

**APPLICATION PROCEDURE
FOR
PROFESSIONAL LAND SURVEYOR
IN
NORTH CAROLINA**



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Licensure as a Professional Land Surveyor

Chapter 89C of the North Carolina General Statutes (GS 89C) provides that in order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering and the practice of land surveying in North Carolina are subject to regulation in the public interest.

The statute further declares that it shall be unlawful for any person to practice or to offer to practice engineering or land surveying in North Carolina, as defined in GS 89C, or to use in connection with one's name or otherwise assume or advertise any title or description tending to convey the impression that one is either a Professional Engineer or a Professional Land Surveyor, unless duly licensed as such. The right to engage in the practice of engineering or land surveying is a personal right, based on the qualifications of the individual as evidenced by the certificate of licensure.

The North Carolina Board of Examiners for Engineers and Surveyors is charged with implementation of the statutes; authority for making rules in the performance of its duties; the responsibility of determination of the qualifications of applicants, through experience and examinations; and issuance of a certificate of licensure to those determined to be properly qualified.

The land surveying applicant is required to document and demonstrate qualifications for licensure through submission of an application to the Board of Examiners. The applicant is also required to further demonstrate abilities through the successful completion of the required examination sequence. The examination sequence consists of eight hours of examination in surveying fundamentals, and eight hours of examination in surveying principles and practices (administered in two parts). The applicant is required to pass each of these examinations after the Board has determined that the applicant has attained the required education and experience for each of the examinations.

Upon successful completion of the requirements, the Board will approve the applicant for licensure. The licensee will be issued a license number, and required to procure an official seal and to seal all land surveying work performed. The licensee continues to be subject to the statute and Board rules throughout the licensee's professional career.

Through this application, examination, and licensure procedure, the Board of Examiners fulfills the mission of regulation of the land surveying profession for the public protection in the state of North Carolina.

Licensure Requirements

In order to be licensed to practice land surveying in North Carolina, an individual, in addition to paying the required fees, must be of good character and reputation, must satisfactorily pass the examinations administered by the Board, and must submit evidence of education, and a specific record of progressive land surveying work of a nature and level acceptable to the Board.

A. Education and Experience

The experience required is dependent upon the educational attainment of the applicant. The greater the surveying educational level, the less land surveying experience required for approval for seating for examinations and eventual licensure. The following levels of surveying education and the experience requirements for each are those required by North Carolina Statutes and the Board:

(1) College Graduate, with Bachelor of Science (BS) degree in Surveying.

[This degree must contain a minimum of forty-five (45) semester hours or quarter hour equivalent of surveying subjects.]

An applicant with the above degree, from a curriculum of four or more years, may take the Land Surveying Fundamentals Examination (Exam I) upon graduation and award of the degree.

After successful completion of the Fundamentals Examination, and upon completion of a minimum total of two (2) years of progressive practical land surveying experience, one year of which shall have been under a practicing Professional Land Surveyor (PLS), applicants are eligible to apply for the Land Surveying Principles and Practice Examination (Exam II).

(2) Technical Institute or Community College Graduate, with an Associate of Applied Science (A.A.S.) degree in Survey Technology.

[This degree must contain twenty (20) semester hours or quarter hours equivalent of surveying subjects, and

must be approved by the Board. Appropriate coverage must be given to the legal aspects of surveying practice, subdivision design and planning, surface drainage and photogrammetry.]

An applicant with the above degree, from a curriculum of two or more years, may take the Land Surveying Fundamentals Examination (Exam I) upon graduation and award of the degree.

After successful completion of the Fundamentals Examination, and upon completion of four (4) years of progressive practical land surveying experience, three (3) of which shall have been under a practicing Professional Land Surveyor (PLS), applicants are eligible to apply to take the Land Surveying Principles and Practice Examination (Exam II).

(3) High School Graduate, or Equivalent.

An applicant with a high school diploma, or its equivalent, may take the Land Surveying Fundamentals Examination (Exam I) upon completion of a minimum of five (5) years of progressive practical land surveying experience, four (4) years of which are under a practicing Professional Land Surveyor (PLS).

After successful completion of the Fundamentals Examination, and upon completion of a minimum total of seven (7) years of progressive practical land surveying experience, six (6) years of which are under a practicing Professional Land Surveyor (PLS), applicants are eligible to apply for the Land Surveying Principles and Practice Examination (Exam II).

