

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 10 and 11, 2008

Raleigh, North Carolina

Board Chair Henry V. Liles, PE gavelled 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:

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

Absent:

1. Board Chair Henry V. Liles Jr. presented recognition on behalf of the Board to Gary W. Thompson for his role as 2007 Board Chair.

2. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Henry V. Liles Jr. 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. Dr. Monroe recused himself from discussion and voting regarding the presentation of the Surveying Fellows Program. He will be available to provide any factual information without opinion. 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 6 and 7, 2007 Board meeting had been sent to each Board member. Minor corrections were made to the list of committee assignments and those changes are reflected in the final version. Mr. Haynes moved to approve the minutes; Dr. Monroe seconded the motion. The Board voted and the minutes were unanimously approved.

4. Request from R. Larry Greene, PLS, President, NCSS Education Foundation, regarding Board contribution to the Trig Star Program

Mr. Ritter presented a request to the Board regarding the annual contribution in the amount of \$2,000.00 made to the Trig Star program. Dr. Ratcliff made a motion to approve the request. Ms. Rodgers seconded the motion. The Board voted and unanimously approved the request.

5. Board Member Appointment

Mr. Ritter officially informed the Board of the Governor's appointment of Mr. David L. Pond, PE as a Board Member. Presented to the Board, also, was a copy of the evaluation of statement of economic interest by the Ethics Commission. Mr. Ritter also informed the Board that Mr. Haynes has been reappointed as a Board Member for another five (5) year term.

6. Results from the Fall 2007 Examinations.

Mr. Ritter presented the North Carolina Examination pass rates to the Board. The National pass rates will be presented at the February Board meeting. The FE pass rate at 65% is below the normal rates in recent years. They are usually closer to 70%. The PE II Exam 57% is the normal pass rate. FLS is at 39% which is a low but normal pass rate. PLS 2 A pass rates are at 53% which is a little higher than the normal rate. PLS 2 B 80 % is the normal pass rate and PLS 2 C at 77% is slightly higher than the normal pass rates.

Mr. Ritter gave an brief introduction to the new Board members regarding Mr. Rob St. Amant, NC State Professor, who has been brought in as a consultant to assist with the upgrade of the Board room. Dr. Ratcliff gave a presentation on the trip to Dr. Monroe's and Mr. Liles' office. A discussion ensued.

7. Committee Meetings

Engineering Committee:

- Dr. Ratcliff informed the Board that there was no new Committee news to report.

Surveying Committee:

- Mr. Thompson presented to the Board information regarding GIS Surveying. He also gave an update on the issue regarding GICC and brought new Board members up to speed regarding the issue. GICC is having difficulty coming to an agreement regarding requests they have made to the Board. A discussion ensued. Mr. Liles will attend the next GICC meeting. Mr. Ritter presented the Board with a copy of the letter sent to the GICC committee. Mr. Ritter mentioned South Carolina Board's desire to develop their GIS standards. Members of the Surveying Committee plan to meet with the South Carolina Surveyors on February 7, 2008.
- Mr. Ritter informed the Board about the North Carolina Society of Surveyors' Annual Convention on February 7-9, 2008 in Asheville, NC. Mr. Thompson, Mr. Haynes and Mr. Ritter will be in attendance. Mr. Tuttle will be manning a booth at the meeting, as well.
- Mr. Ritter presented the draft Survey Tie Document to the Board.
- Mr. Ritter informed the Board that Wake Tech has requested that the Board review their standards for their certificate program, diploma program, or their curriculum program. The Surveying Committee will review this further.
- Mr. Thompson informed the Board that there have been many inquiries on 3D modeling. The Chair has referred this issue to both Engineering and Surveying Committee and has recommended a joint meeting where they can further review and develop an issue paper giving a clear definition on the policy.

Continuing Professional Competency Meeting:

- Ms. Rodgers informed the Board that there were five (5) new sponsor applications for approval. The first application has been put on hold until further information is received. Ms. Rodgers moved that the Board approve the last four applications on the sponsor application list. Dr. Monroe seconded the motion. The Board voted and the motion was unanimously approved. The second application and the fifth application are both manufacturing companies and will be flagged for audit.
- Ms. Rodgers presented to the Board the idea of having Board Members and/or Emeritus Members closely monitor sponsors ensuring that they are actually providing classes that are in compliance with our Board rules. A discussion ensued about financial reimbursement of the Board Members and/or Emeritus Members that do monitor classes. It was stated that Board Members will be paid

per diem and travel expenses and that the course fee is not required to be paid, unless the Board member wishes to receive PDH credit, in which case the Board member will pay the course fee.

