

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 9 and 10, 2007

Raleigh, North Carolina

Board Chair Gary W. Thompson, PLS gaveled the North Carolina Board of Examiners into session at 9:05 a.m. on Tuesday, January 9, 2007, to conduct the hearing of Harshadray D. Padia, PE with the following Board members present:

Gary W. Thompson, PLS, Presiding  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Henry V. Liles, Jr., PE  
Doris M. Rodgers, Public Member

Recused Board Members:  
George E. Freeman, PLS, PE  
Dr. Joseph Monroe, Public Members  
Teresa Helmlinger Ratcliff, PhD, PE

Absent Board Member:  
Caroline M. Guzniczak, PE

A motion was made to adjourn at 5:20 p.m. and reconvene at 8:30 a.m. on Wednesday, January 10, 2007. Mr. Liles moved to adjourn; Dr. Monroe seconded the motion. The Board voted and the motion was unanimously approved.

Board Chair Gary W. Thompson, PLS gaveled the North Carolina Board of Examiners into session at 8:43 a.m. to reconvene its regular order of business for the Board. Attendance at this meeting was as follows:

Present:

Gary W. Thompson, PLS, Chair  
Henry V. Liles, Jr., PE, Vice Chair  
Nils W. Joyner, Jr., PLS, Secretary  
George E. Freeman, PE, PLS  
J. Glenn Haynes, PLS  
Dr. Joseph Monroe, Public Member  
Teresa H. Ratcliff, PhD, PE  
Doris M. Rodgers, Public Member

Absent:

Caroline M. Guzniczak, PE

2. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Gary Thompson 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 one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

3. Review of Minutes

The Executive Director reported that copies of the minutes for the December 14 and 15, 2006 Board meeting had been sent to each Board member. Any changes made are reflected in the final draft now presented. Mr. Haynes moved to approve the minutes; Dr. Monroe seconded the motion. The Board voted and the minutes were unanimously approved.

4. Request from Macklin M. Armstrong, P.G. in regards to offering his services to the North Carolina Board of Examiners for Engineers and Surveyors to review files at various North Carolina Regulatory offices

Mr. Armstrong is interested in offering his services to the Board to review files at the North Carolina Regulatory Offices. However, Mr. Evans makes various visits to the DENR regional offices. A motion was made to deny this request. Dr. Ratcliff moved to approve the motion; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum I)*

5. Request from Adam C. Leigland, PE regarding the Board of Examiners offering the fundamentals exam through the Society of American Military Engineers at an additional site in Europe

Mr. Leigland is the newly elected vice president of the local post of the Society of American Military Engineers (SAME) at Aviano Air Base, Italy. He is requesting that the Board allow the testing of the fundamentals exam at additional oversea locations. Currently, the exam is offered by North Carolina for Germany, England, and Italy with one (1) to two (2) candidates per exam per base. He would like to add a second base out of Italy that would have the same number of candidates per exam. The Board needs to make the decision on whether to add this fourth base because the contract with SAME specifically states three (3) bases, so the contract will need to be amended which requires Board approval. A motion was made to expand to a fourth base and amend the current contract. Mr. Freeman moved to approve the motion; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum II)*

6. Committee Reports

Engineering: At Dr. Ratcliff's approval, Mr. Liles reported the following activities

- Messrs. Liles, Ritter, and Tuttle met with Messrs. Tommy Cutts and Vernon Cox on December 28, 2006 to discuss the Job Approval Authority for Conservation District Technicians. Messrs. Cox and Cutts would like to have language added to our statute 89C-25(6) in order to recognize the Job Approval Authority received by District Technicians the same way that legislation already recognizes Job Approval Authority for NRCS employees. Messrs. Cutts and Cox presented the following revision with the change underlined:

Practice by members of the armed forces or employees of the government of the United States while engaged in the practice of engineering or land surveying solely for the government or government-owned works and projects; or practice by those employees of the Natural Resources Conservation Service, county employees or employees of Soil and Water Conservation Districts having federal engineering job approval authority that involves the planning, designing, or implementation of best management practices on agricultural lands.

Mr. Liles made a motion to agree with the revision; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum III)*

- Will discuss the Animal Waste Technical Specialists later in the spring.

*(Addendum IV)*

Land Surveying: Mr. Haynes informed the Board of the following activities:

- After meeting with the Engineering Committee and reviewing the revised 3D modeling policy that the Association of General Contractors (AGC) submitted the wording for, for clarification purposes, the following policy was put forth:

The creation and design of the controls, profiles, and cross sections for the electronic data used in the Digital Terrain Models for the purposes of earthwork grading and stake-out is within the definition of the practice of land surveying and engineering and shall be done under the responsible charge of a Professional Engineer or Professional Land Surveyor.

A motion was made to approve the revised policy. Mr. Liles made a motion to accept the revision; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum V)*

- The North Carolina Society of Surveyors would like for the Board to look at the statute regarding construction stakeout, which the Board has in the past treated as exempt conduct.
- Letter from Jan B. Simpson, Administrator, South Carolina Board of Registration for Professional Engineers and Land Surveyors, to Mr. Henry B. Dingle, Jr., PLS. The letter stated that a surveyor may not take information (e.g., wetlands areas) from non-licensed individuals who are not under their direct supervision for the purpose of recording the information on survey plats. The Chair referred this topic to the Surveying Committee for further review.

*(Addendum VI)*

- The Committee will be meeting next month to get their proposed rules changes finalized for March.

Continuing Professional Competency Committee:

- Ms. Rodgers informed the Board that there were no new applications.

*(Addendum VII)*

- Ms. Rodgers informed the Board that the Committee is in the process of reviewing the position on CPC Sponsors and CPC Sponsor applicants that have been disciplined by the Board.

*(Addendum VII)*

- Ms. Rodgers informed the Board of a letter from a PLS requesting CPC requirement waiver for 2007 due to medical reasons. The CPC Committee will request documentation verifying his extenuating circumstances. Ms. Rodgers made a motion to the Board that upon receiving the documentation and the documentation being acceptable to the Committee, exemption will be given to the requester of the CPC hours required for 2006 and 2007, which will make him active. If documentation is not satisfactory to the CPC Committee, the exemption will not be approved and the Committee will have to come back to the Board with a new recommendation. Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum VII)*

- Ms. Rodgers informed the Board that the Committee is in the process of reviewing the CPC Rules [21-56.1700]. Mr. Evans is developing a document entitled “Attributes of the CPC Sponsors.” This document will inform potential sponsors what the Board expects them to offer our licensees. The Committee is also discussing implementing a sponsor fee.

*(Addendum VII)*

- Mr. Ritter mentioned that the CPC Rules state that the committee only be a 3-member voting committee. After discussion with the Committee Chair, Dr. Monroe will be a consulting member only.

7. Settlement Conference Recommendations

None

8. Review Committee Recommendations

The Board considered the recommendations of the Review Committee—Engineering Committee on one (1) case conducted on January 4, 2007 with Mr. Freeman via telephone. Dr. Monroe made a motion to accept the recommendation of the Review Committee and Mr. Haynes seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendation resulted in a closed case.

*(Addendum VIII)*

9. Violations Activity

- Assistant Executive Director David Evans reported that sixteen (16) new cases have been opened since the last Board meeting—nine (9) licensed professional engineers, four (4) licensed professional land surveyors, one (1) licensed professional corporation, one (1) professional limited liability company, one (1) non-licensed professional corporation, and one (1) non-licensed individual. There are one hundred forty-seven (147) open cases, ninety-five (95) of which are with the investigators or pending investigation. Twenty-seven (27) cases have been closed so far this year with twenty-seven (27) being closed since last Board Meeting, one (1) case taken to Review Committee since last Board meeting, two (2) cases have been brought to Review Committees for 2007, and fifty (50) more cases are pending. Civil penalties collected in 2006 were \$33,000 which are not kept by the Board but distributed to the county’s school district where the offense took place.

*(Addendum IX)*

- Mr. Evans presented the Board with the report entitled “Open Violation Cases,” which will be included at each Board Meeting. Mr. Evans reported that Luke Blume’s training is coming along nicely. He should be ready to work on his own by the end of February 2007.

*(Addendum X)*

- Mr. Evans reported to the Board that he and Mr. Tuttle will be making a presentation later in the month (January 24, 2007) to the Department of Transportation regarding sealing requirements.
- Mr. Evans will also be meeting with the Raleigh Engineers Club.

10. Applications

The Board considered twenty-five (25) applications of individuals for licensure through comity provisions as Professional Engineers. Mr. Haynes moved to approve the applications; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XI)*

The Board considered the requests of four (4) company name changes: (1) KlingStubbins Southeast, (2) KlingStubbins, Inc., (3) Marziano & McGougan, PA, and (4) GEL Engineering of NC, Inc. The Board was advised that the requests have been reviewed and deemed in full compliance by Board staff. Dr. Ratcliff moved that the Board approve the company name changes; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XII)*

The Board considered the request of Murphy & Hall, P.A. to use a name for “doing business as” (DBA) Murphy Geomatics. The Board was advised that the request had been reviewed and deemed in full compliance by Board staff. Dr. Ratcliff made a motion to approve the request; Mr. Liles seconded the motion. There was concern as to the DBA name being very similar, as well as there being a possible conflict. Dr. Ratcliff amended her motion and requested that the DBA be approved subject to Messrs. Tuttle and Mazanek working with the requestor to come to a reasonable resolution to assure that multiply uses of the same name would not be made. A vote was taken and the motion was approved unanimously.

*(Addendum XIII)*

Two (2) company names that were approved at last month’s meeting may not be acceptable. The first is MD Eng, LLP, but the Board already has an MD Engineering Services, Inc. The second is AEA, PLLC. However, the Secretary of State rejected the name because it is too close to something they already have on file. Ms. Rodgers moved that the Board deny the previously approved names; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously. Mr. Mazanek brought to the Board the alternate names for the two companies: MD Services, LLP and Ashland Engineers & Associates, PLLC. The alternate name, Ashland Engineers & Associates, PLLC, has been approved by the Secretary of State. Ms. Rodgers moved that the Board approve the alternate names; Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XIV)*

The Board considered the applications of ten (10) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Ms. Rodgers moved that the Board approve these ten (10) firms for licensure; Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XV)*

The Board considered the applications of six (6) firms for licensure as Limited Liability Companies. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Mr. Liles moved that the Board approve the applications; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XVI)*

The Board considered the applications of three (3) firms for licensure as Business Firms. The Board was advised that the applications had been reviewed and deemed in full compliance by

Board staff. Mr. Liles moved that the Board approve the applications; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XVI)*

The Board considered twenty-nine (29) requests for retired status—three (3) professional land surveyors and twenty-six (26) professional engineers. Mr. Liles moved that the Board approve the requests; Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously. Mr. Haynes made a motion to develop a certificate that could be given to the retirees along with the letter; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XVII)*

11. Old Business

- Mr. Ritter reminded the Board of the PE/PLS Certificate Ceremony in Raleigh at the NCSU Club on Tuesday, January 23, 2007, at 7:30 p.m. Chair, Mr. Liles, and Dr. Ratcliff have volunteered to attend. Mr. Freeman may also participate. Mr. Ritter will follow up with confirmation on time and place to meet. No action needed.

*(Addendum XVIII)*

- Mr. Ritter updated the Board with the renewal status for 2007. To date, we have had 11,000 renewals with 50 percent in December, 40 percent in January, and 10 percent being late. 86 percent of these renewals were done online. No action needed.

*(Addendum XLX)*

12. New Business

- Mr. Ritter presented the Board with two (2) investigation cases that needed to be opened. Ms. Rodgers moved to open the cases; Mr. Freeman seconded the motion. A vote was taken and the Board voted unanimously to open all cases.

*(Addendum XX)*

- Mr. Ritter announced the IRS 2007 standard mileage rate of .485, which is reflected on the Board members expense report. No action needed.

13. Informational Items

- Ms. Judy Weseman will attend the February 2007 Board Meeting to receive the appreciation plaque from the Board.
- Chair and Mr. Ritter visited Fayetteville Tech to discuss in a Users Group format that included the Department of Transportation why they want to eliminate the Associates degree in surveying program. After further discussion, Fayetteville Tech agreed to keep the Associates degree in surveying program going as long as they can.
- Chair and Mr. Ritter will be attending the Boards President Meeting in Atlanta, Georgia on February 15 and 16, 2007.
- National Council for Examiners for Engineers and Surveyors (NCEES) meetings. Mr. Liles will no longer be involved on the UP&LG (Uniform Procedures & Legislative Guidelines) Committee next year. Dr. Ratcliff would like to be part of this committee, so Mr. Liles will

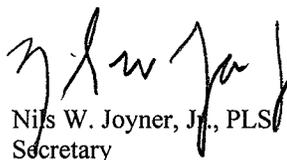
speaking with Mr. Skip Harclerode. Messrs. Ritter and Tuttle will speak with Mr. Gene Corley also on Dr. Ratcliff's participation on this committee.

- Mr. Dick Cottingham contacted Mr. Ritter wanting Dr. Ratcliff and Mr. Liles to part of a Task Force with NCEES.
- Chair and Mr. Ritter would like to have in DRAFT format at the February 2007 Board Meeting the committee proposed rule changes. The final version is due at the March 2007 Board Meeting.
- Mr. Ritter informed the Board that the Surveying Committee Chair is to attend the North Carolina Society of Surveyors meeting. However, Mr. Haynes is deferring so the Board Chair who will attend in his place.
- Mr. Ritter informed the Board of the upcoming American Congress for Survey Mapping (ACSM) Meeting in March 2007 in St. Louis, Missouri. The Board is authorized to pay for Chair to attend. Dr. Ratcliff made a motion to approve the Chair's expenses; Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously. A motion was made to approve payment for Mr. Ritter to attend this same meeting but on Sunday only. Mr. Liles made a motion to approve Mr. Ritter's expenses; Mr. Freeman seconded the motion. A vote was taken and the motion was approved unanimously.
- Mr. Ritter informed the Board that the February 2007 Board Meeting will be two (2) days due to application reviews. Dr. Ratcliff made the motion to expand the policy to include the Surveying and Engineering Committee Chairs to seat Emeritus Members for application reviews; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

Motion made at 11:35 a.m. to go into closed session to discuss the disciplinary action for the previous day's hearing. Mr. Freeman and Drs. Monroe and Ratcliff recused themselves. Mr. Liles moved to approve the motion to go into closed session; Ms. Rodgers seconded the motion. A vote was taken and the remaining Board voted unanimously to approve the motion.

The Board returned to open session at 11:40 a.m. with Mr. Freeman and Drs. Monroe and Ratcliff no longer being recused. The Board formally adjourned at 11:50 a.m. The Board will meet at its next regularly scheduled meeting on Thursday and Friday, February 8 and 9, 2007.

Respectfully submitted,

  
Nils W. Joyner, Jr., PLS  
Secretary

Approved by the Board in Session

Date 8 March 2007

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 8 and 9, 2007

Raleigh, North Carolina

Board Chair Gary W. Thompson, PLS gaveled the North Carolina Board of Examiners into session at 8:43 a.m. to reconvene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Henry V. Liles, Jr., PE, Vice Chair  
Nils W. Joyner, Jr., PLS, Secretary  
George E. Freeman, PE, PLS  
Caroline M. Guzniczak, PE  
J. Glenn Haynes, PLS  
Dr. Joseph Monroe, Public Member  
Teresa H. Ratcliff, PhD, PE  
Doris M. Rodgers, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Gary Thompson 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 one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

The Executive Director reported that copies of the minutes for the January 9 and 10, 2007 Board meeting had been sent to each Board member. Any changes made are reflected in the final draft now presented. Mr. Liles moved to approve the minutes; Ms. Rodgers seconded the motion. The Board voted and the minutes were unanimously approved.

3. Request from Stephen Puckett, PLS regarding "as-built" surveys of stairwells of recently completed public buildings as per State of North Carolina building code. Chair deferred to the Surveying Committee for review and asked for the Engineering Committee's opinion as well. No action needed from the Board.

*(Addendum I)*

4. Request from Jonathan C. Esslinger, PE, Director, Transportation and Development Institute of the American Society of Civil Engineers (ASCE) regarding issues related to design, construction, and inspection of automated people-mover systems. The Board will take as information only. No action needed from the Board. However, Mr. Ritter will write a letter thanking Mr. Esslinger for passing this information along to the Board and to keep the Board posted on his progress.