B. Progressive Land Surveying Experience

In evaluating the work experience required, the Board will consider the total experience record, and the progressive nature of the record.

The term “progressive practical land surveying experience” means that, during the period of time in which

an applicant has made a practical utilization of knowledge acquired, the applicant has shown continuous improvement, growth and development in the utilization of that knowledge as revealed in the complexity and technical detail of the work product or work record. The applicant must also show that, over that same period of time, greater individual responsibility for the work product has continually been assumed.

It is the experience and opinion of the Board that there is no substitute for full-time land surveying experience. While the Board may give some credit for part-time experience, it generally lacks continuity, real responsibility, and generally does not encompass all facets of land surveying. Weekend, part-time and related experience will be given credit as judged appropriate by the Board.

Application Processing

The Board of Examiners is composed of practicing Professional Engineers, Professional Land Surveyors and Public Members, and meets periodically for the purpose of reviewing applications for licensure. It is therefore very important to the applicant that the application which is submitted be correct initially, with all supporting documents, and prepared as prescribed. **The application file is not submitted to the Board for review until it is complete.**

The Board staff has the task of reviewing and verifying items contained within the application, including the educational transcripts, progressive experience record, previous licensure and completed examinations, and the required recommendation forms submitted for an applicant. **The application file is not placed on the Board agenda for review until all fees are paid and the file is complete, to include verifications from other states, where applicable, and such verifications of education, experience, and references as are considered necessary.**

Applicants seeking licensure by comity, or requesting approval of written examinations in another state, should allow time for verification of their licensure in their home state, and/or verification of examination results in the state(s) in which written examinations were administered to be received in the Board office. The Board staff will routinely request verification of licensure and examination data from the states listed on the application form. This process normally requires a minimum of two to four weeks, and could require longer if the states queried do not respond promptly. Written verifications must be procured prior to the completion of the application file.

The Board reviews applications for those applicants requiring written examinations

at the first meeting after Board established deadlines for submission of completed applications. (Deadline for the spring examinations is January 2, and deadline for the fall examinations is August 1.) In order for the Board to consider an application, **the file must be complete by the deadline date.**

Upon receipt of the completed application in the Board office, comity applicants who meet all North Carolina requirements will be considered by the Board for seating for the next administration of the two (2) hour, state specific land surveying examination.

When the application file is complete, the file is placed on the Board agenda at the appropriate Board meeting for review. The Board individually reviews the file in session, at which time the Board determines the merits of the applicant's qualifications set forth in the application. A determination will be made as to whether the applicant meets the requirements of the statute, and whether the applicant is eligible for the appropriate examination. After the Board meeting, each applicant reviewed by the Board will receive communication from the Board indicating notice of licensure, seating notice for the appropriate examination, or an explanatory statement of the decision of the Board.

The Board staff is unable to provide continuous written information on the status of each application to the applicant; however, the Board staff will respond to inquiries and calls on the status of the application. Once the application file is complete, the applicant will be notified by postcard that the file is complete and ready for presentation to the Board. **Until such time as the applicant receives this postcard notice, it should be assumed that the application is not complete.**

Application Procedure

A. General

The application form prepared by the applicant, with its necessary additions, is placed in the Board office as an application file for each person submitting an application. The completed application file is the vehicle by which the Board of Examiners makes a judgment on the qualifications of each person applying for certification or licensure with the Board. The applicant is responsible for the completeness and accuracy of the submitted application form, as well as the submission of all required transcripts, documents, and reference forms to complete the application file. It is important to the applicant that the application file requirements are completed prior to the deadline date, since the Board is unable to review the applicant's file until it is complete.

The elements of a completed application file are:

- (1) The application form prepared by the applicant;
- (2) A plat prepared by the applicant, in accordance with applicable statutes, and the *Standards of Practice for Land Surveying In North Carolina*;
- (3) The applicable licensure fee;
- (4) The answer sheet to the exam on G. S. 89C and Board rules completed by the applicant;
- (5) Transcript(s) mailed directly to the Board from the school or college;
- (6) The reference recommendations prepared by the references and mailed directly to the Board;
- (7) Verification of claimed licensure or examinations from other states.