8. Proposal from Melissa Beard, Executive Director, NCSS, regarding Surveying Fellows Program

Ms. Beard and Frank Mundy presented to the Board a proposal regarding a proposed Surveying Fellows Program. A lengthy discussion ensued which included funding requirements and statutory authority. Dr. Ratcliff made a motion to approve the concept and establish an Ad-Hoc task force. Mr. Tunstall seconded the motion. The Board voted and unanimously approved the motion. This task force will include Dr. Ratcliff, Mr. Thompson, and Ms. Rodgers.

9. Violations Activity

Assistant Executive Director David Evans reported that seventeen (17) cases have been opened this fiscal year, fifteen (15) of which are since the December Board meeting. Of those, twelve (12) were against licensees and three (3) were against non-licensees. There are sixty-eight cases active or pending investigation. There were twenty-one (21) cases closed since the last Board meeting. There are thirty-one (31) cases pending Review Committee.

10. Applications

The Board considered the following special application items:

- Herbert, Rowland & Grubic, Inc. New Applicant wishes to use the names of retired individuals in their company name. Ms. Rodgers made a motion to approve the application; Dr. Monroe seconded the motion. The Board voted and approved unanimously.
- Engineered Arresting Systems Corporation New Applicant wishes to use the "Engineered" title in the name of a Business Corporation they wish to get registered in North Carolina. Ms. Rodgers made a motion to deny the application; Mr. Joyner seconded the motion. A discussion ensued regarding the issue. Ms. Rodgers made a motion to withdraw motion. Mr. Joyner seconded the motion. Ms. Rodgers made a motion to approve the application; Dr. Monroe seconded the motion. The Board voted and approved unanimously.

The Board considered the applications of seventeen (17) 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 Mr. Joyner 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. 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 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. Rodgers moved that the Board approve the applications. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications for five (5) 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. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications for thirty-three (33) name retired status requests. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr.

Tunstall moved that the Board approve the applications. Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

11. Old Business

- Mr. Ritter reminded the Board about the dates for the certificate ceremonies. The Raleigh ceremony will be held on January 22, 2008. Dr. Ratcliff will be the speaker on that evening and Mr. Liles and Mr. Thompson will be in attendance. The Charlotte Ceremony will be held on January 24, 2008 with Mr. Pond and Dr. Ratcliff will be in attendance.
- Mr. Ritter presented the Board with the renewal statistics. Online renewals have increased and were at 73% online renewals as of January 7, 2008.
- Mr. Ritter presented the Board with statistics from Google tracking the amount of visitors on the NCBELS website and which pages are being visited the most. 80% of the licensees have submitted email addresses along with renewal notices.

12. New Business

- Mr. Ritter presented the Board with an email correspondence from Mr. Thompson who is the Chair of the ACSM Board Forum Committee. Mr. Thompson is requesting that the Board covers his expenses to attend the Board Forum in Washington. Ms. Rodgers made a motion to approve covering the cost of Mr. Thompson's expenses and Dr. Monroe seconded the motion. The Board voted unanimously and the motion was approved.
- Mr. Ritter presented the Board with three (6) investigation cases that needed to be opened. Dr. Ratcliff moved to open all six cases. Dr. Monroe seconded the motion. The Board voted unanimously to open the following cases:
 1. A document recorded in a Register of Deeds office, which was provided to Board staff, indicated that an Inactive Professional Engineer might be in violation of G.S. 89C-23 for practicing or offering to practice land surveying without being licensed.
 2. 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] and submitted false information on the license renewal form [G.S. 89C-23].
 3. Information provided by the Alaska Board of Architects, Engineers and Land Surveyors indicates that a Professional Engineer may be in violation of G.S. 89C-23 for submitting false information on his license renewal form. This NC Professional Engineer did not report a disciplinary action taken by the Alaska Board.

13. Informational Items

- NCEES statistics of the number of exams ordered comparison by state
- West Virginia study results regarding which states accept Canada's credentials
- December 2007 edition of the NCEES Zone Update
- December 2007 edition of the NC Ethics Commission Newsletter

Recessed for lunch at 12:45pm; continued at 1:30pm.

14. Committee Appointments

Continuing Professional Competency Committee

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

Engineering Committee

Teresa Helmlinger Ratcliff, PhD, PE, Chair
John S. Tunstall, PE
David L. Pond, PE
Dr. Joseph Monroe, Public Member

Surveying Committee

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

Dr. Ratcliff reminded to the Board that Dr. Monroe's term ends this year and now is the time to start finding a good replacement.

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

The Board resumed into open session and there being no further business, the Board formally adjourned on Thursday, January 10, 2008, at 3:00 p.m. The Board is next scheduled to meet on Thursday and Friday, February 21 and 22, 2008.

Respectfully submitted,



Dr. Joseph Monroe, Public Member
Secretary

Approved by the Board in Session

Date February 21, 2008

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 21 and 22, 2008

Raleigh, North Carolina

Board Chair Gary W. Thompson, PLS gavelled 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:

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

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 10, 2008 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; Dr. Ratcliff seconded the motion. The Board voted and the minutes were unanimously approved.