*(Addendum II)*

*At 9:25 a.m., Dr. Ratcliff presented Ms. Judy Weseman, ex-Executive Director of the Professional Engineers of North Carolina (PENC), with a Certificate of Appreciation from the Board. The certificate read as follows:*

*The North Carolina Board of Examiners for Engineers and Surveyors presents this:*

***Certificate of Appreciation  
to  
Judith K. Weseman, PE***

*in recognition of her contributions to the effective and productive relationship between PENC and the Board. For Ms. Weseman's spirit of cooperation and unerring professionalism, always in evidence as she worked to enhance the partnership and foster camaraderie between PENC and the Board of Examiners, the Board extends its deepest thanks.*

*December 14, 2006*

5. Committee Reports

Engineering: Dr. Ratcliff informed the Board of the following activities:

- Best Management Practice Manuals. The committee will become informed on the concern with the issue previously presented by PENC of non-engineers doing best management practice manuals for stormwater projects.
- Offshore Responsible Charge. Dr. Ratcliff asked that the Committee review the 2004 newsletter article by David Peeler in order to see how the attributes relate the applicability of our current rules and/or laws to offshore engineering services. This will be to see if revisions need to be made to our current rules/law. Mr. Tuttle will pull the Model Law and the newsletter article. Committee Chair would like to also have Ms. Guzniczak's input from an industrial engineer's perspective.
- Committee will review finalization of rules at 10:00 a.m. on Thursday, March 8, 2007.

Land Surveying: Mr. Haynes informed the Board of the following activities:

- Committee will be meeting on Friday, February 9, 2007, at 10:00 a.m. to discuss construction survey/construction staking policy. Mr. Liles has been invited to attend. After discussion, meetings will be arranged with the Surveying Society, Department of Transportation, and Charles Brown to give them an update on the Board's discussion.

*(Addendum III)*

- The National Council of Examiners for Engineers and Surveyors (NCEES) is now providing a 6-hour exam in photogrammetry in lieu of the traditional Principles and Practice of Surveying (PS) exam and in conjunction with any state-specific surveying exams due to boundary-related questions. The PS exam currently focuses on traditional surveying and is insufficient in photomapping content that needs to be used to license photogrammetrists. It would not be a national exam due to the limited number of states needing the exam and the small candidate population. The 6-hour photogrammetry exam will be taken by exam candidates after they have passed the NCEES Fundamentals of Surveying exam. NCEES is contributing to the project by financially supporting the exam development effort and housing the item bank at NCEES headquarters. Eventually, NCEES will also manage exam assembly, scoring, and reporting scores.

*(Addendum IV)*

- GPS Workshop being conducted by the Surveying Committee on Tuesday, March 7, 2007 from 9:00 a.m. to 4:00 p.m. in order to review the applicable statutory and rule language and to work out any draft changes that the group thinks necessary. The workshop will be conducted at the Board Office and consist of the three surveying members of the Board—Chair and Messrs. Haynes and Joyner. The Board will cover any affiliated expenses to include travel, meals, and lodging, if necessary.

*(Addendum V)*

- Board Chair attended the North Carolina Society of Surveyors (NCSS) Annual Meeting in Myrtle Beach, SC, February 1-3, 2007, as well as giving a report on the Board. The Chair reported that this was a good conference.
- Sample map is being developed that will be linked from the NCSS web site.
- Committee will review finalization of rules at 10:00 a.m. on Thursday, March 8, 2007.

Continuing Professional Competency Committee:

- Ms. Rodgers informed the Board that there were three (3) new applications for approval. Dr. Ratcliff moved that the Board approve the applications; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum VI)*

- Ms. Rodgers reminded the Board of a letter they presented at the January 2007 meeting from a PLS requesting 2005-2006 CPC requirement waiver due to medical reasons and “other extenuating circumstances” and if upon receipt of the documentation and the documentation being acceptable to the Committee, exemption will be given to the requestor. If documentation was not satisfactory to the CPC Committee, the exemption will not be approved and the Committee will come back to the Board with a new recommendation. Committee Chair updated the Board in that a schedule was received to reflect how the individual will come into compliance for 2007. No additional Board action is needed.
- Ms. Rodgers informed the Board of three (3) requests from PEs regarding waiver of their PDH requirements for 2007 due to various extenuating circumstances. Motion was made to deny two (2) of the three (3) requests; Dr. Ratcliff seconded the motion. A vote was taken and these two (2) motions were approved unanimously. In regards to the third request, Committee Chair made a motion to approve request by granting a 90-day extension to complete the required PDHs. If documentation is not provided as to having met the requirements within the 90 days, license status will be changed to “inactive.” Dr. Ratcliff seconded this motion, and a vote was taken and the motion was approved unanimously.
- Ms. Rodgers mentioned as an informational item an article entitled “Designing Surface Water Runoff Controls for Paved Surfaces” by Vanessa Hatcher, PE and Jim Noll, PE that was published in the December 2006 Professional Development Series by approved sponsor CONTECH Construction Products, Inc.
- Committee will meet early on Thursday, March 8, 2007, and conclude at approximately 10:00 a.m. to discuss rules finalization.

*Break at 10:35 a.m.; back into session at 10:50 a.m.*

6. Review Committee Recommendations

The Board considered the recommendations of the Review Committee—Engineering Committee on two (2) cases conducted on January 16, 2007 with Dr. Ratcliff. Ms. Guzniczak made a motion to accept the recommendations of the Review Committee and Ms. Rodgers seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendation resulted in two (2) closed cases.

*(Addendum VII)*

7. Violations Activity

- Assistant Executive Director David Evans reported that eight (8) new cases have been opened since the last Board meeting—two (2) licensed professional engineers, three (3) licensed professional land surveyors, one (1) licensed professional corporation, one (1) business firm, and one (1) non-licensed individual. There are one hundred fifty-two (152) open cases, eighty-one (81) of which are with the investigators or pending investigation. Thirty (30) cases have been closed so far this year with three (3) being closed since last Board Meeting, two (2) cases taken to Review Committee since last Board meeting, four (4) cases have been brought to Review Committees for 2007, and forty-eight (48) more cases are pending.

*(Addendum VIII)*

- Mr. Evans reported that Cathy Kirk and Luke Blume are now working from home, and that he will continue to work with Mr. Blume on a couple of additional investigations.
- Mr. Evans thanked Mr. Joyner for setting up training with Mr. Blume on a 180-acre swamp survey. Mr. Ritter asked that Mr. Joyner send Mr. Blume a copy of the map that was done with this survey. Training with Messrs. Haynes and Thompson will be arranged.
- Mr. Evans reported to the Board that he and Mr. Tuttle made a presentation on January 24, 2007 to a department of the Department of Transportation regarding sealing requirements.
- Mr. Evans reported to the Board that Mr. Tuttle and Mark Mazanek attended the Federation of Associations of Regulatory Boards' (FARB) Annual Meeting in San Antonio, TX, February 1-4, 2007, which was well received.
- Lanice Heidbrink's renewal process is coming close to being complete so she will be concentrating her efforts on CPC.
- Open Violation Cases Report. Mr. Evans reported that approximately 20 cases left pending are date sensitive. Current policy is when referred to another agency, the case is left open. However, it has been discussed that once it is turned over to another agency, it is officially out of our hands so the case will be closed. No action needed.

*(Addendum IX)*

8. Applications

The Board considered eighty-two (82) applications of individuals for licensure through comity provisions as Professional Engineers. Dr. Ratcliff moved to approve the applications; Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum X)*

The Board considered the requests for four (4) company name changes: (1) Franklin N. Gray Design Services, P.C. to GNF Architects and Engineers, P.C., (2) Marathon Engineers/Architects/Planners of Mississippi, P.C. to Poyry (MS, NC, NY), P.C., (3) Parsons Brinckerhoff Quade & Douglas, Inc. to PB Americas, Inc., and (4) Land Use Strategies, PLLC to Deaton Development Consultants, PLLC. The Board was advised that the requests have been reviewed and deemed in full compliance by Board staff. Dr. Ratcliff moved that the Board approve the company name changes; Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XI)*

The Board considered the request of Genetic Engineering, Inc. to use “engineering” in the title of the company name. After explanation of the statute regarding the use of “engineering,” Dr. Ratcliff made a motion to deny the use of “engineering” in the title of the company name; Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XII)*

The Board considered the applications of twenty (20) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Dr. Ratcliff moved that the Board approve these twenty (20) firms for licensure; Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XIII)*

The Board considered the applications of eleven (11) firms for licensure as Limited Liability Companies. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Ms. Rodgers moved that the Board approve the applications; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XIV)*

The Board considered the applications of six (6) firms for licensure as Business Firms. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Dr. Ratcliff moved that the Board approve the applications; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XV)*

The Board considered twenty-two (22) requests for retired status—five (5) professional land surveyors and seventeen (17) professional engineers. Mr. Haynes moved that the Board approve the requests; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XVI)*

9. Old Business

- Mr. Ritter mentioned that the PE/PLS Certificate Ceremony in Raleigh at the NCSU Club on Tuesday, January 23, 2007, at 7:30 p.m. was attended by the following Board members: Chair, Dr. Ratcliff, and Messrs. Freeman and Liles. The ceremony was well received with 170+ attendees. No action needed.

*(Addendum XVII)*

- Mr. Ritter informed the Board that the Charlotte Certificate Ceremony has been rescheduled for Monday, February 19, 2007, after inclement weather cancelled the February 1, 2007 ceremony. No action needed.
- Dr. Ratcliff presented to the PENC's Local Chapter Meeting on Tuesday, January 16, 2007, regarding the additional 30+ PDHs. Ms. Rodgers and Mr. Freeman also attended.
- Mr. Ritter informed the Board of concerns that were brought to Dr. Ratcliff's attention regarding the Best Practices Manual and its outlining of some services that could be done by anyone other than engineers but are items of engineering practices. Chair deferred this topic to the Engineering Committee for further review. The issue relates to the expanded practice of Landscape Architecture. The Legislative Research Committee was never commissioned or funded to look into the overlap with engineering.
- Mr. Ritter informed the Board of the Uniform Procedures & Legislative Guidelines (UP&LG) report regarding the 30+ PDHs program DRAFT through ABET-accredited programs. 20 of the 30 hours will be a combination of upper-level, undergraduate, or graduate courses—engineering sciences or mathematics—core competency; 10 hours will be in the “softer” subjects, such as contract law, economics, engineering management, ethics, finance, institutional management, physical asset management, etc. It was concluded that experience is getting substituted for education.
- Mr. Ritter and Board Chair will attend the NCEES's Board Presidents' Assembly in Atlanta, GA on February 15-17, 2007. Mr. Ritter is in charge of the Executive Directors session that will be held on Saturday, February 17, 2007.

10. New Business

- Mr. Ritter presented a memorandum dated February 5, 2007 from Phillip T. Fisher regarding the February 26, 2007 Ethics Act Information Session to be held from 1:00 to 3:00 p.m. at the McKimmon Conference & Training Center. Board Chair and Messrs. Ritter and Tuttle have been invited to attend. Mr. Ritter asked the Board members to get to him any questions or comments they may have. Outcome will be presented to the Board at the March 2007 meeting. This 2-hour session is not part of the official training program.

*(Addendum XVIII)*

- Mr. Ritter announced the 2007 NCEES Southern Zone Meeting, April 26-28, 2007, in Lexington, KY. Mr. Ritter will make hotel reservations for the Board members on Friday, February 9, 2007, or Monday, February 12, 2007, due to it being Equestrian Month in Kentucky. Any changes that need to be made after confirmation of booking will be at the Board member's responsibility, as well as registration being made by individual Board members.

*(Addendum XIX)*

- Mr. Ritter presented a memorandum dated January 10, 2007 and an email dated January 11, 2007 from Paul J. Martin, Executive Director and Member Administrator, Florida Board of Professional Engineers, regarding candidacy of Henn Rebane, PE for President-elect nominee of the Southern Zone.

*(Addenda XX to XXI)*

- Mr. Ritter presented a memorandum dated January 25, 2007 from Jan Simpson, Executive Director, South Carolina Board of Registration for Professional Engineers and Land Surveyors regarding candidacy of Gene Dinkins, PE for Vice President of the Southern Zone.

*(Addendum XXII)*

*Mr. Ritter will get additional information on the two candidates listed above (items 3 and 4) for the Board.*

- Mr. Ritter presented a Request for Proposal (RFP) made by the NC General Assembly Joint Transportation Oversight Committee entitled, "Report on Costs of NC DOT Transportation Improvement Program" that may be a possible violation of Mini-Brooks. Mr. Tuttle worked with DOT to bring the RFP into compliance. No action needed by the Board.

*(Addendum XXIII)*

- Mr. Ritter presented a letter dated January 10, 2007 from Alan E. Rimer, PE regarding his service on the Board of Directors of the Orange Water and Sewer Authority (OWASA) and whether it would be a conflict with any Board policies or procedures regarding such service. Mr. Tuttle spoke with both Mr. Rimer and his attorney and informed them that it may well be a conflict of interest. However, the Board is being asked to make a determination of the definition of the word "principal." It was discussed that he appears to be a "principal" (someone with a high level of recognition or importance) within his company, which according to Board rules would forbid his company from receiving contracts from a Board on which a "principal" of the company serves, in this case from OWASA. The Board was unable to come to a conclusion on what qualifies a person as a "principal" under the Board conflict of interest rule. A motion was made to contact the Attorney General's office for an advisory opinion. Mr. Joyner moved that the Board approve the motion; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XXIV)*

#### 11. Informational Items

- NC Ethics Commission and Statement of Economic Interest (SEI). Mr. Ritter reminded the Board to not miss the March 15, 2007 deadline for filing their individual economic interest.
- Mr. Ritter presented to the Board NCEES data regarding the October 2006 FE exam passing rates for programs with more than seven (7) first-time takers.

*(Addendum XXV)*

- Mr. Ritter presented to the Board a letter to Governor Easley dated January 10, 2007 from Mr. Johnie Garrason regarding the recommendation of Daniel E. Dawson, PE, PLS to fill a Board position for the next five (5) years.

*(Addendum XXVI)*

- Mr. Ritter presented to the Board a memorandum dated January 2007 regarding the 2005-2006 NCEES Annual Report.

*(Addendum XXVII)*

- Mr. Ritter presented to the Board the International Engineering Education Digest dated January 2007.

*(Addendum XXVIII)*

- Mr. Ritter reminded the Board that with the Committees meeting on Thursday, March 8, 2007, to finalize the rules process, the regularly scheduled Board meeting may continue into Friday, March 9, 2007.

12. Administrative Conferences

Members of the Engineering Committee conducted two (2) administrative conferences. The first conference was with an applicant requesting administrative review to discuss reseating of the PE (civil portion) exam in April 2007. The conference resulted in the Committee determining that in order to be seated for the spring 2007 professional engineering exam the applicant must complete a geotechnical course and a water resources course. At the time of application for seating, applicant must provide proof of completion of the review classes and the required paperwork. The second conference was with an applicant who requested to discuss experience for the purpose of fulfilling required engineering experience. This conference resulted in the Committee's determining that the applicant may be seated for the fall 2008 PE exam. Applicant must submit a supplemental experience form and pay any required fees prior to the August 2, 2008 deadline.

*(Addendum XXIX)*

There being no further business, the Board formally adjourned on Thursday, February 8, 2007, at 12:55 p.m. The Board is next scheduled to meet on Thursday and Friday, March 8 and 9, 2007.

Respectfully submitted,

  
Nils W. Joyner, Jr., PLS  
Secretary

Approved by the Board in Session

Date May 4<sup>th</sup>, 2007

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 8, 2007

Raleigh, North Carolina

Board Chair Gary W. Thompson, PLS gaveled the North Carolina Board of Examiners into session at 9:37 a.m. to reconvene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Nils W. Joyner, Jr., PLS, Secretary  
George E. Freeman, PE, PLS  
Caroline M. Guzniczak, PE  
J. Glenn Haynes, PLS  
Dr. Joseph Monroe, Public Member  
Teresa H. Ratcliff, PhD, PE  
Doris M. Rodgers, Public Member

Absent:

Henry V. Liles, Jr., PE, Vice Chair

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Gary Thompson 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 one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

The Executive Director reported that copies of the minutes for the February 8 and 9, 2007 Board meeting had been sent to each Board member. Any changes were reflected in the final draft presented. Mr. Joyner moved to approve the minutes; Dr. Monroe seconded the motion. The Board voted and the minutes were unanimously approved.

3. Request from Gary A. Ybarra, PhD regarding the opportunity to discuss his proposed "engineering K-PhD" business title. The program is to prepare children and move them through the education process of engineering and capture the essence of engineering. Chair has deferred this topic to the Engineering Committee for discussion and to bring back to the Board at a later date. Once decision is made, Mr. Ritter will inform Dr. Ybarra. Later in the Board meeting, the Board revisited this issue. A motion was made by Dr. Ratcliff and seconded by Ms. Guzniczak to deny Dr. Ybarra's request to use the business title "engineering K-PhD as a business title due to Dr. Ybarra not being licensed. The motion was approved unanimously. The Board then directed staff to advise Dr. Ybarra that the primary reason his request was denied that in his own presentation to the Board he described the services he would provide as engineering and the best course of action would be for Dr. Ybarra to get licensed as a professional engineer.

*(Addendum I)*

4. Request from R. Larry Greene, PLS, President, NCSS Education Foundation, requesting the Board donate \$2,000.00 to the Trig Star Program. This request is made annually and is budgeted. Ms. Rodgers made the motion to approve the donation of \$2,000.00; Mr. Haynes seconded the motion. The Board voted and the motion was unanimously approved.

