

The North Carolina Bulletin

The Newsletter of the North Carolina Board of Examiners for Engineers and Surveyors

November 2023 Fall Issue



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ETHICS

By Dennis K. Hoyle, PE, PLS

The North Carolina Bulletin over the years has included many articles written that discuss Ethics in our profession. The articles were written by past Board members including Linda Thurman 2018, Glenn Haynes 2011, Teresa Helmlinger Ratcliff 2010, George Freeman 2006, and others. In addition, the North Carolina Board Staff continues to provide training on Ethics in programs offered to licensees throughout the year. When you look over the Disciplinary Actions found in the Bulletin you find that the Board Action often includes a requirement that the licensee take an Ethics course (the Board has often heard from disciplined licensees that have taken the Ethics course that the course is challenging and very good in content). At a recent National Council of Examiners for Engineering and Surveying (NCEES) annual meeting, which was attended by Board members from throughout the United States, two of the program sessions included Ethics.

The North Carolina Board believes Ethics are very important and has recently revised the continuing professional competency rules, effective as of the 2024 license renewal, that licensees will need at least 1 (one) Professional Development Hour (PDH) in Ethics or Rules of Professional Conduct.

So, what are Ethics? Are Morals and Ethics the same thing? Ethics refer to rules provided by an external source, Morals refer to an individual's own principles regarding right and wrong. The Rules of Professional Conduct NCAC 56.0701 is a good place to start for professional engineers and surveyors to understand their Ethical obligations. Every licensee is encouraged to read the complete Rules. The main headings in the Rules include:

- (a) The rules are binding upon every person holding a certificate of licensure.
- (b) Conduct the practice in order to protect the public health, safety, and welfare.
- (c) Perform services only in areas of the licensee's competence.
- (d) Issue public statements only in an objective and truthful manner.
- (e) Avoid conflicts of interest.
- (f) Solicit or accept work only on the basis of qualifications.
- (g) Perform services in an ethical and lawful manner.
- (h) A licensee who has received a disciplinary action by another jurisdiction is subject to discipline by the North Carolina Board.

How does a licensee know if a situation and an action are ethically right or wrong? One action is to communicate between all those



involved. Often the Board has found that an action by the licensee was done without any communication or there has been poor communication that has resulted in misunderstanding of the intent by both parties.

Sometimes it seems that an ethical situation could have been avoided if the licensee had asked another licensee for their opinion on how to handle a situation. We are a self-regulating organization that holds each other to high Ethical Standards. Although engineers and surveyors are sometimes said not to be the most extroverted people, we are really dependent on others for the quality of our work and depend on the ties of our peers in the profession to maintain and strengthen our professional Ethics. These professional ties may include others where we work, members we associate with in one of the professional organizations or in community service organization we participate in. All of these are invaluable to strengthen and maintain our Ethics.

The Board staff is always available to discuss an Ethical situation. We should remember that the Board staff is a great resource that licensees should take advantage of. As many of you know, David Tuttle, board counsel for many years, has recently retired and has taught endless classes on Ethics throughout his career. Fortunately, David has agreed to continue to support the Board's outreach program and offer Ethics training to our licensees. In addition to David's outreach efforts, Mike Benton, emeritus member of the North Carolina Board, is also providing Ethics programs throughout the state.

Ethics are a way of living. It requires us to be truthful, fair and honest. Ethics are paramount in our profession to protect public safety, health and welfare.



The North Carolina Bulletin

Published to provide news and information regarding statutory and regulatory changes and to promote a better understanding of the practices of engineering and land surveying in the State of North Carolina.

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Editing and Design

Nicole Scarborough	<i>Editor/Content Manager</i>
Angela's Graphx	<i>Graphic Design</i>

CPC Rule Changes

Effective as of the 2024 license renewal (license renewal opens on December 1, 2023), licensees will need at least 1 Professional Development Hour (PDH) in Ethics or [Rules of Professional Conduct](#). The course or activity must contain content areas concerning:

- the awareness of ethical concerns and conflicts;
- an enhanced familiarity with codes of conduct;
- an understanding of standards of practice or care;
- project management and risk-assessment management; or
- other similar topics aimed at maintaining, improving, or expanding the skill sets and knowledge relevant to conducting the practice of the profession so as to protect the health, safety, and welfare of the public.