3. Information regarding J. Glenn Haynes, PLS Board Member re-appointment

Mr. Ritter officially informed the Board of the Governor's re-appointment of Mr. J. Glenn Haynes, PLS for another five (5) year term.

4. Information regarding Geographic Information Coordinating Council and Public/Private Partnership Working Group report

Mr. Ritter and Mr. Thompson presented to the Board information regarding the GICC and the continuing issues they are having. A discussion ensued. The suggestion was made to grandfather GIS practitioners and after that provide the exam so they can become licensed and then practice in the area of competency. Mr. Thompson will schedule a meeting with Herb McKim to discuss further. Dr. Ratcliff made a motion to pursue and develop a concept of creating a grandfather provision for GIS Practitioner. Mr. Thompson seconded the motion. The Board voted and the motion was approved. Mr. Liles assigned the task to the Mr. Haynes, LS Committee Chair.

5. NCEES Records Program

Mr. Ritter presented to the Board a proposal regarding the NCEES Records Program. In some states, in order to become licensed through the comity process, you have to have a record through NCEES. This has the major benefit of the application process being entirely web-based, which significantly reduces

paperwork. Mr. Ritter made a request to pursue. Mr. Pond made a motion to task staff to evaluate the program and return to the Board members with a recommendation. Mr. Thompson seconded the motion. The motion failed. Dr. Ratcliff then made a motion to task staff to evaluate the Records program after the Paperless Boardroom Ad-hoc committee makes their recommendation on priorities. Mr. Thompson seconded the motion. The Board voted and unanimously approved the motion. Dr. Ratcliff will be in attendance at the NCEES meeting discussing the Records Program at the Southern Zone meeting.

6. Staff request for Disciplinary and Criminal Conviction Policy

Mr. Evans presented to the Board a request to establish a policy regarding licensees who have disclosed a felony conviction on their license renewals. This policy would allow staff to make the initial decision, after review, as to which licensee will go before the Board depending on the conviction and/or disciplinary action brought against them. A discussion ensued. Dr. Ratcliff made a motion to approve the policy that has been recommended. Dr. Monroe seconded the motion. The Board voted and unanimously approved the motion.

7. Committee Reports

Continuing Professional Competency Committee:

- Ms. Rodgers informed the Board that there were five (5) new sponsor applications for approval. Ms. Rodgers made a motion to approve the first three (3) applications (DeFranco Consulting Services, LLC; TM GE Automation Systems LLC; and Tnemec Company, Inc. Mr. Monroe seconded the motion. The Board voted and unanimously approved the motion. Mr. Thompson recused himself from discussion and voting from the fourth application. Ms. Rodgers made a motion to approve the URS Corporation – North Carolina sponsor application. Mr. Joyner seconded the motion. The Board voted and approved unanimously. The fifth application, Victaulic Company, has been denied for lack of information.
- Ms. Rodgers made a request to the Board to task staff to move forward with making the sponsor application available via the website.

Engineering Committee:

- Dr. Ratcliff briefed the Board about a question asked by Ms. Fern Paterson, PE. The Engineer inquired about the DAQ Form D5 permit and whether or not the language to be certified by a Professional Engineer on the permit application was okay. All members of the Engineering Committee had reviewed the language and agreed that the language was indeed appropriate and Mr. Tuttle is to inform the licensee accordingly.
- Dr. Ratcliff presented another issue regarding an inquiry made by Mr. Skye Dunning. Mr. Dunning, who is not a licensed PE, is inquiring if he is performing engineering work. The Board reviewed and discussed the matter. Dr. Ratcliff made a motion to initially tell Skye Dunning that he is performing Engineering work. Mr. Pond seconded the motion and the Board unanimously agreed.

Land Surveying Committee:

- Mr. Haynes presented an update on the NCSS Convention. Mr. Haynes reported that compliments were given about Mr. Tuttle, who 'manned' the booth in the trade show exhibit hall. Mr. Haynes mentioned that in the month of March, Mr. Ritter will meet with Colonial States in Boston, MA to discuss the cost of using the GIS exam. The GIS exam will eventually be offered as an alternative to the PLS 2 national exam. Mr. Ritter informed the Board about a discussion he had regarding the type of courses that should be offered at the Community College level and the 2 + 2 Program. Colleges are noticing that many of the classes that students are taking are not transferrable to A & T. A meeting has been set up this upcoming summer that will include six to eight Community College Directors and A&T in efforts to modify the 2 + 2 program.

- Mr. Ritter presented a matter to the Board regarding Pate Engineering and Land Surveying, P.C. Mr. Thompson recused himself from conversation and discussion of the matter. Mr. Ritter gave a brief update on the issue Mr. Pate is having regarding the V Zone certificate. Mr. Ritter asked that the Surveying Committee remain up-to-date on the ongoing issue.
- Mr. Ritter presented to the Board an article on the state of GIS activities that serves as a primer on why it is being linked to land surveying.