*(Addendum II)*

5. Request for Ed Hardin, PE requesting medical waiver. Mr. Hardin sent a letter dated February 22, 2007 requesting an exception for his overlooked renewal notice and reimbursement of his penalty fee due to surgery in December 2006, or he was told of surgery he needed in December, for retina repair. Upon regaining functional sight, he realized that his registration was due. (NOTE: There were people paying his bills during the time of his recovery.) Ms. Rodgers made a motion to deny the request but after further deliberation, Ms. Rodgers made an amended motion to deny his request for waiver based on information provided. However, if additional information is provided showing that his condition was limited beyond the January 31, 2007 deadline for the late penalty, Board will revisit this issue. Mr. Haynes seconded the motion. Mr. Freeman spoke in opposition of the conditions given in the motion. Because it is a rule/law and the fact that the Board will not change its mind, he feels it should remain denied. The Board voted and the amended motion was approved 4 to 3.

*(Addendum III)*

6. Committee Meetings

Recess taken at 10:00 a.m. in order for the Engineering and Surveying Committees to review rule changes. The rules will be finalized at the May 2007 Board meeting.

*Meeting gaveled back in at 1:03 p.m. at which time the Chair made a presentation to Ms. Sylvia Harrell who is retiring after 30+ years. She was presented with a plaque that read:*

*THE NORTH CAROLINA BOARD OF EXAMINERS  
FOR ENGINEERS AND SURVEYORS*

*PRESENTS THIS*

*CERTIFICATE OF APPRECIATION*

*TO*

*SYLVIA J. HARRELL*

*IN RECOGNITION*

*OF MORE THAN THIRTY YEARS*

*OF EXCELLENT AND DEDICATED SERVICE*

*TO THE ENGINEERING AND SURVEYING PROFESSIONS*

*AND TO THE CITIZENS OF NORTH CAROLINA*

*THIS THE 8<sup>TH</sup> DAY OF MARCH, 2007*

7. Committee Reports

Engineering:

- Dr. Ratcliff informed the Board that after Engineering Committee discussion, the committee would make a motion to deny the request of "Engineering K-PhD" as a business title. The Board voted and the motion was unanimously approved. The Committee asked that the title be modified or adjusted, and also suggested that he take the PE exam to become a licensee. Mr. Joyner made a motion to include in the letter some cautionary note as to what establishes the practice of engineering, but to also complement him on his program and to let him know that the Board would be more than happy to assist him in any way. Dr. Ratcliff seconded the motion. The Board voted and the motion was unanimously approved.

- Dr. Ratcliff informed the Board that the Engineering Committee will be creating a forum on discussing the reality of responsible charge and how it relates to engineering.

Land Surveying: Mr. Haynes informed the Board that the GPS Workshop held on Tuesday, March 7, 2007 from 9:00 a.m. to 4:00 p.m. was well received and held in order to review the applicable statutory and rule language and to work out any draft changes that the group thought necessary. The workshop consisted of the three surveying members of the Board—Chair and Messrs. Haynes and Joyner, as well as four outside individuals: Jim Davis, Dave Doyle, Roger Barnes, and David Snider. Mr. Haynes further reported on a discussion held with Charlie Brown, PLS of NCDOT regarding machine control (3-D modeling) and its use within the industry. The purpose of the discussion was to help clarify the Board's policy as Mr. Brown reported it was being misunderstood.

*(Addendum IV)*

Continuing Professional Competency Committee:

- Ms. Rodgers informed the Board that there were two (2) new sponsor applications for approval. Ms. Rodgers moved that the Board approve the applications; Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum IV)*

- Ms. Rodgers informed the Board that the Committee has completed the review of the CPC rules.

8. Violations Activity

- Assistant Executive Director David Evans reported that six (6) new cases have been opened since the last Board meeting—three (3) licensed professional land surveyors, one (1) business firm, one (1) non-licensed corporation, and one (1) non-licensed individual. There are one hundred fifty-four (154) open cases, eighty-three (83) of which are with the investigators or pending investigation. Thirty-four (34) cases have been closed so far this year with four (4) being closed since last Board Meeting, twenty-five (25) cases taken to Review Committee since last Board meeting, twenty-nine (29) cases have been brought to Review Committees for 2007, and sixty-nine (69) more cases are pending.

*(Addendum VI)*

- Mr. Evans thanked Mr. Haynes for the additional surveying training of investigator Mr. Luke Blume. Mr. Blume also attended the ELSSES Exam Security Training in Atlanta, GA last week.
- Mr. Ritter informed the Board that the CPC Audit and Compliance Issues will be presented at the PENC Summer Meeting by Messrs. Evans and Liles.

9. Review Committee Recommendations

The Board considered the recommendations of the Review Committee—Surveying on ten (10) cases conducted on February 20, 2007 with Mr. Haynes. Ms. Guzniczak made a motion to accept the recommendations of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendations

resulted in one (1) reprimand, one (1) reprimand and a civil penalty of \$1,000, one (1) reprimand and a civil penalty of \$1,500, one (1) cease and desist, and six (6) closed cases.

*(Addendum VII)*

The Board considered the recommendations of the Review Committee—Surveying on one (1) case conducted on February 20, 2007 with Mr. Thompson. Ms. Guzniczak made a motion to accept the recommendations of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendations resulted in one (1) reprimand and civil penalty of \$500.

*(Addendum VIII)*

The Board considered the recommendations of the Review Committee—Engineering on fourteen (14) cases conducted on March 2, 2007 with Mr. Liles. Mr. Thompson recused himself from discussion and voting on Case #8. Mr. Freeman made a motion to accept the recommendations of the Review Committee on Case Nos. 1-7 and 9-14 and Mr. Haynes seconded the motion. A vote was taken and the matter was approved unanimously. Dr. Ratcliff made a motion to accept the recommendation of the Review Committee on Case #8 and Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendations resulted in three (3) reprimands, one (1) reprimand and a civil penalty of \$1,000, one (1) cease and desist, one (1) revocation, one (1) continue investigation, and seven (7) closed cases.

*(Addendum IX)*

10. Applications

The Board considered sixty-five (65) applications of individuals for licensure through comity provisions as Professional Engineers. Mr. Joyner moved to approve the applications; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum X)*

The Board considered the requests of one (1) company name change: (1) Lehmann Mehlert Hirst Thornton Associates, P.A. to LMHT Associates, P.A. The Board was advised that the request have been reviewed and deemed in full compliance by Board staff. Ms. Rodgers moved that the Board approve the company name changes; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XI)*

The Board considered the applications of sixteen (16) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Ms. Guzniczak moved that the Board approve these sixteen (16) firms for licensure; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XII)*

The Board considered the applications of fourteen (14) firms for licensure as Limited Liability Companies. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Dr. Ratcliff moved that the Board approve the applications; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XIII)*

Board considered the applications of one (1) firm for licensure as a Business Firm. The Board was advised that the application had been reviewed and deemed in full compliance by Board staff. Ms. Guzniczak moved that the Board approve the application; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XIV)*

The Board considered five (5) requests for retired status—five (5) professional engineers. Mr. Haynes moved that the Board approve the requests; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

*(Addendum XV)*

#### 11. Old Business

- Mr. Ritter mentioned his and the Chair attending the Board Presidents Assembly held February 15-17, 2007. The design of the 100-year anniversary of licensure was discussed. North Carolina has been a member for 86 years. Mr. Ritter asked the Board if it wanted to pursue a proclamation announcing 100 years of licensure, or does the Board want to wait until its 100<sup>th</sup> year. The Board chose not to pursue the NCEES 100 year proclamation and instead wait for the Board's 100 year proclamation.

*(Addendum XVI)*

- Mr. Ritter was asked that the February 20, 2007 email regarding "Amendment to NCEES Model Law Requiring Additional Engineering Education for Licensure of Professional Engineers" be distributed to all Boards. Mr. Ritter informed the Board that at the MBA Networking Group Meeting, computer-based testing was discussed and agreed upon and should be a driven initiative. Conclusion from the discussion was that a computer-based task force will be formed this year.

*(Addendum XVII)*

- Mr. Ritter also informed the Board that when he attended the Executive Directors Meeting, he was asked what he thought of the Board Presidents Assembly. Mr. Ritter responded that he did not think it worth the effort. Attendance has dropped off. He also mentioned that at this meeting, he learned that computer-based testing is delayed in discussion with NCEES. It is realized that NCEES's Board was not being driven to move it forward. There is considerable apathy amongst member on computed-based testing.

*(Addendum XVIII)*

- Mr. Ritter reminded the Board that the next time the Board members are together will be at Southern Zone, April 25-29, 2007, in Lexington, Kentucky. Chair asked that the Board consider the NCEES Board nominee for Southern Zone Vice President, Gene Dinkins, PE, PLS, as a unanimous vote.

#### 12. New Business

- Mr. Ritter presented the Board with two (2) investigation cases that needed to be opened. Dr. Ratcliff moved to open the cases; Ms. Guzniczak seconded the motion. A vote was taken and the Board voted unanimously to open all cases.

*(Addendum XLX)*

- Mr. Ritter announced that the PE/PLS Ceremony in Charlotte will be July 24, 2007 and July 17, 2007 in Raleigh.

*(Addendum XX)*

Mr. Ritter presented to the Board information on the “Colonial States Board of Surveyor Registration” to be held May 5, 2007 in Newport, Rhode Island. Mr. Thompson made a motion for approval of a surveying member’s attendance. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously. Messrs. Thompson and Ritter will be attending.

*(Addendum XXI)*

- Mr. Ritter presented the Board with a memorandum and curriculum vitae dated January 25, 2007 from Jan Simpson regarding the Southern Zone Vice President candidacy of Gene Dinkins, PE, PLS.

*(Addendum XXII)*

- Mr. Ritter presented the Board with a letter dated March 12, 2007 from Richard A. Bernardo, PE, Chair, Board of Registration for Professional Engineers of the State of Rhode Island in support of the nomination of L. “Larry” Robert Smith for NCEES Treasurer. Discussion will be held during the May 2007 Board Meeting. Board approval will need to be given so that the Board Chair can vote on behalf of the Board.

*(Addendum XXIII)*

- Mr. Ritter presented the Board with a memorandum dated February 7, 2007 from E. Walter LeFevre, PhD, Chair, Special Committee on Constitution and Bylaws regarding “Proposed Amendment to NCEES Constitution.” Mr. Ritter reminded the Board that this was voted and approved at the 2006 NCEES Annual Meeting but needs to confirm that the verbiage reflects the intent of the vote. This verbiage will need approval in August 2007 at the NCEES Annual Meeting as well. It will be discussed at Southern Zone, however, in April 2007.

*(Addendum XXIV)*

- Mr. Ritter presented to the Board the North Carolina Fall 2006 Exam Results.

*(Addendum XXV)*

- Mr. Ritter presented to the Board an email dated March 6, 2007 from Bob Whorton, Compliance and Security Manager, NCEES, regarding “Potential Random Guessers” software. Further discussion will be held during the May 2007 Board Meeting.

*(Addendum XXVI)*

- Mr. Ritter presented to the Board an email dated March 5, 2007 from Melissa Beard regarding “Meeting with the Institute of Government” on the issue of local governments requiring more items than necessary on the map. The meeting has been scheduled for April 20, 2007 at 10:00 a.m. at the NCSS Office. Mr. Ritter and Board Chair will be attending. An invitation has been extended to Mr. David Tuttle, Board Counsel, but he will not be in town.

*(Addendum XXVII)*

- Mr. Ritter discussed the first Ethics Seminar that he, Mr. Thompson as Board Chair, and Mr. Tuttle attended on February 26, 2007. The Assistant Executive Director of the Ethics Commission, who is also the former head of Raleigh's FBI Office, will meet with all the Boards before March 30, 2007. The Ethics Coordinators were asked to remind their Boards to send in their Statement of Economic Interest by March 15, 2007. Ethics training needs to be completed by July 30, 2007. Once schedule is received, Mr. Ritter will let the Board members know. Board Chair is required to pass along this education information.

*(Addendum XXVIII)*

- Mr. Ritter reminded the Board that discussion regarding developing a staff policy on staff members and their making presentations will be done at the May 2007 Board meeting.
- Mr. Ritter mentioned to the Board that Mr. Tuttle gave a Mini-Brooks presentation at the annual Carolinas Association of Governmental Purchasing meeting on March 7-9, 2007. (178 attendees; 42 first-time attendees)

### 13. Informational Items

- NC Ethics Commission and Statement of Economic Interest (SEI). Mr. Ritter reminded the Board to not miss the March 15, 2007 deadline for filing their individual economic interest and that they must answer ALL questions.
- Mr. Ritter presented to the Board an email from Kathy Trella dated February 14, 2007 regarding Mark Mazanek and her informing the Board of his exceptional service. Mr. Ritter also acknowledged the improved process of the business firms licensure process since Mr. Mazanek took over.

*(Addendum XXIX)*

- Mr. Ritter presented to the Board an article from the News & Observer that was published on February 28, 2007 regarding the "Suit: Med society controls licensing board."

*(Addendum XXX)*

- Mr. Ritter presented to the Board a "Renewal Status Report for 2007."

*(Addendum XXXI)*

- Mr. Ritter presented to the Board the February 2007 edition of the Licensure Exchange in which he assisted in providing information for the photogrammetry exam.

*(Addendum XXXII)*

### 14. Administrative Conferences

Members of the Engineering Committee conducted two (2) administrative conferences. The first conference was with an applicant requesting administrative review to discuss experience and a possible course of action because of his/her being denied seating for the spring 2007 exam. The conference resulted in the Committee determining the applicant has inadequate or insufficient engineering experience. It was recommended that the applicant reapply for the fall 2010 exam and at that time submit an updated supplemental experience form. The second conference was with an applicant who requested to discuss current experience and why it should be allowed for him/her to be seated for the spring 2007 exam. The conference resulted in the Committee determining the applicant be denied seating for the spring 2007 exam. Again, the primary reasons were due to not

having any experience under the direct supervision of a professional engineer, and the determination could not be made as to whether the company applicant works for is a U.S.-owned firm. Board rules state that an applicant must have four years progressive engineering experience, and half of that must be under the responsible charge of a U.S. licensed professional engineer and experience must be with a U.S.-owned company. Upon submission of documentation of meeting either of these requirements, the Board will re-review the application.

*(Addendum XXXIII)*

There being no further business, the Board formally adjourned on Thursday, March 8, 2007, at 2:43 p.m. The Board is next scheduled to meet on Thursday and Friday, May 10 and 11, 2007.

Respectfully submitted,

Nils W. Joyner, Jr., PLS  
Secretary

Approved by the Board in Session

Date \_\_\_\_\_

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

May 10 and 11, 2007

Raleigh, North Carolina

Board Chair Gary W. Thompson, PLS gaveled the North Carolina Board of Examiners into session at 9:37 a.m. to reconvene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Henry V. Liles, Jr., PE, Vice Chair  
Nils W. Joyner, Jr., PLS, Secretary  
George E. Freeman, PE, PLS  
Caroline M. Guzniczak, PE  
J. Glenn Haynes, PLS  
Dr. Joseph Monroe, Public Member  
Teresa H. Ratcliff, PhD, PE  
Doris M. Rodgers, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Gary Thompson 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 one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

The Executive Director reported that copies of the minutes for the March 8 and 9, 2007 Board meeting had been sent to each Board member. Any changes were reflected in the final draft presented. Dr. Ratcliff moved to approve the minutes; Ms. Guzniczak seconded the motion. The Board voted and the minutes were unanimously approved.

3. Letter from Richard Sowerby dated April 13, 2007 regarding "Advisory Letter—Definition of the term "principal" as it appears in 21 NCAC 56.0701(e)(6)." This was in response to a letter dated January 10, 2007 from Alan E. Rimer, PE regarding his service on the Board of Directors of the Orange Water and Sewer Authority (OWASA) and whether it would be a conflict with any Board policies or procedures regarding such service, which was presented to the Board at the February 8 and 9, 2007 Board Meeting. The Board was unable to come to a conclusion at that time on what qualifies a person as a "principal" under the Board conflict of interest rule. A motion was made to contact the Attorney General's office for an advisory opinion. The Office of the Attorney General provided an advisory letter advising that Mr. Rimer is not considered a "principal." Mr. Liles made the motion to approve the Attorney General's response/conclusion; Dr. Ratcliff seconded the motion. The Board voted and the motion was unanimously approved.

4. Request from Betsy Bailey, Executive Director, Professional Engineers of North Carolina (PENC), dated April 23, 2007 regarding the Board collecting registrants emails. Collecting email addresses was done in the past. However, complaints from the licensed professional engineers overruled the acquisition of email addresses. Would having professional engineer email addresses serve the Board's purpose? It was concluded that it would for renewal notices, newsletter, pertinent information that would need to get out, etc. If it would be done, the professional engineers would need to be informed that their email addresses would be a public record. If the professional engineer chooses not to give their email address, or they do not have one, it should be noted and the professional engineers made aware of the fact that they may miss out on information. However, the professional engineer can call the Board Office or check the web site for updates. Ms. Guzniczak made the motion to approve the collecting of professional engineer email

May 10 and 11, 2007

addresses during the 2008 renewal cycle for individual registrants. Mr. Liles seconded the motion. The Board voted and the motion was unanimously approved.