In addition, Professional Land Surveyors will need to obtain 1 PDH in the Standards of Practice for Land Surveying. The course or activity must contain content areas related to Standards of Practice for Land Surveying in Section .1600 of the [Board Rules](#).

Additionally, a revision to Board Rule .1705(f) now allows for licensees to earn up to 2 PDHs annually for active participation in accrediting organizations in addition to professional or technical societies. This credit is limited to 2 PDHs per society or organization and it requires that a licensee serve as an officer or participate in a committee or accreditation visits. PDH credits are not earned until the end of each year of service is completed.

The Rules now also allow for credit to be earned for active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K–12 or higher education students. Licensees are limited to claiming up to 3 PDHs annually for this activity.

Compliance with the Continuing Professional Competency (CPC) requirements is determined through the random CPC audit process. Additional information about the CPC requirements can be found on the Board's website on the [Continuing Education page](#) to include FAQs. Licensees with questions about the requirements should contact Martha Michalowski at mmichalowski@ncbels.org.

Renewals for 2024

The 2024 license renewal window opens on December 1, 2023.

The Board no longer mails paper license renewal forms. The Board will e-mail your 2024 renewal notice on December 1, 2023, to the e-mail you have listed in the NCBELS Licensee Portal.

The Board will send multiple Constant Contact e-mail notices during the renewal process to notify you to renew. Please be sure your e-mail address is up to date. You can make changes to your e-mail through the Licensee Portal on the Board's web site (www.ncbels.org).

Licensees can renew their PE and PLS licenses online and pay by credit card or complete the renewal online and select the pay by check option. If you use the pay by check option, the renewal is not complete until payment is processed by the Board.

For questions about license renewals, please contact Stephanie Bryant (sbryant@ncbels.org).



Protecting First Responders

By George D. (Donnie) Barrier, PE



It's fall in the Carolinas, and hurricane season is waning. As summer transitioned into fall and the leaves began to turn, many of us prepared for the upcoming storms. For most of us, stocking up on flashlight batteries was the reasonable level of preparedness and, for some, generators and plywood and evacuation plans were in order. However, there was yet another group improving their preparedness for the storms. They readied their gear, trained, scheduled their availability for deployment and communicated with their employers and clients about potential unscheduled absences from their practices. They are your Professional Engineer colleagues who serve as Emergency Response Engineers and Structures Specialists locally and throughout the state.

These Professional Engineers (PE) embed within first responders and Urban Search And Rescue (USAR) task forces to provide engineering consultation during incident response and disaster deployments.



Cherylyn Henry, PE (first row right in orange) and David Goodman, PE (back center in orange) before demobilization of NC TF-3 from deployment to Hurricane Florence 28SEP18 (image courtesy of Charlotte Fire Department, NC TF-3, and NC Department of Public Safety Division of Emergency Management).

Initially, years ago, Structures Specialists (StS) within USAR task forces were tasked with performing structural assessments during structural collapse rescue and recovery operations with duties including estimating number of potential victims, areas of potential survivability, structural hazard identification and mitigation, and providing structural redundancy through shoring of damaged structural components. StS also assessed bridges post-earthquake and post-flooding to assist in the logistics for USAR operations in moving into and through disaster areas. StS role later grew to include the use of GPS and "hasty" assessments of structures for wide area search and rescue, such as in a post-hurricane response. During earthquake response, slope failure, or dam failure,

which often is a huge threat to public safety post-hurricane, a geotechnical component to the StS role was incorporated, and in one case hydrology through estimating the times of peak flooding for planning emergency response has also been part of the StS role.