Break taken at 10:25 a.m.; continued at 10:40 a.m.

Mr. Ritter gave a brief introduction of Denise Stanford and role here at the Board.

Mr. Joyner made a motion that the Board go into closed session to discuss a disciplinary matter. Dr. Ratcliff seconded. The Board voted and unanimously approved to go into executive session.

The Board resumed into open session.

Dr. Ratcliff made a motion to advise Mr. Wagoner that the Board is denying his request for reinstatement and further advising him that the Board will reconsider a request for reinstatement after January 1, 2010. Mr. Joyner seconded the motion and the Board voted and unanimously approved the motion. Mr. Haynes and Dr. Monroe recused themselves from discussion and voting on this matter.

8. Review Committee Recommendations

The Board considered the recommendations of the Review Committee—Engineering on eighteen (18) cases conducted on January 30, 2008 with Mr. Tunstall. Dr. Ratcliff made a motion to accept the recommendations of the Review Committee and Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in five (5) cease and desists; four (4) closed cases; two (2) revocations; three (3) suspensions; one (1) reprimand and civil penalty of one thousand dollars (\$1,000.00); one (1) reprimand, civil penalty of five thousand dollars (\$5,000.00) and course(s); one (1) consent agreement; and one (1) referral to the District Attorney.

The Board considered the recommendations of the Review Committee—Land Surveying on eleven (11) cases conducted on January 31, 2008 with Mr. Thompson. Mr. Haynes made a motion to accept the recommendations of the Review Committee and Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in six (6) closed cases; two (2) cease and desists; one (1) revocation; one (1) reprimand; and one (1) reprimand and civil penalty of two thousand dollars (\$2,000.00).

The Board considered the recommendations of the Review Committee—Land Surveying on two (2) cases conducted on January 31, 2008 with Mr. Haynes by telephone. Mr. Thompson recused himself from discussion and voting on these two matters. Ms. Rodgers made a motion to accept the recommendations of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in one (1) reprimand and civil penalty of two thousand dollars (\$2,000.00); and one (1) closed case.

9. Violations

Assistant Executive Director David Evans reported that the case load is on average for this time of year. There are thirty (30) cases opened thus far, this fiscal year. There were thirteen (13) opened since the Board last met- 12 licensees and 1 non-licensee. There are one hundred forty-three (143) cases open- sixty-five (65) of which are active or pending investigations. Seventeen (17) cases are pending review committee. Since the Board last met Mr. Liles, Mr. Evans and Mr. Tuttle gave a presentation on Ethics to a class at NC State University.

10. Applications

Mr. Ritter noted that three Emeritus Members were going to assist the Engineering Committee in the review of the applications.

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. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the following special application items:

- Cawthorne, Moss & Panciera, P.C. New Applicant wishes to continue to use the name of a founding partner who is retired and was a licensee.
- Latimer, Sommers & Associates, P.A. New Applicant wishes to use the name of a retired engineer, Mr. Sommers, in the firm name.
- Mr. Joyner moved that the Board approve the first and second application; Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.
- Van Zandt Engineering, PLLC. Bolton & Menk, Inc. New Applicant wishes to form a PLLC using the name Van Zandt, which is the middle name of the applicant. Mr. Tuttle noted that the issue was whether the Board Rule 21-56.0902 which states that a company “shall not practice under a name that is misleading” and “shall not contain the name of an individual not licensed to provide the professional services offered” was met by use of only the middle name. Staff has previously interpreted this to mean the surname (last name) of the individual, as is consistent with the interpretations of the Office of the Secretary of State and the use of “real name” exception for when a sole proprietorship must file an assumed name certificate with the Register of Deeds. A discussion ensued regarding this matter. Mr. Joyner moved that the Board approve the application; Mr. Pond seconded the motion. A vote was taken and the motion was approved unanimously.
- SmithGroup MidAtlantic, Inc. New Applicant has changed their legal name in their home state but is unable to use the same name here due to conflicts and wish to use the name SmithGroup, Inc., a Michigan Corporation. Mr. Joyner made a motion to deny. Dr. Monroe seconded the motion. A vote was taken and the motion to deny the request was approved unanimously.

The Board considered the applications of twenty-five (25) 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 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 the Board staff. Mr. Joyner 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 business firm. 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. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered three (3) Name Change requests. The Board was advised that the requests had been reviewed and deemed in full compliance by the Board staff. Mr. Joyner moved that the Board approve the requests. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications for fourteen (14) name retired status requests. 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. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

11. Old Business

Mr. Ritter introduced the topic regarding the Surveying Fellows Program. Dr. Monroe recused himself from discussion. Mr. Pond presented to the Board alternative ideas to the Surveying Fellows Program (i.e. an endowment instead of an obligatory ongoing contribution). A discussion ensued. Board Chair has temporarily appointed Ms. Rodgers as Board Secretary over this matter since the Board Secretary has conflicted himself out of this matter.