5. Request from Melissa Beard, Executive Director, North Carolina Society of Surveyors, dated April 4, 2007 regarding needed changes to the North Carolina community colleges curriculum in surveying. This is a request from an individual who, along with others, seems to think there is some type of deficiency in the curriculum being offered at the community college level. Chair has deferred to the Surveying Committee to bring back to the Board.
6. Request from Melissa Beard, Executive Director, North Carolina Society of Surveyors dated April 4, 2007 regarding the development of a Surveying Fellows Program. This proposed program would provide a college scholarship in surveying and would be given for a 4-year degree. Once degree is received, an individual would need to work as a surveyor in any government entity. It would be funded by the North Carolina Board of Examiners for Engineers and Surveyors (NCBELS) with the Department of Transportation sharing the cost via a set contribution each year. If the Board approves, Ms. Beard will go to her Board for discussion and come back to our Board meeting in July or August 2007 with an update. Board agreed to be involved with such a Fellows Program. No action needed at this time.
7. Request from Robert E. Boswell, PLS and J. Leo Boswell, PLS regarding using the name Boswell Surveyors, Inc. d/b/a Moorefield Surveying. Mr. Joyner made a motion to deny the request. Dr. Ratcliff seconded the motion. The Board voted in favor of the motion with opposition from Mr. Freeman. After further Board discussion, it was suggested the Mr. Mazanek contact Messrs. Boswell and Boswell informing them of the Board's concerns using Moorefield Surveying and recommendations.

Mr. Mazanek came back to the Board after a phone conversation with Messrs. Boswell and Boswell, and they would agree to use Boswell Surveyors, Inc. d/b/a W. C. Moorefield Surveying. Dr. Ratcliff made the motion to approve the new company and d/b/a name. Mr. Haynes seconded the motion. The Board voted and the motion was unanimously approved.

8. Request from John Haselow, PhD dated April 4, 2007 regarding services provided by Redox Tech, LLC. This evolved from a disciplinary case regarding Redox's web site. The web site was reporting/showing engineering services. Redox made the appropriate changes but have come back to the Board to say they do not agree with the Board's interpretation of what was on the web site as being considered engineering. Redox would like the Board to reconsider its decision. The Chair has deferred to the Engineering Committee to bring back a recommendation to the Board.
9. Request from Andrew L. Ritter, Executive Director, NCBELS, regarding projected costs to develop and maintain a paperless Board Room. The NCBELS web site will have a "Board Member Only" tag with a hyperlink to the documents. These documents will be scanned and saved for easy access. Paper copies will still be given to the visitor(s). The following suggestions were made:
  - Three (3), if necessary four (4), master screens. (Original request is for two (2).)
  - Possible video conferencing
  - Possible triangle-type monitor from center of the ceiling
  - A larger server to accommodate the additional suggestions at the cost of approximately five thousand dollars (\$5,000.00), which is not part of the original estimate.

Ad-hoc committee (Dr. Ratcliff and Ms. Rodgers) formed to be the contacts for the development of this process. Possible future upgrade would be video conferencing. Dr. Ratcliff made the motion for a budgetary change from twenty-nine thousand dollars (\$29,000.00) to sixty thousand dollars (\$60,000.00) in order to do all that is necessary for a paperless Board Room set up. Dr. Haynes seconded the motion. The Board voted and the motion was unanimously approved.

10. Committee Meetings

*Meeting recessed at 11:05 a.m. in order for the Committees to hold their meetings. Lunch will be served during this recess as well. Meeting gaveled back in at 2:03 p.m.*

11. Committee Reports

Engineering:

- Dr. Ratcliff informed the Board that after an Engineering Committee discussion, the Committee determined that Redox Tech, LLC (Item #8) is doing engineering work. The Committee moved to affirm the previous Board decision. The Board voted and the motion was unanimously approved.
- Dr. Ratcliff informed the Board that the Engineering Committee received a request from a company whose business plan needed to be reviewed. The Committee made a motion and approved the business plan. The motion was unanimously approved
- Dr. Ratcliff informed the Board of a discussion that the Engineering Committee had regarding elimination of the 20-year waiver. The Committee would like to move that the Board open the exam seating requirements of 89C to fit the Model Law. The Chair and Secretary recused themselves from this discussion, and the Chair turned the meeting over to the Vice Chair. This would be a statutory change that the Board would need to make; if not, would like to move forward. In addition to the elimination of the 20-year waiver, we are doing away with engineering technologists and similar degree programs. The 20-year waiver is related to engineering only. Board staff will move forward and investigate all the statutory language changes that would be required. After these changes are completed, will be brought before the Board for further discussion—possibly the September 2007 Board Meeting. It has been proposed that this go into effect 2015.
- Dr. Ratcliff informed the Board that the Engineering Committee approves the revised Rules as presented. Exception taken in “responsible charge.” 5E (under Model Rules) is the most significant portion written. Committee still feels that this should be appropriately referenced in our law by replacing the sentence on page 428, third paragraph, fifth line, sentence that begins with “Direct supervisory control...” with the section in the Model Rules 240.20 C.5(a-e). The challenge is using the word “remotely.” Staff is to rewrite in the sub-box our law with an addendum of face-to-face communications or other means of communications. This addresses today, tomorrow, and the future. It was discussed that the Surveying Committee is drafting text for the rule to fit a specific responsible charge situation. Chair mentioned that perhaps a white paper be written for publication in the newsletter that would possibly back the Board up in the reasoning for adopting. A new rule It was suggested to incorporate both Engineering and Surveying Committees modified wording for discussion with the Chair and then the Board.

Land Surveying:

- At Mr. Haynes request, Mr. Ritter informed the Board of his and Chair’s attendance at Colonial States Board of Surveyor Registration in Providence, Rhode Island on May 5, 2007. Mr. Ritter mentioned that the photogrammetry exam being housed by the National Council of Examiners for Engineers and Surveyors (NCEES). The exam would be eight (8) hours with six (6) hours being the national portion at four hundred dollars (\$400.00) and two (2) hours being the state portion at (the cost is unknown at this time). There are enough questions to support a GIS test as well.
- Mr. Ritter informed the Board that the Surveying Committee is attempting to set up a meeting with the NC Surveyors Board of Directors. Meeting will take place Wednesday, July 11, 2007.

- Mr. Haynes informed the Board that the Surveying Committee will have continued discussion on as-built stairwells. The Chair reminded the Surveying Committee that they will have a recommendation at the next July 2007 Board Meeting.
- Mr. Haynes informed the Board that the Surveying Committee would like the following changes made to the Rules:
  - “Responsible charge” as noted above in the Engineering Committee report.
  - 21 NCAC 56.1606(h), second paragraph. Take the word “photogrammetric” out and possibly remove (g). Will be reviewed by the Board Chair.
  - 1607(a), fifth line, change the word BIEDOU to COMPASS.

Continuing Professional Competency Committee:

- Ms. Rodgers informed the Board that there were five (5) new sponsor applications for approval. Ms. Rodgers moved that the Board approve the applications. A vote was taken and the motion was approved unanimously.
- Assistant Executive Director David Evans made a presentation of a new policy regarding “continuing professional competency random audit population” that reads:

The Board staff shall for random audits of licensees audit only those who reside in North Carolina; those who do not possess a license in their resident jurisdiction; those who reside in jurisdictions that do not have CPC requirements; or those who are exempt from the CPC requirements in their jurisdiction.

Ms. Rodgers made a motion to adopt the amended policy as below:

The Board staff shall for random audits of licensees audit only those who reside in North Carolina; those who do not possess a **current or active** license in their resident jurisdiction; those who reside in jurisdictions that do not have CPC requirements; or those who are exempt from the CPC requirements in their jurisdiction.

- Ms. Rodgers informed the Board of an audit the Committee is going to conduct regarding a CPC violation.
- Ms. Rodgers informed the Board of the Committee’s discussion regarding sponsor guidelines and renewal updates. Currently one hundred dollars (\$100.00) is paid for sponsorship. The Committee would like to propose a renewal fee of fifty dollars (\$50.00) and the guideline will be in place to assist with the renewal process. The Committee is also in the process of reviewing the sponsorship application.
- Ms. Rodgers informed the Board that the Committee would like to see the following changes made to the Rules:
  - 21 NCAC 56.1706, (1). Second line, add “date.”
  - 21 NCAC 56.1709. Next to last line, add “and jurisdiction” after “CPC requirement.”

Staff will update the Rules with the revisions and pass along to the Board for review. It will be decided whether to adopt the Rules via phone or at the July 2007 Board meeting.

Meeting adjourned at 3:45 p.m. on Thursday, May 10, 2007; will resume at 8:30 a.m. on Friday, May 11, 2007.

Friday, May 11, 2007

Board Chair Gary W. Thompson, PLS gavelled the North Carolina Board of Examiners back into session at 8:43 a.m. on Friday, May 11, 2007, to reconvene its regular order of business for the Board; starting with Item #9.

12. Violations Activity

- Assistant Executive Director David Evans reported that fourteen (14) new cases have been opened since the last Board meeting—one (1) licensed professional land surveyors, eight (8) licensed professional engineers, two (2) professional corporations, one (1) non-licensed corporation, and two (2) non-licensed firms. There are one hundred forty-six (146) open cases, seventy-eight (78) of which are with the investigators or pending investigation. Fifty-six (56) cases have been closed so far this year with twenty-two (22) being closed since last Board Meeting, twenty-one (21) cases taken to Review Committee since last Board meeting, fifty (50) cases have been brought to Review Committees for 2007, and sixty-six (66) more cases are pending.
- Mr. Evans informed the Board that all the investigators are now working from their homes.
- Mr. Ritter informed the Board that he expects an increase in investigations because of the investigators being out of their homes.
- Mr. Ritter discussed the Open Violation Cases informing the Board that twenty-eight (28) cases identified are in an unacceptable time status. Of those, approximately fifteen (15) are at other State agencies including fourteen (14) at the Attorney General's Office. It was discussed that Mr. Tuttle met with the Attorney General's Office on Thursday, May 3, 2007, to discuss the status of these cases. He was told that most of these cases fall into the time frame of the transition of cease and desist letters. The Attorney General does not really want cases sent to them unless they are an absolute necessity. The Attorney General's Office gave these cases back to our Board to process cease and desist letters, if appropriate. A Review Committee will be formed to reconvene the review process to determine if cease and desist letters should be issued or the case closed. The other thirteen (13) are cases be worked on by the Board with approximately six (6) due for settlement conference, etc. The Board decided that when a case gets sent to another agency, the case will not be kept on the violations case sheet but will be closed.
- Mr. Ritter informed the Board that Dr. Ratcliff's expenses are covered, as well as Mr. Liles and Mr. Evans because of their speaking, for attending the PENC Annual Meeting (Professional Development Conference), June 21-23, 2007, in Isle of Palms, South Carolina.

13. Review Committee Recommendations

The Board considered the recommendations of the Review Committee—Engineering on two (2) cases conducted on May 1, 2007 with Mr. Liles. Dr. Ratcliff recused herself from discussion and voting on both cases. Mr. Haynes made a motion to accept the recommendations of the Review Committee and Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendations resulted in one (1) cease and desist and one (1) suspension.

The Board considered the recommendations of the Review Committee—Engineering on ten (10) cases conducted on May 1, 2007 with Dr. Ratcliff. Mr. Liles made a motion to accept the recommendations of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendations resulted in one (1) reprimand and a civil penalty of two thousand dollars (\$2,000.00), one (1) reprimand, ethics course and a civil penalty of five thousand dollars (\$5,000.00), one (1) reprimand, civil penalty of five hundred (\$500.00) and audit, one (1) cease and desist, one (1) refuse to renew, and five (5) closed cases.

The Board considered the recommendations of the Review Committee—Surveying on one (1) case conducted on May 1, 2007 with Mr. Thompson. Ms. Guzniczak made a motion to accept the

recommendations of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendation resulted in one (1) closed case.

The Board considered the recommendations of the Review Committee—Surveying on eight (8) cases conducted on May 2, 2007 with Mr. Joyner. Messrs. Thompson and Haynes recused themselves from discussion and voting on Case #3. Ms. Rodgers made a motion to accept the recommendations of the Review Committee on Case Nos. 1-2 and 4-8 and Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Chair turned the meeting over to the Vice Chair, and Ms. Guzniczak made a motion to accept the recommendation of the Review Committee on Case #3 and Ms. Rodgers seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendations resulted in one (1) reprimand and a civil penalty of two thousand dollars (\$2,000.00), two (2) reprimands, civil penalties of two thousand dollars (\$2,000.00) and course(s), one (1) revocation, and four (4) closed cases.

14. Settlement Conference Recommendations

The Board considered the recommendation of the Settlement Conference Committee—Engineering on one (1) case conducted by Drs. Ratcliff and Monroe on March 27, 2007. Ms. Rodgers made a motion to accept the recommendation of the Settlement Conference Committee; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a refuse to renew.

The Board considered the recommendations of the Settlement Conference Committee—Surveying on two (2) cases conducted by Mr. Thompson and Dr. Monroe on March 27, 2007. Ms. Rodgers moved to approve the recommendation of the Settlement Conference Committee on the first case; Dr. Ratcliff seconded the motion. A vote was taken and the matter was approved unanimously. Dr. Ratcliff moved to approve the recommendation of the Settlement Conference Committee on the second case; Ms. Rodgers seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendations resulted in one (1) reprimand and courses and one (1) reprimand and restrict practice.

The Board considered the recommendations of the Settlement Conference Committee—Engineering on two (2) cases conducted by Mr. Liles and Dr. Monroe on March 28, 2007. Dr. Ratcliff moved to approve the recommendation of the Settlement Conference Committee on the first case; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. Dr. Ratcliff moved to approve the recommendation of the Settlement Conference Committee on the second case; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendations resulted in one (1) suspension, restrict practice and ethics course and one (1) closed case.

The Board considered the recommendation of the Settlement Conference Committee—Engineering on one (1) case conducted by Mr. Liles and Ms. Rodgers on April 24, 2007 via email without respondent. Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand.

15. Applications (Thursday, May 10, 2007)

The Board considered one hundred fifty-three (153) applications of individuals for licensure through comity provisions as Professional Engineers. Ms. Rodgers moved to approve the applications; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the requests of eight (8) company name changes: (1) The Fletcher Group, Inc. to SynTerra Corporation, (2) Ridge Technical, Inc. to Ridge Environmental, (3) Alfa Laval Biokinetics to Biok North Carolina, PC, (4) HSMM, Inc. to HSMM of North Carolina, Inc., (5) Barnes Grogan Bower &

Taylor Design Group, PC to Parker Design Group, PC, (6) Ellers, Oakley, Chester & Rike, Inc. to SSR Eller, Inc., (7) Eubanks Engineering, PC to Eubanks Hmphrey Engineering, PC, and (8) Crafton, Tull & Associates, Inc. to Crafton, Tull, Sparks & Associates, Inc. The Board was advised that the requests have been reviewed and deemed in full compliance by Board staff. Dr. Ratcliff moved that the Board approve the company name changes; Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the following special application items:

- Joyner Keeny PLLC. Messrs. Joyner and Thompson recused themselves from discussion and voting. The Board was advised that the request had been reviewed and deemed in full compliance by Board staff. Ms. Guzniczak moved that the Board approve the application; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.
- Two (2) companies currently licensed are using the name Blue Ridge Surveying and Blue Ridge Land Surveying, Inc. New applicant wishes to use the name "Blue Ridge Surveying and Mapping, Inc." The Chair recused himself from discussion and voting and turned the meeting over to the Vice Chair. Ms. Rodgers made a motion to deny; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously. An alternative name of "BR Surveying and Mapping, Inc" was suggested. Dr. Ratcliff made a motion to approve the alternative name; Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.
- Two (2) companies licensed are using the name Structural Engineering & Consulting (archived since 1999) and Structural Integrity Engineering P.A. (current). Two new applicants are requesting to use the names:
  - Structural Engineering Solutions, PLLC. Ms. Guzniczak made a motion to deny use of name; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously. An alternative name of "Tim Schmitz Engineering, PLLC" was suggested. Dr. Ratcliff made a motion to approve the alternative name; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.
  - Structural Engineering Partners, Inc. Ms. Guzniczak made a motion to deny use of name; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously. An alternative name of "Innovative Structural Engineers, Inc" was suggested. Dr. Ratcliff made a motion to approve the alternative name; Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.
- Two (2) companies currently licensed are using the name CTL Engineering of North Carolina (archived since 1998) and CTL Engineering, Inc. New applicant wishes to use the name "CTL Engineers & Construction Technology Consultants, P.C." Dr. Ratcliff made a motion to deny; Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously. Alternative names suggested:
  - CTL Construction Technology Engineers & Consultants, P.C. Dr. Ratcliff made a motion to deny; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.
  - CTL Construction Technology Engineering Consultants. Mr. Liles made a motion to deny; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.
  - CTL Construction Technology Consulting Engineers. Mr. Liles made the motion that in **this instance**, anything with "CTL" **cannot** be used. Dr. Ratcliff seconded the motion, and a vote was taken and the motion was approved unanimously. *(Mr. Mazanek spoke with CTL Engineers & Construction Technology Consultants, PC and they have agreed to drop the CTL and use "Construction Technology Engineers & Consultants." Dr. Ratcliff made a motion to approve the new name; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.)*