The applicant personally mails only items (1), (2), (3) and (4) to the Board. The applicant contacts the educational institution(s), the persons selected to furnish references, and other states having record of examinations and licensure, must request that they mail items (5), (6) and (7) directly to the Board. Verifications of the claimed examinations and licensure, shown by the applicant on the application form, are to be requested by applicant. Since the applicant initiates a chain of events that must be

completed prior to the Board reviewing the application, and since the applicant is dependent upon many others to complete portions of the application file, it is advisable to initiate application well in advance of the deadline.

B. The Application Form

The Board-approved application form, along with necessary explanatory material and forms, is available from the Board of Examiners in kit form or may be downloaded from the Board's website. It is mandatory that the appropriate application be filed with the Board and completed in the prescribed manner.

In order to be considered by the Board, the application must:

- (1) Be typed, except for signatures.
- (2) Have completed responses to all requirements, and be signed in the appropriate places.
- (3) Have a recent photograph of durable quality attached to the application where noted. Photographs should be of glossy or semi-gloss finish. Quality computer-generated photos are acceptable.
- (4) List experience briefly and in chronological order (no gaps), beginning with the earliest experience, listing the entire experience or employment record, **including names and addresses of employers**. If an applicant feels that the available space is insufficient to transmit to the Board a true picture of relevant experience, the applicant should condense this information to a point where it will fit in the designated space, and then on a separate sheet or sheets of paper, clearly marked "EXHIBIT," elaborate on any or all of the listed activities.
- (5) Include a plat as required for review and approval by the Board. If the submitted plat does not meet requirements of the statutes and Board minimum standards, the application will be disapproved until the applicant submits an acceptable plat.
- (6) Return completed application to the Board, unfolded.

C. Plat Prepared by the Applicant

Each applicant is required to provide the Board with evidence of the knowledge of the *Standards of Practice for Land Surveying in North Carolina* and the mapping requirements of Section 47-30 of the North Carolina General Statutes (GS 47-30), and the personal ability to complete a survey and map in accordance with the applicable requirements.

Each applicant will submit with the application form a single map of an actual boundary survey, 18 inches by 24 inches, which conforms to the above requirements and is complete in every detail. **In addition to the other details on the map, the face of the map will contain an official statement by a Professional Land Surveyor that the map, and all of the preparatory work from the survey in the preparation of the map, was performed by the applicant which includes applicant's name. (Initials of applicant not acceptable on map.)** A map prepared and drawn by any person other than the applicant will not be accepted.

An applicant otherwise eligible to apply for Exam I, and not requiring experience under a practicing Professional Land Surveyor (graduate with a B. S. in Surveying or AAS in Surveying Technology), may prepare and submit a "Sample Map," so labeled and with the necessary details on it, and the Board will accept and review the "Sample Map" for Exam I only. The applicant will be required to furnish an actual map prior to the Board reviewing the application for Exam II.

An applicant applying for licensure by comity from another state should provide a map of work performed in the home state, but platted in accordance with the applicable North Carolina requirements.

Any map not prepared as described above will be returned.

D. License Fees

The necessary license fee must accompany the application. A current schedule of fees is included with each application kit and is also available at the Board's website. Current fees may also be obtained by calling the Board office.

The applicant for licensure by comity will also submit the current license fee with the application.

E. Transcripts from Educational Institutions

The applicant will arrange for the educational institutions attended, or from which the applicant has graduated, to submit transcripts showing the degree(s) obtained directly to the Board. Copies of transcripts from the applicant or other sources may not be accepted by the Board in lieu of copies furnished directly to the Board by the school or college.

If attendance at college did not result in a degree, the furnished transcript should verify the educational record shown in the application form. Those applicants who have not attended school beyond high school should have the high school furnish a transcript of high school attainment and graduation.

F. Reference Recommendations

The Board is assisted in its evaluation of an applicant's qualifications by brief reports from professional persons who have knowledge of the applicant's qualifications and who are willing to serve as references and supply the Board with confidential reports. The applicant must contact those individuals selected to submit a recommendation, furnish them with the Board form and a return envelope, and request that the form be completed and mailed directly to the Board. It is important for the applicant to stress the importance of a timely, complete, and prompt evaluation. The reference should also be made aware of the confidential nature of the evaluation.

The Board requires that the recommendations furnished for Board review be current evaluations (within one year) and from persons, excluding family members and members of the Board, who are familiar with the applicant's land surveying work and knowledge. The applicant should select individuals as references who, by education, experience and professional standing, are in a position to know and judge the quality of the applicant's work. It is also important that the individuals selected be adequately familiar with Chapter 89C of the North Carolina General Statutes so that they will

not credit the applicant with performing professional work in violation of the statutes.