Mr. Ritter gave an update on the Certificate Ceremonies. At the Raleigh ceremony Dr. Ratcliff gave a speech. At the Charlotte Ceremony, Mr. Pond, Dr. Ratcliff and Ms. Rodgers were in attendance.

Mr. Ritter gave an update on his presentation at UNC-Charlotte. Mr. Pond was in attendance. The Technology Program is not going to dissolve but increase. UNC will remove the Technology Program from under the umbrella of the Engineering School and create a new school.

Mr. Ritter noted that a disciplinary hearing is scheduled for Friday , April 18 at 9 a.m. Mr. Liles will be recused from the hearing.

Mr. Ritter gave an update on the paperless Boardroom. Dr. Ratcliff and Ms. Rodgers visited other Board Members to get feedback on the Paperless Boardroom

Mr. Ritter gave an update on Renewals. As of January 31, 2008, 18,748 Engineers renewed. 65% Renewed online. Official numbers will be ready in April.

12. New Business

Mr. Ritter presented the Board with two (2) investigation cases that needed to be opened. Mr. Joyner moved to open the cases; Mr. Tunstall seconded the motion. A vote was taken and the Board voted unanimously to open the following cases:

1. Information provided by a Professional Engineer with his 2008 license renewal form indicates that he received a Reprimand from another jurisdiction in potential violation of G. S. 89C or the Board Rules [.0701(h)] for failing a CPC audit.
2. Information provided by a Professional Engineer with his 2008 license renewal form indicates that his PE license in Oklahoma was suspended for five years and he was restricted from practicing mechanical engineering in potential violation of G. S. 89C or the Board Rules [.0701(h)].

Mr. Ritter presented the letter from NCEES regarding the NCEES Constitution and Bylaws.

Mr. Ritter gave an update on the Southern Zone Meeting in Puerto Rico and arrangements in relation to the trip. A discussion was had regarding gift ideas for Mr. Jerry Carter for becoming the newest Executive Director of NCEES.

Mr. Thompson noted that both he and Mr. Tuttle will be presenting at six workshops for Review Officers, Register of Deeds representatives and surveyors scheduled across the state in the upcoming weeks.

13. Informational Items

- Thank you letter from UNC Charlotte to Andrew Ritter and David Pond for serving as guest speaker
- Early Notice for Annual NCEES Meeting in MN scheduled to be held August 13-16, 2008
- MathCounts thank you letter
- Letter from Jerry Carter regarding the Annual Report
- Article on CPA Board using digital fingerprints at Board Exam
- NCEES memo regarding Design Squad, a group sponsored by NCEES
- February 2008 edition of the Licensure Exchange

The Board formally adjourned on Thursday, February 21, 2008, at 12:35 p.m. The Board is next scheduled to meet on Thursday and Friday, April 17 and 18, 2008.

Respectfully submitted,

Dr. Joseph Monroe, Public Member
Secretary

Approved by the Board in Session

Date April 17, 2008

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

April 17 and 18, 2008

Raleigh, North Carolina

Board Chair Henry V. Liles, PE 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:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Henry V. Liles 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 21, 2008 Board meeting had been sent to each Board member. Any changes were reflected in the final draft presented. Mr. Thompson moved to approve the minutes; Ms. Rodgers seconded the motion. The Board voted and the minutes were unanimously approved.

3. NC Fellows Program

Mr. Ritter introduced the topic regarding the NC Fellows Program, providing a brief recap of the idea which was proposed by the NC Surveying Society. A discussion ensued which included Mr. Mundy from the NC Surveying Society regarding the best route to take in terms of carrying the proposed program. Mr. Pond made a motion requesting Dr. Monroe to come back with a proposal with a three year concept laying out how the program will be measured, what the cost would be, in addition, asking surveyors to come back to the next meeting to discuss what they are willing to offer financially and their commitment over the next three years. Dr. Ratcliff seconded the motion. The Board voted and approved the request. Dr. Monroe and Mr. Thompson recused themselves from discussion and voting. Dr. Monroe answered questions as asked by the Chair.

4. Committee Reports

Engineering Committee:

- Dr. Ratcliff made note that although the Committee did not have any pending items she would like to meet to discuss what issues the Committee should be dealing with.
- Mr. Ritter gave an update regarding the issue on Fire Alarm System design.

Land Surveying Committee:

- Mr. Thompson gave an update on his trip to Spokane Washington at the NSPS Registration Boards Forum.
- Mr. Ritter presented to the Board recap information on the GIS meeting. Mr. Liles attended the meeting.
- Mr. Ritter gave a presentation on the Colonial States Boards of Surveyor Registration in Boston, MA. A discussion ensued involving pricing information for the GIS and Photogrammetry exam developed by the Colonial States and offered through NCEES. The price has now been established.