Discussion was given as to whether Board staff could approve name changes. Ms. Rodgers made a motion that the Board continue to approve the process of name changes; Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of twenty-six (26) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Dr. Ratcliff moved that the Board approve these twenty-six (26) firms for licensure; Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of twelve (12) firms for licensure as Limited Liability Companies. The Board was advised that the applications had been reviewed and deemed in full compliance by Board staff. Ms. Guzniczak moved that the Board approve the applications; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of five (5) firms for licensure as a Business Firm. The Board was advised that the applications have been reviewed and deemed in full compliance by Board staff. Dr. Ratcliff moved that the Board approve the applications; Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the application of one (1) firm for licensure as a Chapter 87. The Board was advised that the application had been reviewed and deemed in full compliance by Board staff. Ms. Guzniczak moved that the Board approve the application; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered seven (7) requests for retired status—six (6) professional engineers and one (1) professional land surveyor. Ms. Guzniczak moved that the Board approve the requests; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

16. Old Business

- Mr. Ritter presented the Board with an Ethics Education description on Lobbying Education and Education Deadlines. The Board members were concerned that they never received anything showing their attending the NC Ethics Commission and Statement of Economic Interest (SEI) sessions. Mr. Ritter will get the dates of when each Board member attended and check to make sure they are represented on those dates.
- Mr. Ritter presented the Board with the Certificate of Merit Bill that was introduced at the General Assembly of North Carolina on March 13, 2007 by ACEC of North Carolina but still has not been brought before the Committee. According to Mr. Ritter, there does not seem to be any interest on this issue.
- Mr. Ritter mentioned to the Board of the upcoming dates and locations of the Southern Zone Meeting:
  - May 1-3, 2008, San Juan, Puerto Rico
  - May 14-16, 2009, Nashville, TN
  - April 8-10, 2010, Florida
  - April 7-9, 2011, Texas
- Dr. Ratcliff mentioned to the Board that she spoke with Mr. Jerry Carter, Assistant Executive Director, NCEES, regarding her participation on the Uniform Procedures & Legislative Guidelines Committee that Mr. Liles currently serves on. She was past the sign-up date, but Mr. Carter gave her the information on how to register for the Committee.
- Mr. Ritter informed the Board, and Dr. Ratcliff again reminded the Board, of concerns regarding the Landscape Architecture's Best Practices Manual and it's outlining of some services that could be done by anyone other than engineers but are items of engineering practices. The issue relates to

the expanded practice of Landscape Architecture. The Legislative Research Committee was never commissioned or funded to look into the overlap with engineering. In follow up, the Landscape Architecture concludes they can do everything that is in the manual. The legislative research was never done because it was not funded. Dr. Ratcliff added that she feels our Board needs to make sure that it is engaging the leadership of PENC. Dr. Ratcliff is not convinced this is the direction the Board wants to take to get what it wants accomplished. It was suggested that possibly the two (2) Boards (PENC and NCBELS) and any other Board, fund the research together; however, the NCBELS says it cannot. The Engineering Committee will set up informal informative meetings with Ms. Betsy Bailey, Executive Director, PENC; the American Council of Engineering Companies, etc., to discuss.

- Mr. Ritter reminded the Board that the PE/PLS Ceremony in Charlotte will be July 24, 2007 and July 17, 2007 in Raleigh.

*Meeting recessed at 10:05 a.m. for a 10-minute break; back in session at 10:15 a.m.*

17. New Business

- Mr. Ritter presented the Board with six (6) investigation cases that needed to be opened. Ms. Rodgers moved to open the cases; Ms. Guzniczak seconded the motion. A vote was taken and the Board voted unanimously to open all cases.
- Mr. Ritter presented the Board with a letter dated April 3, 2007 from Robert S. Mill, II, PE, FNSPE regarding the partnering of National Society of Professional Engineers (NSPE) and NCEES. NSPE is trying to identify a handful of organizations to form strategic alliances. However, in a letter dated April 10, 2007 (in response to the April 3, 207 letter) from Louis A. Raimondi, it was noted that NCEES would take it basically under advisement. Mr. Ritter and Dr. Ratcliff will draft a response to Mr. Raimondi letting him know of the Board's displeasure, etc., with this request with an extra copy to the NCEES Board of Directors.
- Mr. Ritter presented the Board with a letter dated March 8, 2007 from Jimmie Davis Land Surveying regarding his appreciation for Mr. Tuttle's assistance in the interpretation of the term "subdivision." Mr. Tuttle will speak with the NC State Bar to see if there is a way to get this information out.
- Mr. Ritter presented the Board with a letter dated March 3, 2007 from Richard A. Bernardo, PE, Chair, Boards for Design Professionals in support of the nomination of L. "Larry" Robert Smith for NCEES Treasurer. Mr. Liles made a motion to support the nomination of Mr. Smith as NCEES Treasurer; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.
- Mr. Ritter presented the Board with a letter dated May 4, 2007 from R. Larry Greene, President, NCSS Education Foundation, extending sincere thanks and appreciation for the donation of two thousand dollars (\$2,000.00) for the Trig Star Program in North Carolina.
- Mr. Ritter presented to the Board a memorandum dated May 2, 2007 from NCEES regarding a funded delegate for the 2007 NCEES Annual Meeting. The funded delegate gets a two hundred dollar (\$200.00) advance and then the Board will cover anything over this amount. Ms. Rodgers will represent the Board as its funded delegate. Mr. Ritter will make the hotel reservations for the Board members Wednesday, August 22, 2007 through Sunday, August 26, 2007. If there is a change in these dates or someone is not going, they need to let Mr. Ritter know.
- Mr. Ritter presented to the Board an email dated March 6, 2007 from Bob Whorton, Compliance and Security Manager, NCEES, regarding "Potential Random Guessers" software. Further discussion will be held during the July 2007 Board Meeting.

- Mr. Ritter presented to the Board an email dated May 7, 2007 from Mr. Tuttle regarding “Responsible charge, contract employees and offshoring.” This topic was discussed in the Engineering Committee meeting.

18. Informational Items

- Mr. Ritter presented to the Board the latest issue of Zone Update – April 2007.
- Mr. Ritter presented to the Board an additional copy of the Board 2007 calendar.
- Mr. Ritter presented to the Board a copy of an article entitled, “Center Sees Steady Growth in Applications” from the March 2007 edition of The Center Bulletin from the Center for Professional Engineering Education Services.
- Mr. Ritter presented to the Board a copy of the Proposed Rules, 21:17, March 1, 2007, from the North Carolina Register.
- Mr. Ritter presented to the Board a memorandum dated April 30, 2007 from Chuck Wallace, PE, Director of Exam Development, NCEES regarding “Notice of Future Changes to NCEES Examinations and Supporting Materials.”

*Mr. Ritter made a motion that the meeting go into close session at 10:40 a.m. on Friday, May 11, 2007; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously. Dr. Ratcliff made a motion to go back into open session at 11:40 a.m.; Ms. Rodgers seconded the motion. A vote was taken and the motion approved unanimously.*

There being no further business, the Board formally adjourned on Friday, May 11, 2007, at 11:42 a.m. The Board is next scheduled to meet on Thursday and Friday, July 12 and 13, 2007.

Respectfully submitted,

Nils W. Joyner, Jr., PLS  
Secretary

Approved by the Board in Session

Date \_\_\_\_\_

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 12 and 13, 2007

Raleigh, North Carolina

Board Chair Gary W. Thompson, PLS gaveled the North Carolina Board of Examiners into session at 9:05 a.m. to reconvene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Henry V. Liles, Jr., PE, Vice Chair  
Nils W. Joyner, Jr., PLS, Secretary  
Caroline M. Guzniczak, PE  
J. Glenn Haynes, PLS  
Dr. Joseph Monroe, Public Member  
Teresa H. Ratcliff, PhD, PE  
Doris M. Rodgers, Public Member

Absent:

George E. Freeman, PE, PLS

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Gary Thompson 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 one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

The Executive Director reported that copies of the minutes for the May 10 and 11, 2007 Board meeting had been sent to each Board member. Any changes were reflected in the final draft presented. Ms. Guzniczak moved to approve the minutes; Dr. Monroe seconded the motion. The Board voted and the minutes were unanimously approved.

3. Request from Thomas Muse, Vice President, United Engineering Group, Inc., regarding an unsatisfactory grade on the Fundamentals of Engineering Exam. Mr. Ritter introduced this item. Mr. Muse received an unsatisfactory grade on the Fundamentals of Engineering Exam and made a request that his exam be reviewed by hand for any irregularities. Dr. Ratcliff made a motion to accommodate the hand review of Mr. Muse's exam; Mr. Haynes seconded the motion. After extensive discussion, the Board voted and the motion was unanimously approved.

4. Results of the FY2006 Audit.

Mr. Ritter presented the FY2006 Financial Audit to the Board for its review. Mr. Ritter reported that this was his seventh audit and for the seventh consecutive year, the NC Board of Examiners for Engineers and Surveyors audit was clean and had received no management letter. Mr. Ritter stated that he wanted to thank Ms. Buck and Mr. Joyner as they were responsible for the successful audit. Mr. Ritter distributed copies of the audit results with a copy of the audit from FY2005 for comparison purposes. Any questions can be directed to Mr. Joyner or Mr. Ritter. Ms. Rodgers initiated a discussion regarding the three designated funds. Mr. Ritter made mention that the investment rates had increased, due to an increase in CD rates.

5. Results from the Spring 2007 Principles and Practice and Fundamentals Exams.

Mr. Ritter presented the Spring, 2006 exam results to the Board. The pass rate was up in the PLS1 exam with a pass rate of 51%. For the PLS2 exam, the national exam part A had a 37% pass rate, which was down from the usual 50% range. The PLS part B and C exams had the normal pass rate. A discussion ensued regarding what can be done to increase the pass rates. The statistics for the Fundamentals of

Engineering Exam were issued; however, the Principles and Practice exam statistics had not been received but it was hoped to have them in time for the September Board meeting.

Data on exam absentees from ELSESES was reviewed.

It was reported that Dr. David Johnson from NCSU has made a request to come before the Board in September to give an update on the NCEES construction management module that is eight years in the making.

6. Settlement Conference Recommendations.

The Board considered the recommendations of a Settlement Conference Committee—Engineering on two cases conducted on June 1, 2007 and chaired by Ms. Rodgers and Mr. Liles. Dr. Ratcliff moved to approve the recommendation for the first case; Dr. Monroe seconded the motion. The Board voted and unanimously approved it. In regards to the second case, Dr. Ratcliff made a motion to accept the recommendation; Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee resulted in closing the first case based upon corrective action by ceasing to use employees of a client to provide any of the professional services as enumerated in Board Rule 21-56.0701(c)(3) on responsible charge and assurance of future compliance. The second case resulted in closing the case based upon corrective action by marking all proposals that have engineering analysis or recommendations as “preliminary not for construction,” and then providing signed and sealed final drawings/documents in conjunction with the accepted design/build/install contract.

The Board considered the recommendations of a Settlement Conference Committee—Engineering conducted on two cases on June 12, 2007. Dr. Ratcliff made a motion in the first case, which was chaired by Mr. Liles and Ms. Rodgers, to accept the recommendation; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. In regards to the second case, which was chaired by Mr. Liles and Dr. Monroe, Ms. Guzniczak made a motion to accept the recommendation; Dr. Ratcliff seconded the motion. A vote was taken and the matter was approved unanimously. The first Settlement Conference Committee resulted in a reprimand, civil penalty of \$2,000.00 and a suspension. The second case resulted in closing the case based upon admission that the charge was true and assurance of future compliance with all Board Rules and statutes.

7. Review Committee Recommendations

The Board considered the recommendations of a Review Committee—Engineering on eighteen (18) cases conducted on June 12, 2007. The review committee was chaired by Mr. Liles. Ms. Guzniczak made a motion to approve the recommendations of the Review Committee; Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in thirteen (13) cease and desist letters, three (3) closed cases, one (1) suspended license, and one (1) revocation.

The Board considered the recommendations of a Review Committee—Land Surveying on two (2) cases conducted on June 13, 2007 and chaired by Mr. Haynes. Dr. Ratcliff made a motion to accept the recommendations of the Review Committee; Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) cease and desist letter and one (1) closed case.

The Board considered the recommendations of a Review Committee—Engineering on one (1) case conducted on June 15, 2007, chaired by Ms. Guzniczak and conducted via telephone. Mr. Joyner made a motion to accept the recommendation of the Review Committee; Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) closed case.

The Board considered the recommendations of a Review Committee—Engineering on one (1) case conducted on June 28, 2007 and chaired by Mr. Liles. Former Board Member Larry D. Nixon served as a consultant. Dr. Monroe recused himself from discussion and voting. Ms. Rodgers made a motion to accept the recommendations of the Review Committee; Dr. Ratcliff seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) cease and desist letter.

The next Review Committee (June 28, 2007) consisted of twelve (12) cases and was chaired by Mr. Liles. Mr. Haynes made a motion to accept the recommendations of the Review Committee; Mr. Joyner seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) cease and desist letter; one (1) reprimand, civil penalty of \$1,000.00 and restricted practice; one (1) reprimand, civil penalty of \$3,000.00 and restricted practice; one (1) reprimand, civil penalty of \$5,000.00 and restricted practice; one (1) reprimand and three(3) month suspension; one (1) reprimand and restricted practice; and six (6) closed cases.

The Board considered the recommendations of a Review Committee—Surveying on six (6) cases conducted on June 29, 2007 and chaired by Mr. Thompson. Mr. Haynes recused himself from discussion and voting. Dr. Ratcliff made a motion to accept the recommendations of the Review Committee; Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) reprimand, civil penalty of \$1,000.00 and courses; one (1) consent order and three (3) closed cases.

The next Review Committee (June 29, 2007) consisted of three (3) cases and was chaired by Mr. Thompson. Ms. Guzniczak made a motion to accept the recommendations of the Review Committee; Dr. Ratcliff seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in three (3) cease and desist letters.

## 8. Committee Reports

### Engineering:

- Dr. Ratcliff informed the Board about the issue regarding fire alarm designs that was brought to the Board's attention by William Clark. Further discussion will be held at an upcoming Ad-hoc committee meeting held prior to the September Board meeting.
- Mr. Liles presented to the Board an issue regarding Underground Storage Tank Systems. Previously, the Underground Tank Section of NC DENR had asked the Board to re-review the Board's position that Professional Engineers did not need to be involved with certification of as-built drawings especially if they were not involved in the original design. Mr. Liles made a motion to confirm the previous decision that was made and Dr. Ratcliff seconded the motion. The Board voted and the motion was unanimously approved.

### Land Surveying

- Mr. Haynes and Mr. Thompson informed the Board that a meeting was held with GICC employees about an issue they were having concerning the Board's proposed rule changes.
- Mr. Haynes presented an issue to the Board regarding surveying of stairwells. Mr. Haynes made a motion that surveyors can locate the stairwell but cannot certify that the structure is designed to building code standards. Dr. Monroe seconded the motion. The Board voted and the motion was unanimously approved.

### Continuing Professional Competency Committee:

- Ms. Rodgers informed the Board that there were seven (7) new sponsor applications for approval. Ms. Rodgers moved that the Board approve the applications. Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.
- Ms. Rodgers informed the Board that a system needs to be developed that will closely monitor sponsors and ensure that licensees are taking courses that fully expand their skills in their

professions. A request was made to Mr. Ritter to develop a plan and a budget (i.e. hiring another staff member, a database being established, etc.)

- Mr. Ritter presented to the Board an idea of hiring an IT person that would be able to handle the additional projects that the Board was pursuing. Mr. Ritter discussed the costs involved with an outside computer vendor and the time delays involved. The Board directed Mr. Ritter to pursue the hiring of an IT specialist.

9. Violations Activity

Assistant Executive Director David Evans reported that seventy (70) new cases were opened in the fiscal year; twenty-six (26) have been opened since the last Board meeting—five (5) PEs, thirteen (13) PLSSs, three (3) professional corporations, and five (5) non-licensed individuals. There are one hundred forty-nine (149) open cases, seventy-seven (77) of which are with the investigators or pending investigation. Fifty-one (78) cases have been closed so far this year, and eleven (11) cases have been brought to Review Committees. Discussion ensued regarding case loads and possibility of adding another investigator.