If the information submitted by the applicant's references is not adequately informative, the Board may request an evaluation from others listed in the application, or request additional references from the applicant. Since this action will delay application processing, the applicant should carefully select references who will give a candid, complete, and independent evaluation for the Board's review.

The applicant is required to supply the Board with the following reference reports on the reference forms supplied by the Board:

(1) Applicants for the Land Surveying Fundamentals Examination (Exam I) must furnish three (3) references. One (1) of the references must be a practicing Professional Land Surveyor who has personal knowledge of the applicant's land surveying experience.

(2) Applicants who have completed Exam I, but require completion of the Land Surveying Principles and Practice Examination (Exam II), must furnish five (5) references. Two (2) of the references must be practicing Professional Land Surveyors who have personal knowledge of the applicant's land surveying experience.

The reference forms must be complete and current (within one year) when submitted for Board review.

When an application has to be reviewed by the Board for a second time and the references are not current, the applicant will be required to have additional reference submissions to ensure adequate current references for consideration by the Board.

The references should preferably be land surveyors licensed to practice in North Carolina; however, the Board will consider licensed Professional Engineers, attorneys, clients, and others aware of the applicant's capabilities.

In distributing reference forms to the selected references, the applicant should type the reference's name and address, and the applicant's name and address, in the spaces provided on the front side of the form.

G. Filing Deadline

The application file must be complete and in the Board office by **January 2** in order for the Board to review the file for the spring examinations. The file must be complete and in the Board office by **August 1** in order for the Board to review the file for the fall examinations. The **completed** file has all the items required and as described above. Those files which are not complete will be retained until completed and submitted to the Board for the next examination cycle after completion. The applicant will be notified by postcard when the file is complete. Until receipt of such notice, the applicant should assume that the file is not complete. A telephone call to the Board office will enable the applicant to determine what items in the file have not been received.

If the file is not completed within one year, the applicant will be notified and the file will be forwarded to a record holding facility for destruction.

H. Notification of Board Action on Application

After the Board acts on an application file, the applicant is notified of the Board's decision in writing. If the applicant is approved for seating at an examination, a seating notice authorizing admission to the examination and indicating the time, date, and place of examination will be sent to the applicant. Upon approval for examination by the Board, administrative and financial obligations are incurred by the Board for the specified examination; therefore, each applicant is expected to be present for the examination. Excused absences are authorized only for jury duty or upon a doctor's certification of an applicant's physical inability to attend.

If the Board does not approve the applicant for immediate seating, the applicant is informed and told what additional requirements are necessary and informed when to reapply for the Board to reconsider the application.

The application file will be retained until the applicant has had an opportunity to complete the additional requirements. The applicant will be required to indicate completion of the additional requirements and continued readiness for

examination by submitting a Supplemental Experience Form updating work experience since the file was last reviewed by the Board. If the lapsed time between original submission and reapplication for examination is greater than one year, the applicant will be required to obtain additional references which are current.

I. Current Address of Applicant

The applicant is required to notify the Board of Examiners explicitly of any address changes after submission of the application to the Board. This policy is necessary to ensure that the Board can contact the applicant to provide notification of its determinations or requirements.

EXAMINATION PROCEDURE

A. Land Surveying Examinations - General

The North Carolina Board administers two separate examinations of eight (8) hours' duration to land surveying applicants, and each examination must be successfully completed and passed prior to licensure as a Professional Land Surveyor. The examinations are the Land Surveying Fundamentals Examination (known as Exam I in North Carolina), and the Land Surveying Principles and Practice Examination (known as Exam II in North Carolina). Exam I and the first six (6) hours of Exam II are prepared by the National Council of Examiners for Engineering and Surveying (NCEES), and administered in most states and territories of the United States. The remaining two (2) hours of Exam II are prepared by the North Carolina Board specifically for North Carolina applicants and are designed to test an applicant's knowledge of the laws, procedures, and practices pertaining to the practice of surveying in North Carolina.

B. Fundamentals Examination (Exam I)

Successful completion of this examination results in certification of the applicant as "Surveyor Intern" by the North Carolina Board. This certification signifies that the first step in licensure has been completed. This examination has been referred to as the "S.I. Exam," taking its designation from the Surveyor Intern status awarded to those who successfully complete the examination.

