Board Chair, Cedric D. Fairbanks, gaveled 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

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 gaveled 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.

   ▪ .1704(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.

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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 recestablish 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.

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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
Board Chair, Cedric D. Fairbanks, gavelled 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,

[Signature]

Vinod K. Goel, PhD, PE
Secretary

Approved by the Board in Session

Date: March 13, 2024
Board Chair, Cedric D. Fairbanks, gaveled 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 NCELS."

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.) ConslTech 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, PLLC**  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 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 turnaround 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