10. Applications

The Board considered the applications of one hundred fourteen (114) individuals for licensure through comity provisions as Professional Engineers. The Board was advised that the applications had been carefully reviewed by the staff and determined to be in full compliance with all requirements. Mr. Liles moved that the Board approve the applications. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered a policy regarding Business Firm Licensure Approvals which states that “the Executive Director may administratively approve new Business Firm Applications, Name Change Requests and d/b/a requests if the firm name has at least one substantive word different than that of an existing licensed entity. The actions shall be reported to the Board for final approval at the next scheduled Board meeting. A substantive word is other than articles and prepositions.” Mr. Liles made a motion to approve the policy. Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of seven (7) company name changes. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Liles moved that the Board approve the applications. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously. Dr. Ratcliff made a motion to accept Woodard & Curran Engineering, PA. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously. Mr. Liles made a motion to accept Johnson, Mirmiran & Thompson and Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously. Mr. Liles made a motion to accept Watts & Browning Engineers, Inc. and Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the following special application items:

- HunterBane Engineering, PLLC. Ms. Rodgers made a motion to approve HunterBane Engineering, PLLC. Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.
- There are currently three companies listed with the Board using the name Apex Engineering (F-0208-Archived), Apex Engineering Services, Inc. (C-1958) and Apex Engineering, P.C. (C-1470-Archived). The Applicant wishes to use Maryland Apex Engineering, PC. Mr. Liles made a motion to approve and Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.
- There is currently one company listed with the Board using the name Structural Consultants, Inc (-1720- Archived) since 2003. The applicant wishes to use Structural Consulting Group, PLLC. Mr.

Liles made a motion to approve and Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

- Morton & Morton Engineers, PLLC. Ms. Rodgers made a motion to deny Morton & Morton Engineers, PLLC. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously. Mr. Liles made a motion to accept Morton & Morton Design Services, PLLC as an alternate name. Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of twenty-eight (28) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. A motion was made by Ms. Rodgers and seconded by Dr. Ratcliff to approve the applications. This motion was voted upon and approved unanimously by the Board.

The Board considered the applications of sixteen (16) firms for licensure as limited liability companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Dr. Ratcliff moved that the Board approve the applications. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously. Ms. Rodgers made a motion to make an amendment and remove Earth Imaging & Geospatial Services, PLLC. No one seconded and the amendment was denied.

The Board considered the applications of twelve (12) firms for licensure as business firms. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Joyner moved that the Board approve the applications. Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of two (2) firms for licensure as Chapter 87 businesses. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Dr. Ratcliff moved that the Board approve the applications. Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of seven (7) individuals concerning Reinstatement as Professional Engineers. Ms. Guzniczak made a motion to approve the requests for reinstatement status. Dr. Monroe seconded the motion. A vote was taken and the Board unanimously approved the request.

The Board considered the application of one (1) individual concerning retired status as a Professional Engineer. Ms. Guzniczak made a motion to approve the request for retired status. Dr. Monroe seconded the motion. A vote was taken and the Board unanimously approved the request.

#### 11. Old Business

Mr. Ritter informed the Board of the upcoming PE ceremonies for the new licensees. Dr. Ratcliff and Mr. Liles are available to attend the ceremony in Charlotte, NC on July 24th. Ms. Rodgers and Mr. Freeman will be available to attend the ceremony in Raleigh, NC on July 17<sup>th</sup>.

Mr. Ritter presented the Board with a letter dated May 21, 2007 from Mr. Louis A. Raimondi, P.E., L.S. regarding a decision made by the NCEES Board of Directors to conduct an outside management audit of NCEES staff.

*Mr. Ritter made a motion that the meeting go into closed session at 11:30 a.m. on Thursday, June 12, 2007 to discuss a matter of potential legal liability; Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.*

Dr. Ratcliff informed the Board about her experiences at the PENC annual meeting.

Mr. Ritter gave a reminder about the ACEC Summer Meeting; Dr. Ratcliff will be in attendance.

Mr. Ritter gave a final update on the NCEES meetings in Philadelphia, PA on August 22-25, 2007.

Mr. Ritter gave an update on the Phil Wagoner hearing.

12. New Business

Mr. Ritter presented a Memorandum of Agreement-the SAME Agreement to the Board. Modifications were made to the agreement including site changes. A base in Aviano, Italy was added and the base in England was removed.

Mr. Ritter reminded the Board of the 2007 Institute dinner for NC Society of Surveyors, which will be held on Wednesday, November 7, 2007 at 6:00 pm.

Mr. Ritter discussed a letter dated June 11, 2007 regarding the Travel Subsistence Rate Revision effective July 1, 2007.

Mr. Ritter presented the board with a request from ABET regarding the accreditation visit for the North Carolina A&T Engineering Program. ABET was inquiring to if the Board was interested in sending an observer to the ABET accreditation visit. Mr. Ritter reported he had previously contacted the Board members and Mr. Freeman has volunteered to attend. It was also reported that if Mr. Freeman is replaced from the Board prior to the visit he will still attend as an Emeritus Member of the Board.

Mr. Ritter presented the Board with three investigation cases that needed to be opened. Mr. Thompson recused himself from the third case and passed the gavel to Mr. Liles. Mr. Joyner recused himself from the fourth case. Dr. Monroe moved to open the first and second cases. Dr. Ratcliff seconded the motion. Ms. Guzniczak moved to open the third case. Ms. Rodgers seconded the motion. Ms. Rodgers moved to open the fourth case and Ms. Guzniczak seconded the motion. The Board voted unanimously to open all four cases.

Mr. Ritter presented to the Board an issue regarding a Surveying comity applicant being able to take the exam sooner than six months after failing the previous exam. To avoid this, Mr. Ritter requested that a motion be made where an applicant cannot take the State portion of the Surveying exam more often than every six months. Dr. Monroe made a motion that a comity applicant only be allowed to take the exam every six months. Dr. Ratcliff seconded the motion. A vote was taken and the Board unanimously approved the request.

Mr. Ritter presented the final version of the rules that the Board approved at the May Board meeting. Mr. Liles made a motion to approve the final version of the rules and Ms. Rodgers seconded the motion. A vote was taken and the Board unanimously approved the request. Mr. Liles made a motion to insert the language "Direct supervisory control can be accomplished face to face or by other means of communication" under section 21 NCAC56.0701(c)(3) line 32. Ms. Guzniczak seconded the motion and the Board unanimously approved. Ms. Rodgers made a motion to omit the words "and not particular course" under section 21 NCAC 56.1713(a) line 4. Dr. Monroe seconded the motion. A vote was taken and the Board unanimously approved.

Dr. Ratcliff discussed the idea of making technological upgrades to the Board Room.

13. Informational Items

- Mr. Ritter presented to the Board a summary of FE Exam Passing Rates of NCSU Students.

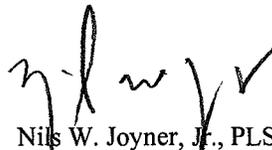
- Mr. Ritter presented to the Board a memorandum dated May 30, 2007 from NCEES regarding an Action by the Illinois PE Board.
- Mr. Ritter presented to the Board a copy of an email dated June 19, 2007 from Test Inc., regarding a Land Surveying Test Development Workshop.
- Mr. Ritter presented to the Board the June 2007 edition of the Licensure Exchange.

14. Administrative Conferences

Members of the Engineering Committee conducted four (4) administrative conferences. The first conference was with an applicant requesting administrative review to discuss course of action in order to be seated for PE exam. The conference resulted in the Committee determining the applicant could not take the exam until further review work was completed. It was recommended that the applicant take a course and before taking exam, the applicant needs proof of completion. The second conference was with an applicant who made a request to discuss courses of study in technical areas of deficiency to prepare for next PE exam. The conference resulted in the Committee determining that the applicant would not be seated for the exam until further review work was completed. It was recommended that the applicant take a course and the Board needs to approve it and before taking exam applicant needs to provide proof of completion. The third conference was with an applicant who requested a conference to discuss preparations for the upcoming PE II exam for metallurgical engineers. The conference resulted in the Committee determining which review classes would be applicable and helpful. It was recommended that the applicant take a course and the Board needs to approve it and before taking exam applicant needs proof of completion. The fourth administrative review was with an applicant requesting to discuss recommendations in preparing for architectural PE exam in April 2008. It was the determination of the Committee that the applicant could not take the exam until further review work was completed. It was recommended that the applicant take a course and the Board will need to approve it and before taking exam applicant needs proof of completion.

There being no further business, the Board formally adjourned on Thursday, July 12, 2007, at 3:00 p.m. The Board is next scheduled to meet on Thursday and Friday, September 13 and 14, 2007.

Respectfully submitted,



Nils W. Joyner, Jr., PLS  
Secretary

Approved by the Board in Session

Date \_\_\_\_\_

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 13 and 14, 2007

Raleigh, North Carolina

Board Chair Gary W. Thompson, PLS gaveled the North Carolina Board of Examiners into session at 9:10 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Nils W. Joyner, Jr., PLS, Secretary  
Caroline M. Guzniczak, PE  
J. Glenn Haynes, PLS  
Dr. Joseph Monroe, Public Member  
Teresa H. Ratcliff, PhD, PE  
Doris M. Rodgers, Public Member  
John S. Tunstall, PE

Absent:

Henry V. Liles, Jr., PE, Vice Chair

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Gary Thompson 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 one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

Before reviewing the minutes, Mr. Ritter introduced the new Board member Mr. John Tunstall and new staff member Martha Michalowski.

The Executive Director reported that copies of the minutes for the July 12, 2007 Board meeting had been sent to each Board member. Any changes were reflected in the final draft presented. Mr. Haynes moved to approve the minutes; Mr. Monroe seconded the motion. The Board voted and the minutes were unanimously approved.

3. Advisory Letter from the North Carolina Attorney General's office regarding an Advisory Opinion on whether North Carolina Licensing Requirements apply to Engineers on Federal Projects. Mr. Tuttle introduced this topic. The AG's opinion stated that the Federal guidelines on whether a Professional Engineer would have to be licensed in North Carolina to do work in North Carolina or just be licensed in any State would take precedent over North Carolina law. A discussion ensued on what the Board's options were at this time. It was reiterated that the AG's opinion was only an advisory opinion and the Board could ask for the formal position if it so choosed. A decision was made that the Board will be presented with additional information by Mr. Tuttle at a later date giving an update on the matter.

4. Update from David W. Johnston PE, Professor and Associate Head for Graduate Programs Construction Engineering, on status of NCEES Exam Module for Construction Management. Mr. Ritter introduced Dr. Johnston. Dr. Johnston gave an update on the status of the NCEES Exam Module for Construction Management. He presented the Board with a paper he had given on the history of the development of this exam for NCEES. He thanked the Board for their support on developing this exam which dated back to 1999. For the past two years, the module was being developed by 30 construction engineers from around the United States. The first exam will be given in Spring, 2008 by NCEES.

5. NCSS proposal by Melissa Beard, Executive Director NCSS, regarding; SURVEYING FELLOWS PROGRAM. Melissa Beard, along with her colleagues presented a proposal for a program that will provide

financial assistance to individuals who wish to obtain a surveying degree. The proposal developed an educational foundation to be funded by the Board and the foundation would be comprised of Board Members and NCSS Board Members. A lengthy discussion ensued and included funding requirements, statutory authority and the ultimate goal of the program. Dr. Ratcliff made a motion to approve the concept made by the presentation, however, she requested that questions raised by the Board be managed and brought back before the Board before further approval be given. Ms. Rodgers seconded the motion. The Board voted and unanimously approved.

6. Review Committee Recommendations

The Board considered the recommendations of a Review Committee Land Surveying on three (3) cases conducted on August 30, 2007 and chaired by Mr. Thompson. Mr. George Paris served as a consultant. Mr. Haynes recused himself from voting and discussion on all cases. Dr. Ratcliff made a motion to accept the recommendations of the Review Committee; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) reprimand and two (2) closed cases.

The Board considered the recommendation of an Engineering Settlement Conference Committee on one case conducted on August 14, 2007 via email and chaired by Mr. Liles and Dr. Monroe. Ms. Guzniczak moved to approve the recommendation; Dr. Ratcliff seconded the motion. A vote was taken and the matter was unanimously approved.

7. Committee Meetings

Continuing Professional Competency Meeting:

- Ms. Rodgers informed the Board that there were four (4) new sponsor applications for approval. Ms. Rodgers moved that the Board approve applications A, C, and D on the sponsor application list. Dr. Ratcliff seconded the motion. The Board voted and the motion was unanimously approved. Application B on the CPC list, City of Charlotte, had listed several courses that they wish to offer. Some were approved while others did not meet the committee's standards and did not warrant CPC credits. Ms. Rodgers made a motion to approve City of Charlotte with a disclaimer; Dr. Ratcliff seconded the motion. A vote was taken and the motion was unanimously approved.
- Ms. Rodgers informed the Board that the request made by the Chair regarding Sponsors sending in reports has not been done but will be done soon.
- Mr. Ritter informed the Board that the IT department has been working with David Evans to establish the CPC database.

Engineering Committee:

- Dr. Ratcliff informed the Board that the Committee met on September 6, 2007, to discuss matters including Fire Alarm Design. Mr. Tuttle presented the information that was discussed at the meeting. From that meeting and the review of Mr. Bill Clark's letter, it was decided that this is not engineering work since it is not signed by a Professional Engineer. A policy was adopted which states "The preparation of fire alarm system shop drawings from sealed engineering design drawings does not constitute the practice of engineering as defined in G.S. 89C. This relates to the construction documents required in Section 907 of the 2006 North Carolina Fire Code. However, if held out as an engineering service or as being done by a PE then the work must be signed and sealed and the company must be appropriately licensed with this Board." Mr. Haynes made a motion to table the vote until later in the meeting. Dr. Monroe seconded. Dr. Ratcliff moved to

bring the issue back on the table and Dr. Monroe seconded. The Board voted and the motion was unanimously approved. Dr. Ratcliff made a motion to accept the Board policy #BP-0709-1; Mr. Joyner seconded the motion. The Board voted and the motion was unanimously approved.

- Dr. Ratcliff presented building code issues-BIM. A discussion ensued about building codes and BIM-Building Information Modeling, an AutoCAD product. It was the decision of the Board that the engineering committee will continue to research this issue.
- Dr. Ratcliff presented an issue about individuals practicing for a long time but they may have failed the exam and according to the diagnostics need to take refresher courses. Online courses is a possibility and can be done anywhere in the state. Dr. Ratcliff suggested that representatives from both NC State University and NC A & T meet with the engineering committee to discuss such options.
- Dr. Ratcliff presented to the Board an issue where an individual was potentially licensed in Arizona without having taken any NCEES exams. The topic was introduced for informational purposes only and staff indicated they would research the issue.

#### Surveying Committee:

- Mr. Ritter presented an issue regarding guidelines for Interpretation of Incidental Streets and Storm Sewer Systems Design that the Board adopted in 1989. The document was referred to the Surveying Committee for review to see if the document needed to be changed in any way.
- Mr. Thompson and Mr. Ritter presented an issue where a PLS reported that they had done the original drainage design incidental to the layout of a subdivision that they had also done and now NC DOT was asking for an as-built certification on the drainage design as the streets were being turned over to the State. The PLS was reporting that NC DOT was not allowing him to issue the as-built despite him being the original designer and instead DOT was requiring that the certification be issued by a PE. The matter was referred to the Surveying Committee for further discussion.

#### 8. Violations Activity

Assistant Executive Director David Evans reported that ninety-one cases were opened this fiscal year. There were one hundred nineteen (119) closed cases, forty-one (41) of which were closed since the last Board meeting. There are sixty (60) active cases; twenty-one (21) cases were opened since the last Board meeting- six (6) PLSs, eight (8) PEs, one (1) licensed corporation, three (3) non-licensed corporations, one (1) non-licensed firm and two (2) non-licensed individuals. There were ninety-six (96) cases taken to the review committee and forty-six (46) cases pending review.

#### 9. Applications

The Board considered the following special application items:

- Elliott, LeBoeuf & Associates, P.C.
- O'Donnell & Naccarto, Inc.
- Engineered Risk Management U.S.A., LLC
- Van Zelm, Heywood & Shadford, Inc.

Ms. Rodgers made a motion to approve applications 1, 2 and 4. Ms. Guzniczak seconded. The Board voted and approved unanimously. Ms. Rodgers made a motion to deny application 3. Ms. Guzniczak seconded. The Board voted and approved unanimously.

The Board considered the applications of thirty-five (35) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. A motion was made by Dr. Ratcliff and seconded by Dr. Monroe to approve the applications. This motion was voted upon and approved unanimously by the Board.