The Fundamentals Examination is designed to determine if the applicant has an adequate knowledge of the elementary disciplines of land surveying. The examination is an eight (8) hour examination and is a **closed book** examination. The questions are multiple choice questions.

C. Principles and Practice Examination (Exam II)

Successful completion of this examination culminates in licensure of the applicant as a "Professional Land Surveyor" by

the North Carolina Board. This examination is sometimes referred to as the Professional Exam, or P. L. S. Exam, referring to the Professional Land Surveyor licensure resulting from the successful completion of the examination. Passing of the Fundamentals Examination (Exam I) is a prerequisite for Board approval of an applicant's seating for the Principles and Practice Examination (Exam II) in North Carolina.

The Principles and Practice Examination is designed to determine if the training and experience of the applicant have provided an adequate capacity and ability to apply the basic surveying fundamentals to the solution of land surveying problems. It is anticipated that the required experience, of a progressive nature and level, will assist the applicant in applying the knowledge of surveying fundamentals to the solutions of the advanced land surveying problems.

The Principles and Practice Examination is an eight (8) hour **open book** examination. The first portion of this examination is six (6) hours long. The second portion is a two (2) hour examination prepared by the North Carolina Board which contains questions and problems concerning law, procedures, and the practice of land surveying in North Carolina.

The Board of Examiners expects the applicant to be fully aware of the North Carolina Rules of Professional Conduct. The applicant should also be knowledgeable in the provisions of Chapter 89C of the North Carolina General Statutes (The North Carolina Engineering and Land Surveying Act), the *Standards of Practice for Land Surveying in North Carolina*, and any other statutes that have a bearing directly on the land surveying profession.

D. Reference Materials

Any bound reference books or reference materials may be brought to the Principles and Practice Examination and used in solving the examination problems. Scratch paper is not permitted since as adequate space in the

examination booklets is available for computations. Battery-operated, silent, non-printing calculators may be utilized during the examination. Calculating and computing devices having a QWERTY keypad arrangement similar to a typewriter are not permitted. Such devices include but are not limited to palmtop, laptop, handheld, and desktop computers; calculators, databanks, data collectors and organizers. Calculators with alphanumeric keypads are permitted.

E. Closed Book Examination

The Fundamentals Examination (Exam I) is a closed book examination. No reference material or scratch paper is permitted for use in a closed book examination.

F. Dates of Examination

The National Council of Examiners for Engineering and Surveying (NCEES) specifies the time period in which the examinations may be administered. The North Carolina Board administers the land surveying examinations two times each year within the time periods specified by NCEES. Generally, examinations are administered about mid-April in the spring of each year and in late October or early November in the fall of each year. The normal examination schedule usually consists of administration of the Principles and Practice Examination on a Friday with the Fundamentals Examination being administered on the next day, Saturday. The exact dates are announced by the Board and may be obtained by contacting the North Carolina Board.

G. Admission to Examination Sites

Applicants who have been approved for a given examination by the North Carolina Board of Examiners will be notified by mail. They will be furnished Seating Approval Notices with instructions as to date, time, and place of the examinations for which they have been approved. The Seating Notice must be presented for admission to the examination site at the designated time and date.

Both sets of examinations are of eight (8) hours' duration. The examinations are

administered in a four (4) hour period in the morning, with approximately a one (1) hour lunch break, and a four (4) hour period in the afternoon. Candidates can anticipate that they will be required to be present at the examination from about 8:00 A.M. until approximately 6:00 P.M. if they take the full time allotted for completion of the problems.

H. Reexamination

An applicant who fails to pass the examination may be readmitted to the same examination at a later administration, upon a written request for readmission and the submission of the applicable reexamination fee.

An applicant who has accumulated a combination of three (3) or more failures or unexcused absences on an examination shall only be eligible after submitting a new application with appropriate application fee, and be considered by the Board for reexamination at the end of twelve (12) months. After the end of the twelve (12) month period, the applicant may take the examination no more than once every calendar year. The Board will make a determination as to the applicant's qualifications for further examination and so inform the applicant.

I. Absence from Examination

After Seating Notices have been issued, applicants may not be excused from the scheduled examination except for official jury duty or upon submission of a doctor's certificate confirming that the applicant is not physically able to be present for the examination. A request for excuse from examination must be made in writing to the Board office and must contain evidence of jury duty or a doctor's certificate.