As local fire departments and state emergency managers comprised many of the USAR task force leadership, they began incorporating PEs into their local responses. The PEs role when embedded within local response has grown as command learned that PEs are, at their core, are problem solvers. As an Emergency Response Engineer, they respond to local incidents with an even broader role including building explosion collapse, excavation and trench collapses, retaining wall collapse, drowning victim recovery, crane collapse, trapped first responder rescues, and post-fire victim recovery when the structure's integrity has been compromised.



Chris Bathgate, PE inspecting a tower crane at Southpark fire 23MAY23 (image courtesy of Charlotte Fire Department, NC TF-3, and NC DPS DEM).

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In both cases, whether on a local response or a task force deployment, the PE reports to the Incident Commander or Task Force Leader. They make the command decisions, with the PE filling a consultant role. The PEs perform the task assigned utilizing their experience, expertise and engineering judgement. The Incident Commanders and Task Force Leaders then, based on the PE's recommendations, direct the operations.

The PEs are essentially volunteers, training on their own time, and at times at their volition and at their own expense. A nominal stipend is paid as a State of NC employee under the NC Department of Public Safety Division of Emergency Management during the PEs actual response and deployment time. This is intended to afford the PE workers' compensation and professional liability coverage while on duty, which extends liability mitigation beyond that allowed by "Good Samaritan" legislation. They receive highly specialized training that builds upon their technical expertise and engineering judgement potential. The fundamental training or StS1 is sponsored by FEMA and The Army Corps of Engineers (USACE) and is held for a week in October at Moffett Field, CA. There are additional opportunities for training, such as the advanced training or StS2, held for a week in May, also in CA. Then, there is regional training held thrice annually at various locations throughout the US. These training expenses are typically reimbursed by the North Carolina Department of Health and Human Services Office of Emergency Medical Services. In addition, the NC cadre of Rescue Response Engineers hold an annual or biannual training at various locations on Saturdays in the summer and winter, annual or biannual depends on the deployment load. This training is also sponsored by the NCOEM, the hosting task force and local fire department.

To those PEs who serve as Emergency Response Engineers and Structures Specialists, this is the apex of their engineering careers. Yes, we as PEs are duty bound to protect the public health and safety, but rarely do we get the chance to have such a direct, immediate, and profound consequence of our servitude. Yes, you start out working outside of your comfort zone in which you have been programmed to operate, and you have to make judgement decisions on what at first may appear to be a chaotic system, well beyond the "elastic zone", with what information you have to work with in hand, but that is understood by all the highly trained rescue professionals you serve with, and you will employ sound judgement, intuition and experience when it is desperately needed. Yes, it is a commitment for your time and personal safety, but with your training and experience when working with consummate highly trained professionals in the fire service, the time is cherished and the risk is acceptable, managed in the company of the best of the best.

If you are interested in applying your talents, experience, and desire to serve the greater good, this is an opportunity to do so. There are other opportunities, more post-disaster in nature, such as a second responder performing damage assessments through NCSEA's Structural Engineering Emergency Response (SEER) program, to determine whether buildings in the post-disaster environment are adequate for re-occupancy. If either opportunity is something you would like to explore further, feel free to contact the author of this article.

George D. (Donnie) Barrier, PE



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Cheryln Henry, PE (first row right in orange) and David Goodman, PE (back center in orange) before demobilization of NC TF-3 from deployment to Hurricane Florence 28SEP18 (image courtesy of Charlotte Fire Department, NC TF-3, and NC Department of Public Safety Division of Emergency Management)]

BOARD HONORS DEPARTING MEMBERS

This past spring, the Board held a Farwell Celebration for Richard “Mike” Benton, PLS.

Also honored was David S. Tuttle on his retirement.

In addition to the honorees, those in attendance at the festivities included current Board members, Emeritus Board members, guest Board spouses and several staff members. Memories and humorous anecdotes were shared by current Board members and Emeritus Board members.



Dennis Hoyle and Mike Benton

Mr. Benton began his term in January 2013 to fill the Board vacancy created by the departure of J. Glenn Haynes, PLS. Mr. Benton was re-appointed in April 2018 with his term expiring in December 2022. Mr. Benton served as Board Chair in 2017, Vice Chair in 2016 and Secretary in 2015. Mr. Benton was also the Surveying Committee Chair in 2014, 2016, 2019 and 2022.