Continuing Professional Competency Committee:

- Ms. Rodgers informed the Board that there were seven (7) new sponsor applications for approval. Ms. Rodgers made a motion to approve all applications except ITT Flygt Corporation. Dr. Monroe seconded. The Board voted and unanimously approved the motion.
- Mr. Thompson and Ms. Rodgers presented an update on the database being created for sponsors and licensees. Modules will be created for collecting data from sponsors, enabling them to update their contact info. In addition, audit questions will eventually be created to be asked to the Sponsors.

Break taken at 11:15 a.m.; continued at 11:30 a.m.

5. Settlement Conference Recommendations

The Board considered the recommendation of the Settlement Conference Committee—Surveying on one (1) case conducted by Mr. Joyner and Dr. Monroe on March 5, 2008. Mr. Haynes made a motion to accept the recommendation of the Settlement Conference Committee; Dr. Monroe seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a close case.

The Board considered the recommendation of the Settlement Conference Committee—Surveying on one (1) case conducted by Mr. Joyner and Dr. Monroe on March 5, 2008. Mr. Pond made a motion to accept the recommendation of the Settlement Conference Committee; Dr. Monroe seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a close case.

The Board considered the recommendation of the Settlement Conference Committee—Engineering on one (1) case conducted by Dr. Ratcliff and Dr. Monroe on March 6, 2008. Ms. Rodgers 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 and civil penalty of \$2,500.00 and an ethics course.

The Board considered the recommendation of the Settlement Conference Committee—Engineering on one (1) case conducted by Dr. Ratcliff and Dr. Monroe on March 6, 2008. Mr. Joyner made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Tunstall seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a close case.

The Board considered the recommendation of the Settlement Conference Committee—Engineering on one (1) case conducted by Dr. Ratcliff and Ms. Rodgers on March 11, 2008. Mr. Joyner made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Pond seconded the motion. A

vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a close case.

The Board considered the recommendation of the Settlement Conference Committee—Engineering on one (1) case conducted by Dr. Ratcliff and Ms. Rodgers on March 12, 2008. Mr. Joyner 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 close case.

The Board considered the recommendation of the Settlement Conference Committee—Engineering on one (1) case conducted by Dr. Ratcliff and Ms. Rodgers on March 12, 2008. Dr. Monroe 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 close case.

6. Review Committee Recommendations

The Board considered the recommendations of the Review Committee—Engineering on fifteen (15) cases conducted on March 26, 2008 with Dr. Ratcliff. Mr. Tunstall recused himself from discussion and voting on all cases. Mr. Joyner made a motion to accept the recommendations of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in four (4) cease and desists; two (2) closed cases; two (2) revocations; two (2) reprimand and civil penalty of one thousand dollars (\$1,000.00); one (1) cease and desist and a referral to the Funeral Service Board; one (1) cease and desist and a referral to the General Contractors Board; one (1) continued investigation; and one (1) referral to the Attorney General and one (1) reprimand.

The Board considered the recommendations of the Review Committee—Land Surveying on eleven (11) cases conducted on April 7, 2008 with Mr. Joyner. Dr. Ratcliff made a motion to accept the recommendations of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in four (4) closed cases; one (1) revocation; one (1) reprimand; one (1) reprimand and civil penalty of two thousand dollars (\$2,000.00); one (1) reprimand and civil penalty of two thousand dollars (\$2,000.00) and one-month suspension; one (1) continued investigation; and one (1) suspension.

7. Violations

Assistant Executive Director David Evans reported that the case load is on average for this time of year. There are forty-six (46) cases open thus far, this fiscal year. There were sixteen (16) open since the Board last met- 11 licensees and 5 non-licensees. There are one hundred thirty-eight (138) cases open- fifty-five (55) of which are active or pending investigations. Eighteen (18) cases are pending review committee. Since the Board last met Mr. Evans, Mr. Tuttle, and Mr. Liles gave a presentation Engineering Ethics to a class at Duke State University. A discussion ensued regarding the possibility of recording presentations given by Mr. Ritter, Mr. Evans and/or Mr. Tuttle to be used as a video course which can be applied as credit towards PDH for licensees.

8. Applications

The Board considered the following special application items:

- Kvell Corcoran Associates, P.C. New Applicant wishes to continue to use the name of a retired member of the firm, Mr. Kvell, who is a licensed Virginia engineer.
- F. A Hesketh & Associates, Inc. New Applicant wishes to use the name of a retired engineer, Mr. Hesketh, in the firm name.