Once the Seating Approval Notice is mailed to the applicant, a financial obligation for the examination is incurred by the Board on behalf of the applicant. Therefore, any absence from the scheduled examination by an applicant, whether excused or not, will result in commitment of the examination fee of the applicant. The applicable reexamination fee will be required for any subsequent examination requested by the applicant.

MISCELLANEOUS INFORMATION

A. Application for Licensure by Comity

All applicants for licensure in North Carolina are required to file an application for licensure, complete with reference recommendations, Board ethics examination, an acceptable plat, and educational transcripts.

Applicants for licensure by Comity from another state are required to submit the complete application along with the licensure fee. Those applicants who have obtained licensure in another state having equivalent requirements for licensure as North Carolina, and who are currently licensed in good standing in that state, may be granted licensure in North Carolina upon completion of any required examinations in North Carolina.

The applicant may be required to complete such examinations as necessary to determine qualification. **As a minimum, the Comity applicant will be required to pass the afternoon portion of the Land Surveying Principles and Practice Examination (Exam II)**, which is prepared by the North Carolina Board of Examiners (2 hour North Carolina examination), and includes questions specifically designed to show an applicant's knowledge of the laws, procedures, and practices pertaining to the practice of Land Surveying in North Carolina.

B. Temporary Permit

The Board is authorized to grant a ninety (90) day Temporary Permit for the practice of land surveying in North Carolina to those who qualify. The applicant must be currently licensed in another state and qualified for Comity licensure in North Carolina, including completion of 16 hours written examination. Those requesting Temporary

Permits should procure an application (one page in length) from the North Carolina Board, and submit it with the necessary fee. Upon receipt of the application, the North Carolina Board will verify the applicant's qualifications, including current licensure and record of examinations, with the home state of the applicant. The applicant will be required to take and pass the two (2) hour state portion of the Land Surveyors examination given twice yearly in the Spring and Fall.

Temporary Permits are limited to a maximum of ninety (90) consecutive days in a calendar year. Therefore, Temporary Permits may not be approved for periods beyond December 31st in any calendar year. Since verification of applicant qualifications with the home state may take 30 days or longer, the applicant should submit application in time to allow for verification prior to the desired effective date. Applicants may be issued only one Temporary Permit in any calendar year.

C. Licensee's Seal

Upon approval for licensure as a Professional Land Surveyor in North Carolina, each person is required to obtain a Seal of the design authorized by the Board, showing the licensee's name and license number. Each licensee is required by the provisions of the law to possess and use this seal on all final drawings, plans, specifications and reports performed by the licensee. The licensee is prohibited from sealing any land surveying work not done under the licensee's responsible charge (direct control and personal supervision).

D. License Certificate and Pocket Card

Each Professional Land Surveyor will receive a Certificate of Licensure upon approval for licensure by the Board. The Certificate should be suitably displayed to signify that the person so named thereon is authorized to practice land surveying in the State of North Carolina. If a Certificate expires or is revoked, it should no longer be displayed.

License renewal is required each year. Licensure expires at the end of each year and is normally renewed upon request of the applicant, payment of the annual renewal fee, and evidence of satisfactory completion of continuing professional competency requirements. A renewal notice is mailed to each licensee in the last week of November each year for completion and filing with the Board. However, license renewal may be affected without the renewal notice by addressing a request and submitting the required fee directly to the Board. A pocket card indicating the licensee's renewal, for the licensee's signature and convenience of identification as a Professional Land Surveyor, is furnished each licensee who renews by mail. Those renewing annually on-line may use the printed transaction receipt as evidence of the licensee's current standing.

Rules of Professional Conduct

A. In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the profession of engineering and land surveying, the following Rules of Professional Conduct are promulgated in accordance with G. S. 89C-20 and shall be binding upon every person holding a certificate of licensure and a Professional Engineer or Professional Land Surveyor, and on all partnerships or corporations or other legal entities authorized to offer or perform engineering or land surveying services in this state.

All persons licensed under the provisions of Chapter 89C of the General Statutes are charged with having knowledge of the existence of the Rules of Professional Conduct, and shall be deemed to be familiar with their several provisions and to understand them.

B. The Professional Engineer and Professional Land Surveyor shall conduct the practice on order to protect the public health, safety and welfare.

The licensee shall at all times recognize the primary obligation to protect the public in the performance of the professional duties. If the licensee's engineering or land surveying judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, the licensee shall inform the employer, the contractor and the appropriate regulatory agency of the possible consequences of the situation.