Mr. Benton spoke fondly of his Board experience and service. Mr. Hoyle presented him with a plaque and small gift.



Dennis Hoyle and David Tuttle

David S. Tuttle, who came to work with the Board on July 1, 1994, retired on July 31, 2023. David’s 29-year tenure was celebrated with a luncheon at the Board office.

Board Chair Dennis K. Hoyle, PE, PLS welcomed everyone and voiced his appreciation for David’s years of service. The full board presented a plaque to David to recognize his service and dedication to the engineering and surveying professions and the citizens of North Carolina.

David will be missed by many, especially those that frequently called upon him as a resource to answer rules and laws questions. The Board and staff wish David the very best in retirement.

New Face at the Board

Wes Tripp joined the Board staff as Board Counsel on November 1, 2023. Wes is a graduate of Campbell University School of Law. He is a cum laude graduate of the University of Tennessee. Prior to joining the Board Wes was an attorney at Young Moore Attorneys focusing on occupational licensing boards and administrative law.

General Assembly of North Carolina - Senate Bill 677

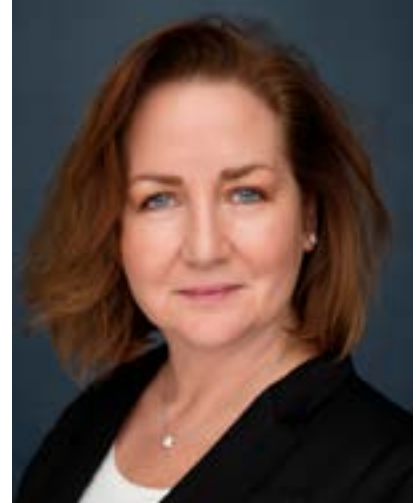
Effective July 1, 2024, this ratified bill allows a limited right of entry for professional land surveyors in certain circumstances and to expedite plan review and authorize at-risk construction permitting for certain commercial and multifamily building projects.

<https://www.ncleg.gov/BillLookup/2023/s677>

Toynia E.S. Gibbs Named New NCBELS Board Member

Toynia E.S. Gibbs, PLS, was appointed by Governor Roy Cooper on January 1, 2023, to fill the vacancy created by the expiration of the term of Richard M. Benton, PLS on December 31, 2022. Ms. Gibbs made history becoming the first female surveyor to be appointed to the board. Her term will expire on December 31, 2027. Toynia holds an AAS holds in Surveying Technology from Coastal Carolina Community College and additional coarse work in Civil Engineering from NCSU. She has been a licensed surveyor in North Carolina since January 17, 1997. She currently works as the Survey Department Manager for the Morrisville, NC office for ESP Associates, Inc.

Ms. Gibbs has been married to her husband Phil since 1997 and have three children together, and currently resides in Cary.



Toynia E.S. Gibbs, PLS

Spring 2024 Exam Changes



• **PE Structural** — The PE Structural exam had its last pencil-and-paper administration in October 2023. Beginning November 1, 2023, examinees will be able to register and schedule CBT appointments, which will be available year-round for the Vertical and Lateral Forces breadth sections. The exam administration for the Vertical and Lateral Forces breadth sections will start on April 1, 2024. The April administration will be a two-day event for the depth sections with the Vertical Forces exam offered on Tuesday, April 16, 2024, and the Lateral Forces exam offered on Wednesday, April 17, 2024. Examinees may reserve their seat at a Pearson VUE test center once they are registered with NCEES and approved by their board. Member Boards who manually approve candidates are encouraged to approve candidates as they register to allow them to reserve their seat for the two-day depth section event as early as possible.

• **PE Civil** – The PE Civil exam will have new specifications and design standards starting in April 2024. The specifications were posted in October 2023 on the NCEES website.