- R. W. Armstrong & Assoc., Inc. Van Zandt Engineering, PLLC. Bolton & Menk, Inc. New Applicant wishes to use the name of a retired engineer, Mr. Armstrong, in the firm name.
- Stanley D. Lindsey and Associates, Ltd. New Applicant wishes to use the name of a retired engineer, Mr. Lindsey, in the firm name.
- Christy/Cobb, Inc. New Applicant wishes to continue the use the name of a founding member, Mr. Joseph Cobb.
- Joseph R. Loring & Associates, Inc. Applicant requesting to be allowed to also use the d/b/a of Loring Consulting Engineers. Dr. Ratcliff made a motion to approve the first six applications. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.
- McKinley Lewis Associates, PLLC. New Applicant requesting to be able to use the firm name of McKinley Lewis Associates, PLLC. A discussion ensued. Mr. Joyner made a motion to approve. Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of twenty-nine (29) 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 Ms. Rodgers to approve the applications. This motion was voted upon and approved unanimously by the Board.

The Board considered the applications of thirteen (13) 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 eight (8) 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. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of two (2) firms for Chapter 87 corporations. 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 five (5) 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. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

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. Dr. Ratcliff moved that the Board approve the applications. Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

9. Old Business

Mr. Ritter presented to the Board a letter regarding the Landscape Architect Board also requesting feedback as to how to respond to the Landscape Architect Board's request.

Mr. Ritter presented a copy of a response letter from the Board to Mr. Wagoner regarding his revocation.

Mr. Ritter introduced the topic and gave an update on the presentations Mr. Thompson and Mr. Tuttle were giving throughout the state for a program created by the Secretary of State. This program was geared toward surveyors and the review officers of the Register of Deeds. Mr. Thompson and Mr. Tuttle gave an update on the program.

Mr. Ritter gave an update on the Southern Zone meeting in Puerto Rico. Mr. Ritter also discussed ideas on how to go about presenting Mr. Jerry Carter his gift on behalf of the Board. Mr. Ritter also informed the Board that the 2009 Southern zone meeting will be held in New Orleans.

Mr. Ritter presented a topic to be discussed at the Southern Zone meeting regarding a proposal being pitched by Skip Lewis of South Carolina to split NCEES into two by dividing the Surveying and Engineering components into two separate entities. The Board discussed that this was a terrible proposal and to speak against it at the meeting.

Mr. Ritter introduced the topic on the Bachelor's plus 30 proposal and Mr. Liles presented an update on it.

Dr. Ratcliff gave an update on the paperless board room. Mr. Ritter and Dr. Ratcliff will be conducting interviews with select staff members in the next week and predicts that there will be a presentation on recommendations at the June meeting.

10. New Business

Mr. Ritter presented information regarding FE Exam Assessment Data from UNC Charlotte.

Mr. Ritter presented the Board with six (6) investigation cases that needed to be opened. Mr. Thompson recused himself from discussion and voting on case #1. Dr. Ratcliff moved to open case #1; Dr. Monroe seconded the motion. A vote was taken and the Board voted unanimously to open case #1. Dr. Ratcliff moved to open cases # 2-6; Dr. Monroe seconded the motion. A vote was taken and the Board voted unanimously to open the following cases:

1. Maps obtained from the Buncombe County Register of Deeds indicate that a Professional Land Surveyor has practiced or offered to practice land surveying on an inactive certificate [G. S. 89C-16, 23].
2. Information provided by the Wisconsin Department of Regulation & Licensing indicates that a North Carolina Professional Engineer failed to disclose a disciplinary action taken by the Wisconsin board on his 2008 license renewal form [G. S. 89C-23].
3. Information considered by the Engineering Review Committee on March 26, 2008, indicates that a Professional Engineer may be in violation for aiding or abetting another to evade or attempt to evade the provisions of G. S. 89C [G. S. 89C-16]; affixing his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)]; and failing to include address on documents [.1103(a)(6)].
4. Information considered by the Engineering Review Committee on March 26, 2008, indicates that a Professional Engineer may be in violation for being found guilty of a crime involving moral turpitude [G. S. 89C-21(a)(3)].
5. Information received from the North Carolina Secretary of State's office indicates that a Professional Corporation may be practicing or offering to practice engineering in violation of G. S. 89C-24 and 55B and failing to conduct its practice in order to protect the health, safety and welfare of the public [.0701(b)] by operating a corporation on a revoked Certificate of Authority.
6. A map reviewed by the Land Surveying Review Committee on April 7, 2008, indicates that a Professional Land Surveyor may be in violation for failing to properly the reference north arrow

[.1604(e)(1)]; failing to provide adequate tie [.1602(g), .1604(e)(9)]; failing to tie to a geodetic monument within 2000 feet [.1602(g)]; failing to monument corners [.1602(d)]; and failing to describe monuments as found or set [.1602(f)].