C. The Professional Engineer and Professional Land Surveyor shall perform services only in areas of the licensee's competence and:

(1) Shall undertake to perform engineering and land surveying assignments only when qualified by education or experience in the specific technical field of professional engineering or land surveying involved.

(2) May accept an assignment requiring education or experience outside of the licensee's own field of competence, but only to the extent that the services are restricted to those phases of the project in which the licensee is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.

(3) Shall not affix the signature or seal to any engineering or land surveying plan or document dealing with subject matter for which the licensee lacks competence by virtue of education or experience, nor to any such plan or document not prepared under the licensee's direct supervisory control. Direct supervisory control (responsible charge) requires a licensee or employee to carry out all client contacts, provide internal and external financial control, oversee employee training, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review. A licensee shall not contract with a non-licensed individual to provide these professional services. Research, such as title searches and soil testing, may be contracted to a non-licensed individual, provided that individual is qualified or licensed to provide such service and provided the licensee reviews the work. The Professional Engineer and Professional Land Surveyor may affix the seal and signature to drawings and documents depicting the work of two or more professionals provided it is designated by a note under the seal the specific subject matter for which each is responsible.

D. The Professional Engineer and Professional Land Surveyor shall issue public statements only in an objective and truthful manner and:

(1) Shall be objective and truthful in all professional reports, statements or testimony. The licensee shall include all relevant and pertinent information in such reports, statements or testimony.

(2) When serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the licensee's testimony.

(3) Shall issue no statements, criticisms, or arguments on engineering or land surveying matter connected with public policy which are inspired or paid for by an interested party, or parties, unless the licensee has prefaced the comment by explicitly indentifying the licensee's name, by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing the existence of any pecuniary interest the licensee may have in the instant matters.

(4) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the North Carolina Board of Examiners.

E. The Professional Engineer and Professional Land Surveyor shall avoid conflicts of interest and:

(1) Shall promptly inform the employer or client of any business association, interests, or circumstances which could influence judgment or the quality of services.

(2) Shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

(3) Shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

(4) Shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the licensee is responsible.

(5) When in public service as a member, advisor, or employee of a governmental body or department, shall not participate in considerations or actions with respect to services provided by the licensee or the licensee's organization in private engineering and land surveying practices.

(6) Shall not solicit or accept an engineering land surveying contract from a governmental body on which a principal or officer of the licensee's organization serves as a member.

(7) Shall not attempt to supplant another engineer or land surveyor in a particular employment after becoming aware that the other has been selected for the employment.

F. The Professional Engineering and Professional Land Surveyor shall solicit or accept work only on the basis of qualifications and:

(1) Shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work exclusive of securing salaried positions through employment agencies.

(2) Shall compete for employment on the basis of professional qualification and competence to perform the work. The licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered.

(3) Shall not falsify or permit misrepresentation of academic or professional qualifications. The licensee shall not misrepresent degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing qualifications and work.

G. The Professional Engineer and Professional Land Surveyor shall perform services in an ethical and lawful manner and:

(1) Shall not knowingly associate with or permit the use of the licensee's name or firm

name in a business venture by any person or firm which the licensee knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

(2) If the licensee has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of the North Carolina Engineering and Land Surveying Act, shall present such information the Board in writing and shall cooperate with the Board in furnishing such further or assistance as may be required by the Board. The licensee shall timely respond to all inquiries and correspondence from the Board and shall timely claim correspondence from the U.S. Postal Service, or other delivery service, sent to the licensee from the Board.

H. A Professional Engineer or Professional Land Surveyor whose professional licensure is revoked or suspended by another jurisdiction shall be subject to discipline by the Board if the licensee's action violates Chapter 89C of the North Carolina General Statutes or these rules.

Rules of Conduct of Advertising

- A. The Professional Engineer or Professional Land Surveyor shall not make exaggerated, misleading, deceptive or false statements or claims about professional qualifications, experience or performance in brochures, correspondence, listings or other public communications.
- B. The prohibitions listed in Paragraph (a) of this Rule include, but are not limited to, the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading; statements intended or likely to create an unjustified expectation; and statements containing a prediction of future success.
- C. Consistent with the foregoing, the Professional Engineer or Professional Land Surveyor may advertise for recruitment of personnel.
- D. Consistent with the foregoing, the Professional Engineer or Professional Land Surveyor may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.