• **PE Control Systems** – The PE Control Systems exam will be offered October 2023 and will shift its Linear Fixed Form (LFF) administration to the Spring. The test date is Wednesday, April 17, 2024. Registration with NCEES for this exam began on November 1, 2023. Examinees may reserve their seat at a Pearson VUE test center once they are registered with NCEES and approved by their board. Member Boards who manually approve candidates are

encouraged to approve candidates as they register to allow them to reserve their seat for this single-day event as early as possible.

• **PE Electrical and Computer: Electronics, Controls, and Communications** – The PE Electrical and Computer: Electronics, Controls, and Communications exam will be offered October 2023 and will shift its Linear Fixed Form (LFF) administration to the Spring. The test date is Wednesday, April 17, 2024. Registration with NCEES for this exam began on November 1, 2023. Examinees may reserve their seat at a Pearson VUE test center once they are registered with NCEES and approved by their board. Member Boards who manually approve candidates are encouraged to approve candidates as they register to allow them to reserve their seat for this single-day event as early as possible.

• **PE Fire Protection** – The PE Fire Protection exam will be offered October 2023 and will shift its Linear Fixed Form (LFF) administration to the Spring. The test date is Tuesday, April 16, 2024. Registration with NCEES for this exam began on November 1, 2023. Examinees may reserve their seat at a Pearson VUE test center once they are registered with NCEES and approved by their board. Member Boards who manually approve candidates are encouraged to approve candidates as they register to allow them to reserve their seat for this single-day event as early as possible.

If you have any questions about these changes or require additional information, please contact Jason Gamble at jgamble@ncees.org.

BOARD ACTIONS

The following summaries represent actions taken by the Board. Penalties vary depending upon the specific circumstances of each case. Space limitations preclude full reporting of all circumstances. The range of disciplinary actions includes: issuing a reprimand; suspend, refuse to renew, refuse to reinstate, or revoke the certificate of licensure; require additional education; or, as appropriate, require reexamination; or levy a civil penalty not in excess of \$5,000 for any engineer or \$2,000 for any land surveyor. Questions or requests for information concerning specific cases should be directed to Wes Tripp, Board Counsel, at (919) 791-2000, extension 111 or via email at wtripp@ncbels.org.

CASE NO. V2021-024

Billy J. Roark, PE [027788]
Cary, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to perform services in an ethical and lawful manner [.0701(g)]; failed to cooperate fully with the Board during an investigation [G.S. 89C-20]; and failed to be completely objective and truthful in professional statements during the investigation [.0701(d)(1)].

BOARD ACTION: Reprimand and suspend Engineering Certificate of Licensure until proof of passing ethics course.

CASE NO. V2021-066

John W. Harris, PE [010742]
Raleigh, NC

VIOLATION: Failed to exercise adequate direct supervisory control (responsible charge) [.0701(c)(3)]; failed to properly certify documents by using a facsimile signature [.1103(a)(3)]; failed to clearly indicate date of certification [.1103(a)(4)]; and failed to include firm license number [.1103(b)(5)].

BOARD ACTION: Reprimand and \$2,500 civil penalty.

CASE NO. V2021-104

K. Craig Manawes, PE [027235]
Abilene, TX

VIOLATION: Submitted false information on renewal forms [G.S. 89C-23, .0701(d)(1)]; failed to comply with annual CPC requirements [.1703, .1712]; failed to maintain logs and verification records to support PDH credits [.1706]; and violated an Order of the Board [G.S. 89C, .0701(b)].

BOARD ACTION: Reprimand, \$5,000 civil penalty, suspend Engineering Certificate of Licensure until proof of 10 additional PDHs is furnished to the Board in addition to 15 PDHs to renew as current and audit CPC for the next three years licensee renews as current.

CASE NO. V2022-009

Damon S. Howard, PE [032126]
Charlotte, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand.