The Board considered the applications of nine (9) firms for licensure as Professional Limited Liability Companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Joyner moved that the Board approve the applications. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of four (4) firms for licensure as Business Firms companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Guzniczak moved that the Board approve the applications. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the application of one (1) firm for licensure as a Chapter 87 Company. The Board was advised that the application had been reviewed and deemed in full compliance by the Board staff. Mr. Joyner moved that the Board approve the application. Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications for seven (7) name change requests. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Dr. Ratcliff moved that the Board approve the applications. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

10. Old Business

- Mr. Ritter presented the Board with an email from the Ethics Commission regarding Public Servants' participation in an ethics and lobbying presentation within six (6) months of their election, reelection, appointment, or employment. The document served as a reminder that Board members must attend their ethics training seminars.
- Mr. Ritter presented the Board with correspondence from NCEES regarding the retirement of Betsy Browne from her position as Executive Director of NCEES and the appointment of Mr. Jerry T. Carter as her successor. Mr. Ritter also presented a memo from Mr. Jerry Carter recapping the events from the 2007 Annual Meeting.
- Mr. Ritter presented a letter from NCEES regarding an individual wanting their exam handscored. It was determined that the candidate was provided the wrong version of the morning answer sheet when his original, damaged answer sheet was replaced. This action resulted in a passing score.
- Mr. Ritter gave a report on the certificate ceremonies. Mr. Joyner and Ms. Rodgers attended the ceremony in Raleigh with sixty licensees. Mr. Liles attended the Charlotte ceremony with thirteen licensees. A discussion ensued regarding the poor attendance at the Charlotte Ceremony.
- Mr. Ritter informed that Board that Mr. George Freeman needs to officially be made an emeritus member of the board. Dr. Ratcliff made a motion to make Mr. Freeman an emeritus member of the Board. Dr. Monroe seconded. A vote was taken and the Board voted unanimously. Mr. Ritter presented a motion to retroactively approve Mr. Freeman as an emeritus member having his expenses and affiliated travel costs to Philadelphia, PA paid by the Board as an emeritus member. The Board voted and the motion unanimously was approved.
- Mr. Ritter reminded the Board about Mr. Freeman's Farewell dinner which will be held Thursday, October 11, 2007.

- Mr. Ritter presented an issue to the Board regarding Dick Cottingham, Former President of NCEES. Traditionally, The Board does not pay for emeritus members to go to National Board Meetings. Mr. Haynes made a motion to adopt the policy that we from this day forward cover travel expenses for past emeritus Board Members. Dr. Ratcliff seconded the motion. The Board voted and unanimously approved.
- Mr. Ritter presented to the Board the idea of presenting Mr. Jerry Carter with a gift on behalf of North Carolina Board of Examiners for his ascension to Executive Director of NCEES. A discussion ensued. The Board decided that a letter and a gift and recognition would be presented in Puerto Rico.
- Dr. Ratcliff gave a report on the ACEC Annual meeting she attended as Engineer Committee Chair.
- Mr. Ritter reported that the Administrative Law Judge in the Phil Wagoner case had issued his recommendations. The Board will review the recommendations and hear from the attorneys at the October Board meeting

11. New Business

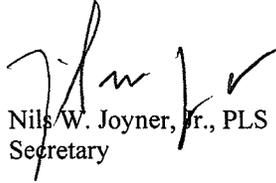
- Mr. Ritter presented the Board with a letter from the Board of Ethics regarding a complaint filed against him. The letter reported the complaint was dismissed for two reasons: As Executive Director of the Board, Mr. Ritter is not covered under the jurisdiction of the State Ethics Commission and second; the complaint against Mr. Ritter was unjustifiable.
- Mr. Ritter presented the Board with six investigation cases that needed to be opened. Ms. Guzniczak moved to open all six cases. Dr. Monroe seconded the motion. The Board voted unanimously to open all six cases.
- Mr. Ritter informed the Board that ECU is going to graduate its first engineering class in spring 2008. A discussion ensued about ECU's ABET accreditation. Mr. Thompson made a motion to contact ECU to set up a mock visit. Mr. Joyner seconded the motion. The Board voted and the motion was approved unanimously.
- Mr. Ritter discussed upcoming meetings with various groups where he will be giving speeches.
- Dr. Ratcliff gave a status report on the paperless Board room.
- Mr. Ritter presented the Board with the idea of the Board paying for NCEES Past-President's from North Carolina to attend the NCEES meeting. A motion was made to do this. The Board voted and approved unanimously.
- Mr. Ritter reported that he had five presentations in the next month; One each for URISA, the North Carolina Property Mappers Association and NCSS and three for NCSU.

12. Informational Items

- Mr. Ritter presented to the Board a thank you letter from Ms. Kathleen Stahl
- Mr. Ritter presented to the Board a copy of an article entitled, "Firms Compete for Talent" from the August 6, 2007 edition of The News & Observer regarding Engineering firms in the triangle.
- Mr. Ritter presented to the Board the August 2007 edition of the Licensure Exchange.

There being no further business, the Board formally adjourned on Thursday, September 13, 2007, at 12:58 p.m. The Board is next scheduled to meet on Thursday and Friday, October 11 and 12, 2007.

Respectfully submitted,



Nils W. Joyner, Jr., PLS  
Secretary

Approved by the Board in Session

Date \_\_\_\_\_

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 11 and 12, 2007

Raleigh, North Carolina

Board Chair Gary W. Thompson, PLS gaveled the North Carolina Board of Examiners into session at 9:00 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Henry V. Liles, Jr., PE, Vice Chair  
Nils W. Joyner, Jr., PLS, Secretary  
Caroline M. Guzniczak, PE  
J. Glenn Haynes, PLS  
Dr. Joseph Monroe, Public Member  
Teresa H. Ratcliff, PhD, PE  
Doris M. Rodgers, Public Member  
John S. Tunstall, PE

Absent:

1. Hearing: C. Phil Wagoner, PLS - Case V06-008 (9:00 a.m. Thursday, October 11, 2007)

Gary W. Thompson, Presiding  
Caroline Guzniczak  
Nils W. Joyner, Jr.  
Henry V. Liles, Jr.  
Doris M. Rodgers  
John Tunstall

Recused

J. Glenn Haynes  
Joseph Monroe

Respondent's Counsel: Ms. Linda L. Helms/Wilson & Coffey, LLP  
Board Counsel: Ms. Patricia Kerner/Troutman Sanders  
Advisory Counsel to Board: Ms. Denise Sanford/Bailey & Dixon, LLP

The Board conducted a hearing to consider the recommended action from the Administrative Law Judge Morrison. Upon commencement of the hearing, the Board heard arguments for adopting the recommendation and from respondent's counsel for not adopting the recommendation. Based upon the record in the proceeding, the Board issued a decision to adopt the recommendation of the ALJ and to revoke Mr. Wagoner's Certificate of Licensure.

2. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Gary Thompson 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 one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

3. Review of Minutes

The Executive Director reported that copies of the minutes for the September 13 and 14, 2007 Board meeting had been sent to each Board member. Any changes were reflected in the final draft presented. Ms. Guzniczak moved to approve the minutes; Dr. Monroe seconded the motion. The Board voted and the minutes were unanimously approved.

4. Committee Reports

Continuing Professional Competency Committee

Ms. Rodgers informed the Board that there were seven (7) new sponsor applications for approval. Ms. Rodgers moved that the Board approve the applications. Ms. Rodgers introduced Mr. Evans to present the CPC Audit reports. Mr. Evan reported that 245 licensees were audited of which 19 did not respond. They will be receiving a second notice. 8 new cases will be requested to be open as a result of failure to comply with CPC requirements or providing of false information. 3.2% of licensees have been audited thus far. 37 licensees needed to provide further information as well as the 19 who have not responded will need to be reviewed further. With 47% of the audited population there was some problem involved (i.e. second notice, further info, flagged for future audit due to type of strange class taken). It is found that a lot of the licensees failed the audit and are not meeting the CPC requirements due to one issue or another. A discussion ensued about the various problems found with the audit.

5. Review Committee Recommendations

The Board considered the recommendations of a Review Committee—Engineering on twenty-four (24) cases conducted on September 25, 2007. The review committee was chaired by Dr. Ratcliff. Ms. Guzniczak made a motion to approve the recommendations of the Review Committee for cases one (1) and four (4) through twenty-one (21); Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. Mr. Thompson recused himself from the 2<sup>nd</sup> and 3<sup>rd</sup> cases and Mr. Liles took over the gavel for these two cases. Ms. Guzniczak made the motion to approve, seconded by Dr. Monroe and the motion was approved unanimously. On cases 22 through 24, former Board Member, Mr. Larry D. Nixon, served as a consultant. Dr. Monroe recused himself from discussion and voting. Ms. Guzniczak made a motion to accept the recommendations of the Review Committee; Mr. Liles seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in eleven (11) closed cases; two (2) reprimands and civil penalty of \$5,000; two (2) reprimands and civil penalty of \$2,000; one (1) reprimand and civil penalty of \$1,000; one (1) reprimand, civil penalty of \$2,500 and ethics course; one (1) cease & desist letter and a referral to the Home Inspector Licensing Board; four (4) cease and desist letters; one (1) refusal to renew; and one (1) suspension.

The Board considered the recommendations of a Review Committee—Surveying on thirteen (13) cases conducted on September 26, 2007 and chaired by Mr. Joyner. Mr. Liles made a motion to accept the recommendations of the Review Committee; Ms. Guzniczak seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in three (3) reprimands and civil penalty of \$2,000.00; six (6) closed cases; three (3) reprimands and one (1) suspension.

6. Violations Activity

Assistant Executive Director, David Evans, reported that one hundred ten (110) new cases were opened in the fiscal year; nineteen (19) have been opened since the last Board meeting—three (3) PEs, eight (8) PLSs, and eight (8) non-licensed individuals and corporations. There are one hundred forty-five (145) open cases, sixty-nine (69) of which is with the investigators or pending investigation. One hundred twenty-two (122) cases have been closed so far this year, and one hundred thirty-three (133) cases have been brought to Review Committees in the fiscal year.

7. Applications

The Board considered the applications for individuals for licensure through comity provisions as Professional Engineers. The Board was advised that the applications had been carefully reviewed by the staff and determined to be in full compliance with all requirements. Mr. Liles moved that the Board approve the applications. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the following special application items:

- Lasater.Hopkins.Chang P.C. Company made a request to use the name although Mr. Hopkins is retiring. Ms. Rodgers made a motion to approve Lasater.Hopkins.Chang P.C. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.
- Röchling Engineering Plastics Limited Partnership. Unlicensed company is requested to use the word 'engineering' in its name. Ms. Rodgers made a motion to deny the use of the word "engineering" in Röchling Engineering Plastics Limited Partnership. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.
- Howe Engineers, Inc. Company is under new ownership; however, the company would like to keep the name as is although Mr. Howe has since passed. Dr. Ratcliff made a motion to deny Howe Engineers, Inc. Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of eleven (11) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. A motion was made by Ms. Guzniczak and seconded by Dr. Ratcliff to approve the applications. This motion was voted upon and approved unanimously by the Board.

The Board considered the applications of five (5) firms for licensure as limited liability companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Dr. Ratcliff moved that the Board approve the applications. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of five (5) firms for licensure as business firms. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Dr. Ratcliff moved that the Board approve the applications. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of one (1) firm for licensure as a Chapter 87 business. The Board was advised that the application had been reviewed and deemed in full compliance by the Board staff. Ms. Rodgers moved that the Board approve the application. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

8. Approval of 2008 Fiscal Year Budget

Mr. Ritter presented to the Board the drafted 2008 Fiscal Year Budget for approval. The Fiscal Year begins December 1<sup>st</sup> and ends November 30<sup>th</sup>. It was presented to the Board's Secretary for review. 2008 anticipates the increase in annual renewal fees which has been \$50.00 since 2002. Dr. Ratcliff made a motion to approve the 2008 Fiscal Year Budget. Ms. Guzniczak seconded the motion. A vote was taken and the motion was approved unanimously. A discussion ensued regarding the different accounts and restricted funds and the need to increase expenditures.

9. Old Business

Mr. Ritter presented an email letter from Mr. Kauffmann from ECU regarding ABET accreditation. ECU plans to begin offering the FE exam in the spring of 2008 but are not ABET accredited. They are in the process of getting the accreditation; however, they will not receive it prior to the FE exam. The Board made the decision to let ECU students take the Fundamental Exam.

Mr. Ritter presented the final exam numbers. Fundamental exam numbers fluctuate every year and have gone down this exam period. A discussion ensued.

Mr. Ritter gave a recap of the GIS conference that Mr. Thompson, Mr. Tuttle and Mr. Ritter attended. Mr. Tuttle gave a presentation at the conference on the Mini Brooks Act.

Mr. Ritter presented to the Board a letter regarding Mr. George Freeman being made an emeritus Board Member.

Mr. Ritter presented the minutes from a Colonial States Meeting held on October 5, 2007 in Kentucky.

Mr. Ritter presented a memo regarding a proposed policy for re-examination of applicants for licensure dated September 13, 03. Dr. Ratcliff and Mr. Liles presented the topic about revising the policy. Dr. Ratcliff discussed the issue on multiple failures and time that is wasted on travel to the Board's office for an Administrative Conference. Mr. Liles made a motion to rescind the policy on multiple failures. Dr. Monroe seconded the motion. The vote was taken and the motion was approved unanimously.

10. New Business

Mr. Ritter presented the Board with ten investigation cases that needed to be opened. Ms. Rodgers moved to open cases. Mr. Liles seconded the motion. The Board voted unanimously to open all ten cases.

Mr. Ritter informed the Board that in the following four weeks he committed himself to six speeches – four with PENC and two with The Society of Surveyors.

Mr. Ritter presented to the Board a letter from Ms. Guzniczak. Ms. Guzniczak informed the Board that she will be moving out of the state and will no longer be a resident of North Carolina. According to the statutes, she will be unable to remain seated as a Board Member. This change will be effective October 15, 2007. Her name will also be changed, as she will return to using her maiden, Kolman. Mr. Ritter informed the Board that after ninety (90) days, if the Governor has not appointed a replacement, the Board will have the opportunity to appoint a temporary member. A discussion ensued regarding recommending an Engineer to serve as a replacement.

Mr. Ritter informed the Board that Mr. Haynes is up for reappointment later this year. Dr. Monroe made a motion to write a letter to the Governor requesting the reappointment of Mr. Haynes. Ms. Rodgers seconded the motion. The vote was taken and the motion was approved unanimously.

*The meeting was adjourned on Thursday, October 11, 2007 at 3:45pm until 9 am, October 12, 2007.*

*The meeting was brought into session on Friday, October 12, 2007 at 9:00am.*

11. Committee Reports

Land Surveying

- Mr. Haynes and Mr. Thompson presented a proposal to delete the previously proposed added language to the reporting of calls on surveyed lines in Board Rule 21 NCAC 56.1604(d)(2) that

read “surveyed and deed.” Dr. Ratcliff made a motion to delete the language as indicated. Mr. Joyner seconded the motion. The Board voted and the motion was unanimously approved.

- Mr. Ritter informed the Board that Mr. Tuttle, Mr. Thompson and he have a meeting on October 22, 2007 with a gentleman from a regional Council of Governments (COG) group regarding an issue about government workers being exempt from our licensing statutes in doing GIS work.
- Mr. Ritter reminded the board that on November 7, 2007 there will be a Surveying exam workshop. Mr. Tunstall will be in attendance.
- Mr. Thompson appointed John S. Tunstall to join the CPC Committee.

Engineering:

- Dr. Ratcliff informed the Board about the committee’s decision to be proactive in nominating an Engineer as a replacement for Ms. Guzniczak. Andrew will contact the Governor’s office in regards to this issue.
- Dr. Ratcliff will meet on October 22, 2007 with PENC to discuss issues.
- Dr. Ratcliff reminded the Board that the BIM information will be delivered at the December Board meeting.
- Dr. Ratcliff informed the Board that Western Carolina University has an Engineering Curriculum. However it is not ABET accredited.
- Dr. Ratcliff informed the Board that there will be a meeting held with Mr. Robert St. Amant regarding paperless technology. He will present some suggestions and ideas in regards to upgrading to a paperless Board room. Ms. Rodgers, Mr. Ritter and Mr. John Stone will join Dr. Ratcliff and Mr. St. Amant at 1pm later today.

12. Hearing: McKenzie C. Roberts, PE – Case V05-102 (9:00 a.m. Friday, October 12, 2007)

Henry V. Liles, Jr., Presiding  
J. Glenn Haynes  
Nils W. Joyner, Jr.  
Joseph Monroe  
John Tunstall

Recused:  
Gary Thompson  
Terri Ratcliff  
Doris Rodgers

Respondent’s Counsel: Mr. John N. Fountain  
Board Counsel: Mr. David S. Tuttle  
Advisory Counsel to Board: Ms. Denise Sanford/Bailey & Dixon, LLP

The Board conducted a hearing to determine if Mr. McKenzie was guilty of gross negligence, incompetence or misconduct in the practice of his profession by failing to comply with CPC audit requirements [.1712(a)]. Upon commencement of the hearing, the Board heard evidence presented against Mr. Roberts and on his behalf as appears in the record of the evidence received in the course of the hearing. Based upon the record in the proceeding, the Board issued a decision that there was insufficient evidence to support the allegations and therefore the Board took no action and dismissed the case.

There being no further business, the Board formally adjourned on Friday, October 12, 2007, at 11:42 a.m. The Board is next scheduled to meet on Thursday and Friday, December 6 and 7, 2007.

