that each Rule is necessary. He requested that the Board make a motion to approve each Rule as “Necessary.” Discussion ensued. Chair Fairbanks delayed the vote until the March meeting. Mr. Tripp will provide a spreadsheet to Board members for review. Members are to respond to Mr. Tripp individually.

Mr. Tripp was asked his opinion regarding a covid era Board policy which permitted firms to open or maintain offices without a physical office. Mr. Tripp stated that his opinion is that the policy is no longer applicable since the covid mandates have ended. He notes that resolution of the matter is still at the discretion of the Board. Discussion ensued. The policy will be pulled from the website.

10. Old Business – Executive Director

None

11. New Business – Executive Director

Mr. Ritter provided data on PE and Surveyor renewals. He informed the Board that the on-time renewal rate is 9% higher than the previous year. Mr. Ritter credits the independent efforts of Ms. Stephanie Bryant for this result. He further noted that surveyor renewals are down 2% but explained that surveyor renewals typically fluctuate.

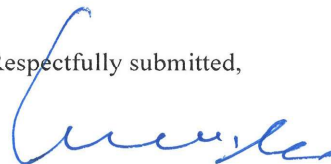
Mr. Hoyle thanked Chair Fairbanks for leading the meeting and stated it was a great meeting.

12. Informational Item – Executive Director

None

Mr. Care made a motion to adjourn. Ms. Gibbs seconded the motion. A vote was taken, and the motion was unanimously approved. The Board adjourned at 1:58 pm. The Board is next scheduled to meet on February 14, 2024.

Respectfully submitted,



Vinod K. Goel, PhD, PE
Secretary

Approved by the Board in Session

Date: March 13, 2024