CASE NO. V2022-012

Aaron E. Moore [PLS No. L-5139 – Revoked] (Combined with V2022-020)
Wilmington, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to perform services in an ethical and lawful manner [.0701(g)]; affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; failed to be completely objective and truthful in professional statements [.0701(d)(1)] including to clients and the Board; failed to cooperate fully with the Board in the course of an investigation [G.S. 89C-20]; failed to conform to the Standards of Practice for Land Surveying in North Carolina [.1600] and G.S. 47-30 Mapping Requirements; failed to properly reference north arrow and noted an assumed bearing [.1604(d)(1), 47-30(f)(1)]; failed to make adequate investigation [.1602(a), (c)] by noting survey based on legal description and not researching abutting properties; failed to protect the public [.0701(b)] by improperly limiting the surveyor's certification; failed to properly indicate name of owner in title of plat [.1604(d)(11), 47-30(c)(2)]; failed to include correct name and license number of firm on documents [.1103(a)(6), (b)(5)]; and failed to describe and date revisions [.1103(a)(7), 47-30(c)(7)].

BOARD ACTION: Revoke Surveying Certificate of Licensure.

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CASE NO. V2022-017

Mark D. Pruden [PLS No. L-3065 – Suspended]
Edenton, NC

VIOLATION: Failed to report the results of a survey as a map or report of survey [.1602(f)]; failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to conform to the Standards of Practice for Land Surveying in North Carolina [.1600] when making survey notations on a map by another PLS; failed to properly certify document [.1103] as the work was not certified by the PLS, it was not marked as preliminary, and it did not contain address; performed an inaccurate or substandard survey, failing to protect the public [.0701(b)] to include not having an adequate tie to have established property corners [.1602(g), .1604(d)(9)]; failed to make adequate investigation [.1602(a)]; and failed to include all relevant and pertinent information in professional statements as to services being provided [.0701(d)].

BOARD ACTION: Suspend Surveying Certificate of Licensure for 12 months.

CASE NO. V2022-019

Jon R. Vandergrift, PE [029506]
Harrisburg, NC

VIOLATION: Affixed certification to inadequate design documents, failing to protect the public [.0701(b)] and failed to properly certify documents to include using a facsimile signature and not certifying work [.1103(a)(1), (3)].

BOARD ACTION: Reprimand and \$3,000 civil penalty.

CASE NO. V2022-020 (Combined with V2022-012)

Aaron E. Moore [PLS No. L-5139 – Revoked]
Wilmington, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to perform services in an ethical and lawful manner [.0701(g)]; affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; failed to be completely objective and truthful in professional statements [.0701(d)(1)] including to clients and the Board; failed to cooperate fully with the Board in the course of an investigation [G.S. 89C-20]; failed to conform to the Standards of Practice for Land Surveying in North Carolina [.1600] and G.S. 47-30 Mapping Requirements; failed to properly reference north arrow and noted an assumed bearing [.1604(d)(1), 47-30(f)(1)]; failed to make adequate investigation [.1602(a), (c)] by noting survey based on legal description and not researching abutting properties; failed to protect the public [.0701(b)] by improperly

limiting the surveyor's certification; failed to properly indicated name of owner in the title of plat [.1604(d)(11), 47-30(c)(2)]; failed to include correct name and license number of firm on document [.1103(a)(6), (b)(5)]; failed to describe and date revisions [.1103(a)(7), 47-30(c)(7)]; and failed to report the results of a survey in a clear and factual manner [.1602(f), .0701(d)(1)] by showing lot and proposed easement corners as set when no actual surveying was done and no irons set.

BOARD ACTION: Revoke Surveying Certificate of Licensure.

CASE NO. V2022-023

Guillermo D. Anzola [PLS No. L-4079 – Surrendered]
Charlotte, NC

VIOLATION: Violated an Order of the Board [G.S. 89C, .0701(b)] and performed services outside area of competence [.0701(c)(3)].

BOARD ACTION: Voluntary and permanent surrender of Surveying Certificate of Licensure.

CASE NO. V2022-025

Anthony L. Rentz, PE [040192]
Clover, SC

VIOLATION: Affixed certification to work not done under direct supervisory control or responsible charge [.0701(c)(3)] and knowingly associated with an individual and firm that are not properly licensed [.0701(g)(1)].