Respectfully submitted,



Nils W. Joyner, Jr., PLS  
Secretary

Approved by the Board in Session

Date \_\_\_\_\_

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 6 and 7, 2007

Raleigh, North Carolina

Board Chair Gary W. Thompson, PLS gaveled the North Carolina Board of Examiners into session at 9:15 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

Gary W. Thompson, PLS, Chair  
Henry V. Liles, Jr., PE, Vice Chair  
Nils W. Joyner, Jr., PLS, Secretary  
J. Glenn Haynes, PLS  
Dr. Joseph Monroe, Public Member  
Doris M. Rodgers, Public Member  
John S. Tunstall, PE

Absent:

Dr. Teresa H. Ratcliff, PhD, PE

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Gary Thompson 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 one indicated a known conflict. The Chair asked that this information be reflected in the Board minutes.

2. Review of Minutes

The Executive Director reported that copies of the minutes for the October 11 and 12, 2007 Board meeting had been sent to each Board member. Any changes were reflected in the final draft presented. Mr. Liles moved to approve the minutes; Dr. Monroe seconded the motion. The Board voted and the minutes were unanimously approved.

3. NCEES Appointment of Associate and Emeritus Members

Mr. Ritter presented to the Board the list for this year's Appointment of Associate and Emeritus Members. This year Mr. George Freeman has been appointed as an Emeritus member. There were no other changes made to the list. Mr. Liles made a motion to approve the recommendation to add Mr. Freeman to the list of Emeritus members; Dr. Monroe seconded the motion. The Board voted and unanimously approved the recommendation.

4. Approval of 2008 NCBELS Calendar

Mr. Ritter presented to the Board the draft of the 2008 NBELS calendar for approval from the Board. There are eight (8) board meetings and two (2) national meetings schedule for 2008. Ms. Rodgers made a motion to approve the 2008 Board Calendar. Mr. Tunstall seconded the motion. The Board voted and unanimously approved the calendar.

5. Settlement Conference Recommendations

The Board considered the recommendation of the Settlement Conference Committee-Surveying on one (1) case conducted by Mr. Joyner and Ms. Rodgers on November 27, 2007. Mr. Liles made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Haynes seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in closing the case without a disciplinary action.

The Board considered the recommendation of the Settlement Conference Committee-Surveying on one (1) case conducted by Mr. Joyner and Ms. Rodgers on November 27, 2007. Mr. Haynes recused himself from discussion and voting. Mr. Liles made a motion to accept the recommendation of the Settlement Conference Committee; Dr. Monroe seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand and civil penalty of \$500.00.

The Board considered the recommendation of the Settlement Conference Committee-Engineering and Surveying on one (1) case conducted by Mr. Joyner, Dr. Ratcliff and Ms. Rodgers on November 27, 2007. Mr. Liles made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Haynes seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in closing the case without disciplinary action.

The Board considered the recommendation of the Settlement Conference Committee-Engineering on one (1) case conducted by Mr. Liles and Ms. Rodgers on November 28, 2007. Mr. Haynes made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Joyner seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand, restriction of practice and requirement to take the ethics course.

6. Review Committee Recommendations

The Board considered the recommendations of the Review Committee—Land Surveying on fourteen (14) cases conducted on November 16, 2007 with Mr. Haynes. Mr. Liles made a motion to accept the recommendations of the Review Committee and Mr. Joyner seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendations resulted in four (4) continued investigations; five (5) reprimands, civil penalties of two thousand dollars (\$2,000.00) and course(s); two (2) reprimands and civil penalties of two thousand dollars (\$2,000.00); one (1) reprimand and civil penalty of one thousand dollars (\$1,000.00); and two (2) closed cases.

The Board considered the recommendations of the Review Committee—Engineering on fourteen (14) cases conducted on November 15, 2007 with Mr. Liles. Mr. Joyner made a motion to accept the recommendations of the Review Committee and Ms. Rodgers seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendations resulted in one (1) reprimand and a civil penalty of two thousand five hundred dollars (\$2,500.00); one (1) reprimand, ethics course and a civil penalty of five thousand dollars (\$5,000.00); one (1) reprimand, civil penalty of two thousand dollars (\$2,000.00) and a 3 year audit; one (1) reprimand, civil penalty of five thousand dollars (\$5,000.00) and restricted practice; one (1) reprimand and civil penalty of three thousand dollars (\$3,000); one (1) cease and desist with a referral to the NC Board for Licensing and Geologists; one (1) reprimand; one (1) suspension; one (1) citation for a hearing; one (1) revocation; and four (4) closed cases.

The Board considered the recommendations of the Review Committee- Engineering on three (3) cases conducted on November 15, 2007 with Mr. Liles. Mr. Joyner made a motion to accept the recommendations of the Review Committee and Mr. Haynes seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee recommendation resulted in two (2) revocations and one (1) closed case.

Mr. Ritter informed the Board that in the case against Mr. Phil Wagoner, the Board accepted the Administrative Law Judge's recommendation to revoke Mr. Wagoner's license. He had forty (40) days to appeal the decision. As of this meeting, it was day fifty (50) and Mr. Wagoner has not made an appeal. The record now reflects that Mr. Wagoner is no longer licensed.

7. Committee Reports

Continuing Professional Competency Committee:

- Ms. Rodgers informed the Board that there were four (4) new sponsor applications for approval. Mr. Thompson recused himself from discussion and voting and passed the gavel over to Mr. Liles. Ms. Rodgers moved that the Board approve the applications. Ms. Haynes seconded the motion. The Board voted and unanimously approved.
- Ms. Rodgers made a presentation to the board:

“With the recent revocation of C. Phil Wagoner’s PLS license, the committee evaluated his status as a CPC Sponsor. The committee recommends that the Board revoke C. Phil Wagoner as a sponsor. Although the committee recognizes that a sponsor does not need to be licensed, Mr. Wagoner demonstrated when he was licensed that he did not abide by G.S. 89C or follow the Board rules pertaining to The Standards of Practice for Land Surveying in North Carolina, the rules of Professional Conduct for licensure and offices. The committee does not believe that Mr. Wagoner can satisfy the terms of his sponsor agreement per Board Rule .1713(b) as he is not a qualified instructor required by Board Rule .1703(b)(4).”

The CPC made a recommendation to revoke Mr. C. Phil Wagoner as a CPC Sponsor. The Board voted and unanimously approved.

- Ms. Rodgers informed the Board that there was West Virginia disciplinary action against a licensee in North Carolina and as a result of the action by West Virginia, this licensee has been flagged for an audit for three years.
- Ms. Rodgers informed the Board that the CPC Committee would like the following changes made to the Rules:
  - 21 NCAC 56.1706(1), fourth line, insert “title or specific subject” after the word claimed; change the word “duration” to “date” and insert “earned, and other information on a form as prescribed by the Board; and” after the word credits.

CPC committee made a motion to make the changes to the Rules. The Board voted and unanimously approved. This change will make it so licensees will no longer be able produce their own logging system, however, will use the log provided by the Board.

Engineering Committee:

- Mr. Ritter introduced to the Board Mr. Rob St. Amant, who will assist and advise the Board in upgrading the Board Room with the goal of making it a wireless Board Room.
- Mr. Ritter introduced the issue regarding on-site sewage system inspection. The division has in the past said that you have to be certified to this type of work, regardless if you are a PE or not. The Board has taken the position in the past and said that if you are a PE, you don’t need any additional certifications. A discussion ensued regarding whether or not a certification is needed and whether a PE is competent without certification. Mr. Liles made a motion to oppose the requirement of certified individuals in effect removing the ability of a PE to do it. Dr. Monroe seconded the motion. The Board voted and unanimously approved.

Land Surveying Committee:

- Mr. Ritter introduced the topic on Survey Ties. Three former Board Members will be asked to review the document and present their comments to the Board. Mr. Tuttle will proof the document. The sample plat is ready for distribution. Staff can possibly upload the sample plat onto the website and give the Surveying Society a link to the website. It was also suggested to consider distributing the map to local community colleges and universities making it apart of the curriculum.

- Mr. Ritter introduced the issue regarding GICC. They are having issues with GS 89C. A discussion ensued. A further meeting with GICC will be had where issues can be discussed and hopefully resolved.
- Mr. Haynes made a motion to offer the photogrammetry module as part of the Surveying exam. Dr. Monroe seconded. The Board voted and unanimously approved. A discussion ensued about payment for the module.

8. Violations Activity

Assistant Executive Director David Evans reported that we are currently in fiscal year 08. Fiscal year 2007 we opened a total of one hundred twenty-nine (129) cases. Staff closed more than they opened, closing one hundred forty-six (146) cases in the fiscal year. There are one hundred forty-two (142) open cases, sixty-nine of which are with the investigators or pending investigation. Twenty-one cases have been open since the Board last met- fourteen (14) against licensees and seven (7) against non-licensees. One hundred sixty-six cases have been taken to review committees in fiscal year 2007. Since the last Board Meeting, Mr. Evans has made one presentation to a PENC Chapter in Greensboro, NC regarding CPC requirements.

9. Applications

The Board considered the following special application items:

- Lyle Stover Engineering, Inc. New Applicant wishes to continue to use the name since Mr. Stover is a retired member of the company and was a licensee. Mr. Liles moved that the Board approve the application; Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.
- Symmes Maini & McKee Associates, Inc. New Applicant wishes to continue using the name since all three partners are retired and were licensees. Mr. Liles moved that the Board approve the application; Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously.
- Bolton & Menk, Inc. New Applicant wishes to continue using the name since the founding partners are retired and were licensees. Dr. Monroe moved that the Board approve the application; Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.
- Day Marine Surveying, Inc. Mr. John Day wishes to create a company in North Carolina by this name. The Secretary of State Office initially rejected the name because the word "surveying" triggers referral to this Board. However, Mr. Tuttle advised the Board that while the Statute 89C-23 protects the terms "Land Surveying" or "Land Surveyors", it does not protect just the word "surveying". In addition, G.S. 89C-23 states that even the use of the prohibited word "land surveying" or "land surveyors" or any modification or derivative of those words is not prohibited if "in pursuit of activities exempted by this Chapter" (89C). Mr. Tuttle noted that the activity itself is not related to Land Surveying, so there would be no confusion regarding the type service provided and does not present possible harm to the public. He referred to the IBM case and stated that the case held that unless the prohibited words were used in a context that holds out to the public the professional service or implies the professional expertise then the court would not prohibit use of the title. For these reasons Mr. Tuttle expressed his opinion that the Board did not have a legal basis for denying the use of the word "surveying" in the company name for Day Marine Surveying, Inc. Mr. Mazanek brought to light that the word "surveying" is a term commonplace within the marine appraisal industry. Ms Rodgers made a motion to deny. Mr. Joyner seconded the motion. Three Board members voted in opposition to the motion while four Board Members (to include the vote of the Chair to break the tie) voted in favor of the motion. The motion to deny the request was approved.

*Break taken at 11:00 a.m.; continued at 11:10 a.m.*

The Board considered the applications of individuals for licensure through comity provisions as Professional Engineers. The Board was advised that the applications had been carefully reviewed by the staff and determined to be in full compliance with all requirements. Ms. Rodgers moved that the Board approve the applications. Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of twenty-eight (28) firms for licensure as Professional Corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. A motion was made by Mr. Joyner and seconded by Ms. Rodgers to approve the applications. This motion was voted upon and approved unanimously by the Board.

The Board considered the applications of nine (9) firms for licensure as limited liability companies. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Rodgers moved that the Board approve the applications. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of five (5) firms for licensure as business firms. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Rodgers moved that the Board approve the applications. Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of two (2) firms for licensure as Chapter 87 businesses. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Ms. Rodgers moved that the Board approve the applications. Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of seven (7) Name Change requests. Mr. Joyner moved that the Board approve the applications. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

10. Old Business

Mr. Ritter presented a copy of Mr. Haynes' endorsement letter for reappointment.

Mr. Ritter informed the Board that Mr. Pond has been endorsed by the Engineering Committee, PENC and ACEC to the Governor's office.

Mr. Ritter presented to the Board a letter from Mr. McKenzie Roberts as an informational item.

Mr. Ritter presented a thank you letter from MathCounts.

Mr. Ritter gave a recap about his meeting with PENC in Asheville, NC regarding B plus 30.

Mr. Ritter informed the Board that the Exam writing workshop has been cancelled. It will be rescheduled at a later date.

Mr. Ritter presented information regarding the meeting upgrades to the Board Room. Mr. Ritter, Mr. St. Amant, and Dr. Ratcliff had a meeting at the Dental Board and they like what they have done and would like a board room similar to the Dental Board's. Dr. Ratcliff will be having a one on one with each Board Member to get their opinion on what they would like to see done to the board room.

11. New Business

Mr. Ritter presented a letter to the Board from Mr. Clyde Marc Griffies asking for an exemption from the Comity requirements for Licensure in the state of North Carolina. He was at one time a licensee in Georgia,

but due to their limited PDH courses available to those hearing impaired at the time, in addition to other issues that soon followed, he let his license lapse. He now wishes to become licensed here in North Carolina, however, the Board rules state that you have to be actively licensed in another state to become licensed in North Carolina. Mr. Liles made a motion to deny the applicant's request due to the fact that he does not meet the statutory requirement of a Comity Applicant. Dr. Monroe seconded the motion. A discussion ensued regarding alternatives. The decision was made to let the individual fill out a full application, and be exempt from having to retake the exams provided that the individual furnishes proof of 16 hours of exams taken.

Mr. Ritter presented a news release from the NC Senate. Dr. Monroe is on the 21<sup>st</sup> Century Transportation Committee. Dr. Monroe gave a brief recap on the first couple of meetings.

Mr. Ritter presented the Board with six (6) investigation cases that needed to be opened. Mr. Liles moved to open the cases; Mr. Joyner seconded the motion. A vote was taken and the Board voted unanimously to open the following cases:

1. As a result of a random CPC audit, it is alleged that a Professional Engineer has failed to comply with the annual CPC requirements [.1703]; failed to maintain adequate CPC records [.1706]; and submitted false information on the license renewal form [G. S. 89C-23].
2. Based upon the Engineering Review Committee (Liles) and the Land Surveying Review Committee's (Haynes) review of a non-licensed firm's web site information, it is alleged that the firm might be in violation of G. S. 89C-24 and 55B for practicing or offering to practice engineering and land surveying without a license as required.
3. Board staff's review of a non-licensed firm's web site information indicates that the firm might be in violation of G. S. 89C-24 and 55B for practicing or offering to practice engineering without a license as required.
4. Allegedly, a Professional Land Surveyor has failed to comply with the CPC audit requirements in violation of Board Rule .1712(a).
5. Allegedly, a Professional Engineer has failed to comply with the CPC audit requirements in violation of Board Rule .1712(a).
6. Information considered by a Settlement Conference Committee (Joyner/Rodgers) indicates that a Professional Land Surveyor may be in violation regarding three maps for issuing an inaccurate survey creating an encroachment on the adjoining property [.1602(a),(f)]; failing to report the results of a survey in a clear and factual manner [.1602(f)]; failing to make adequate investigation [.1602(a)]; failing to report and show lappage [.1602(a)(f)]; and failing to note and date a revision [.1604(c), .1103(a)(7)].

Mr. Ritter presented the letter from PENC endorsing Mr. David Pond to fill the position on the NCBELS Board.

Mr. Ritter presented the letter from the Surveying Society reminding of the dinner at the Grove Park Inn in February.

12. Informational Items

- Thank You Email from Mr. W. Larry Phipps to Mr. Tuttle for his help and Mr. Phipps stated that he tells people that NC has the best Board of Examiners in the country.
- Statistics from ELSEES
- Email from Ethics Commission regarding Board Members satisfying Education requirement
- PENC Holiday Invitation

- Brochure on Southern Zone Meeting in San Juan, PR.

13. Election of Board Officers

Current Board Chair Gary W. Thompson made the following nominations for 2008 officers, committee chairs, and committee members:

Board Chair, Henry V. Liles, Jr., PE  
Vice Chair, Nils W. Joyner Jr., PLS  
Secretary, Dr. Joseph Monroe, Public Member

Continuing Professional Competency Committee

Doris M. Rodgers, Public Member, Chair  
Gary W. Thompson, PLS  
Teresa Helmlinger Ratcliff, PhD, PE

Engineering Committee

Teresa Helmlinger Ratcliff, PhD, PE, Chair  
Dr. Joseph Monroe, Public Member  
Henry V. Liles, Jr., PE  
John S. Tunstall, PE

Surveying Committee

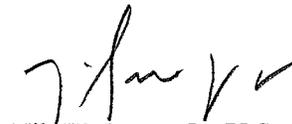
J. Glenn Haynes, PLS, Chair  
Doris M. Rodgers, Public Member  
Nils W. Joyner, PLS  
Gary W. Thompson, PLS

*Recessed for lunch at 12:30; continued at 1:00 p.m.*

*Mr. Haynes made a motion to go into executive session. Dr. Monroe seconded. The Board voted and unanimously approved to go into executive session to discuss a personnel matter.*

*The Board resumed into open session and there being no further business, the Board formally adjourned on Thursday, December 6, 2007, at 4:30 p.m. The Board is next scheduled to meet on Thursday and Friday, January 10 and 11, 2008.*

Respectfully submitted,



Nils W. Joyner, Jr., PLS  
Secretary

Approved by the Board in Session

Date \_\_\_\_\_