BOARD ACTION: Reprimand, \$1,000 civil penalty, and ethics course.

CASE NO. V2022-032

Southeast Foundation & Crawl Space [Non-licensed]
Clinton, NC

VIOLATION: Practiced or offered to practice engineering in North Carolina without being licensed with the Board in violation of G.S. 89C-23, 24, 57D and 55B.

BOARD ACTION: Issued letter to place company on notice that practicing or offering to practice engineering without a license is a violation of G.S. 89C-23, 24, 57D and 55B.

CASE NO. V2022-036

Alfred Atef Takla, PE [047507]
Durham, NC

VIOLATION: Affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; failed to include address on plans [.1103(a)(6)]; and failed to properly sign documents by using a facsimile signature [.1103(a)(3)].

BOARD ACTION: Reprimand, \$2,000 civil penalty, and ethics course.

CASE NO. V2022-037

Anthony J. Tarantino, PE [045478]
Massapequa Park, NY

VIOLATION: Disciplined by another jurisdiction [G.S. 89C, .0701(h)]; failed to notify the Board of the discipline within 30 days [.0505(a)]; and submitted false information on license renewal form [G.S. 89C-23, .0701(d)(1)].

BOARD ACTION: Reprimand.

CASE NO. V2022-039

Paul C. Gilham, PE [024262]
Portland, OR

VIOLATION: Produced an inadequate design and/or calculations, failing to protect the public [.0701(b)] and knowingly associated with firm that is not licensed as required by G.S. 89C-24 [.0701(g)(1)].

BOARD ACTION: Reprimand and \$5,000 civil penalty.

CASE NO. V2022-050

The Colinas Group, Inc. [Non-licensed]
Lakeland, FL

VIOLATION: Practiced or offered to practice engineering and land surveying without a license in violation of G.S. 89C-23, 24 and 55B.

BOARD ACTION: Board issued letter to place the company on notice that practicing or offering to practice engineering and land surveying in North Carolina without being licensed with the Board, is a violation of G.S. 89C-23, 24, 55B.

CASE NO. V2022-051

Brandon J. Mosteller, PE [039164]
Lincolnton, NC

VIOLATION: Convicted of crimes involving moral turpitude [G.S. 89C-21(a)(3)].

BOARD ACTION: Suspend Engineering Certificate of Licensure until licensee furnishes to the Board proof of completion and satisfaction of all terms of court ordered probation.

CASE NO. V2022-052

Eric S. Tomczak, PE [032291]
Wilmington, NC

VIOLATION: Affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)] and aided or abetted another to evade or attempt to evade the provisions of G.S. 89C [G.S. 89C-16].

BOARD ACTION: Reprimand.

CASE NO. V2022-054

Afsar Hasan, PE [041082]
Eules, TX

VIOLATION: Disciplined by another jurisdiction [G.S. 89C, .0701(h)]; failed to notify the Board of the discipline within 30 days [.0505(a)]; and submitted false information on license renewal form [G.S. 89C-23, .0701(d)(1)].

BOARD ACTION: Reprimand and \$1,000 civil penalty.

CASE NO. V2022-090

John M Kotilla, PLS [L-5319]
Bryson City, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; failed to make adequate investigation [.1602(a)]; and failed to perform services in an ethical manner [.0701(g)] by not adequately communicating with the owners the revision to the survey to reflect different building offset lines, which located the house partially within the building offset area.

BOARD ACTION: Reprimand.

CASE NO. V2023-006

Source Real Estate Solutions, LLC [Non-licensed]
Roxboro, NC

VIOLATION: Practiced or offered to practice land surveying without a license as required by G.S. 89C-24, 57D and 55B.

BOARD ACTION: Issued letter to place the company on notice that practicing or offering to practice land surveying in North Carolina without being licensed, is a violation of G.S. 89C-24, 57D and 55B.

CASE NO. V2023-007

Ricky Mack Rigsbee, Jr. [Non-licensed]
Durham, NC

VIOLATION: Practiced or offered to practice land surveying without a license as required by G.S. 89C-23.

BOARD ACTION: Issued letter to place the individual on notice that practicing or offering to practice land surveying in North Carolina without being licensed with the Board, is a violation of G.S. 89C-23.

CASE NO. V2023-008

Carlos E. Ferreira [PE No. 031765 – Suspended]
Boston, MA

VIOLATION: Disciplined by another jurisdiction [G.S. 89C, .0701(h)] and failed to notify the Board of license discipline within 30 days [.0505(a)].

BOARD ACTION: Suspend Engineering Certificate of Licensure through December 3, 2023, consistent with the period of suspension in the Consent Agreement between licensee and the Massachusetts Board of Registration of Professional Engineers.

CASE NO. V2023-015

E&O Building Consultants, LLC [Non-licensed]
Jacksonville, NC

VIOLATION: Practiced or offered to practice engineering without a license with the Board as required by G.S. 89C-23, 24, 57D and 55B.

BOARD ACTION: Issued letter to place the company on notice that practicing or offering to practice engineering in North Carolina without being licensed with the Board is a violation of G.S. 89C-23, 24, 57D and 55B.

CASE NO. V2023-017

Jesse L. Dean, PE [051166]
Portland, OR

VIOLATION: Affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; aided or abetted another to evade or attempt to evade the provisions of G.S. 89C [G.S. 89C-16]; knowingly associated with a firm that is not properly licensed to offer or provide engineering services [.0701(g)(1)]; failed to properly certify engineering documents [.1103(a)(3)(6), (b)(3)(5)] by using a facsimile signature and failing to include firm license number and proper name.

BOARD ACTION: Reprimand and \$2,500 civil penalty.

CASE NO. V2023-041

Faisal Hussain [Non-licensed]
Pakistan

VIOLATION: Practiced or offered to practice engineering without a license and presented or attempted to use the certificate of licensure or seal of another in violation of G.S. 89C-23.

BOARD ACTION: Issued letter to place the individual on notice that practicing or offering to practice engineering without a license and presenting or attempting to use the certificate of licensure or seal of another is a violation of G.S. 89C-23.

CASE NO. V2023-044

Hot Springs Pools, LLC [Non-licensed]
Greenville, SC

VIOLATION: Practiced or offered to practice engineering without a license in violation of G.S. 89C-23, 24, 57D and 55B and presented or attempted to use the certificate of licensure or seal of another in violation of G.S. 89C-23.

BOARD ACTION: Issued letter to place company on notice that practicing or offering to practice engineering without a license is a violation of G.S. 89C-23, 24, 57D and 55B and presenting or attempting to use the certificate of licensure or seal of another is a violation of G.S. 89C-23.

CASE NO. V2023-045

Richard "Brett" Haynes [Non-licensed]
Greenville, SC

VIOLATION: Practiced or offered to practice engineering without a license and presented or attempted to use the certificate of licensure or seal of another in violation of G.S. 89C-23.

BOARD ACTION: Issued letter to place the individual on notice that practicing or offering to practice engineering without a license and presenting or attempting to use the certificate of licensure or seal of another is a violation of G.S. 89C-23.

MEMBER NOTES

Address Changes

Per Board Rule [21 NCAC 56.0505(a), .0606(a)], you are required to provide the physical places of business and residential addresses. You can still provide a PO Box for your mailing address. You can log in to the [Licensee Portal](#) section on the Board's website at anytime to update your addresses and e-mail. Also, you are required to give notice to the Board of a change of business or residential address within 30 days of the change.

Board Meetings

Meetings of the NC Board of Examiners for Engineers and Surveyors are open to the public. Meetings are conducted at the Board office at 4601 Six Forks Road, Suite 310, Raleigh, NC 27609 (unless otherwise noted).

Business Firm Questions?

For any business firm questions, contact: Mark Mazanek, Director of Firm Licensure, via email to firms@ncbels.org or by phone at (919) 791-2000 x102.





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