13. Informational Items

- Notice for Annual NCEES Meeting in MN scheduled to be held August 13-16, 2008
- Thank you letter to Laura from Mr. George Leverett
- Report of February NCEES Directors Meeting.
- David Whitman, PE running for NCEES President-Elect
- April 2008 edition of the Licensure Exchange
- Article "Worried About the Future of Surveying" from the February edition of The American Surveyor

The Board formally adjourned on Thursday, April 17, 2008, at 12:35 p.m. The Board is next scheduled to meet on Thursday and Friday, June 12 and 13, 2008.

Respectfully submitted,

Dr. Joseph Monroe, Public Member
Secretary

Approved by the Board in Session

Date June 12, 2008

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 12 and 13, 2008

Raleigh, North Carolina

Board Chair Henry V. Liles, PE gaveled the North Carolina Board of Examiners into session at 9:04 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Henry V. Liles 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. Mr. Thompson and Dr. Monroe indicated a known conflict and recused themselves from discussion and voting regarding the NCSS Fellows Program and will answer questions as asked by the Board Chair. 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 April 17 & 18, 2008 Board meeting had been sent to each Board member. Any changes were reflected in the final draft presented. Mr. Thompson moved to approve the minutes; Dr. Monroe seconded the motion. The Board voted and the minutes were unanimously approved.

3. Correspondence from Jerry Carter, Executive Director, NCEES

Mr. Ritter present to the Board a letter from Mr. Carter, thanking the Board for the gift and presentation that were given at the Southern Zone meeting in Puerto Rico.

4. Surveying and ELSSES Exam information

Mr. Ritter presented to the Board the Land Surveying Exam statistics. The Engineering exam results recently came in to the office and will be ready for the Board to review at the July meeting. Mr. Ritter pointed out some highlights from the results. PLS1 had a pass rate of 56% with 86 test takers, which is higher than the average 30% seen in the past. The PLS2 A had a pass rate of 56% which is normal. PLSB had a pass rate of 66% and PLSC had a pass rate of 64%. This is normal for both exams. Mr. Ritter noticed that there has been an increase in comity test takers for the state portion of the exam and mentioned that for the next exam period we will have to move the examination to an outside location instead of here at the Board.

5. Committee Reports

Engineering Committee:

- Dr. Ratcliff mentioned that there were no new actions to discuss at this time.
- Mr. Ritter sent the Board an email regarding a new Licensing Board for Irrigation Contractors. Mr. Ritter mentioned that since there was no designing involved there weren't any issues that the Board would be concerned about.

Land Surveying Committee:

- Mr. Haynes mentioned to the Board that the Sample map was online.
- Mr. Thompson reported on the positive feedback regarding the GICC meeting. Mr. Thompson also mentioned that Mr. Dempsey Benton will step down as Chair of the NCGICC.

Continuing Professional Competency Committee:

- Ms. Rodgers informed the Board that there were three (3) new sponsor applications for approval. Ms. Rodgers made a motion to approve ECS Carolina, LLP and Surveying and Mapping Society of Georgia. Mr. Haynes seconded. The Board voted and unanimously approved the motion. Ms. Rodgers reported to the Board that the Committee denied the application for The HydEx Group, LLP.
- Ms. Rodgers informed the Board that the Committee is considering drafting language for a rule change proposal to require two-thirds of CPC credit in 1 Principles and Practice, and the remaining one-third can be unrelated to Principles and Practice provided the credit is gained through course work that requires an examination. For courses in Management, Leadership, Business and Human Resources licensees will be responsible for justifying how they meet the criteria of maintaining, improving and expanding their professional skills if audited.
- Ms. Rodgers mentioned that the committee is moving forward with getting information online for the CPC database.
- Ms. Rodgers informed the Board that in the upcoming months, Board members will be participating in a pilot program of auditing courses and sponsors.
- Mr. Pond mentioned that he has noticed that a large percentage of violations are based on lack of knowledge of Board rules and would like the CPC committee to consider having staff put on some annual training on the Board rules using that as a basis for encouraging licensees to be more proactive about learning the rules. He also mentioned possibly requiring those facing disciplinary action to attend the particular course in conjunction with ethics training. A discussion ensued regarding this matter.

6. Settlement Conference Recommendations

The Board considered the recommendation of the Settlement Conference Committee—Engineering on one (1) case conducted by Mr. Liles and Dr. Monroe on May 13, 2008 at 9:00. Mr. Joyner made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Thompson seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a suspension.

The Board considered the recommendation of the Settlement Conference Committee—Engineering on one (1) case conducted by Mr. Liles and Dr. Monroe on May 13, 2008 at 10:30. Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Pond seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand and restricted practice.

The Board considered the recommendation of the Settlement Conference Committee—Surveying on one (1) case conducted by Mr. Haynes and Ms. Rodgers on May 19, 2008 at 9:00. Mr. Pond made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Thompson seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a revocation.

The Board considered the recommendation of the Settlement Conference Committee—Surveying on one (1) case conducted by Mr. Haynes and Ms. Rodgers on May 19, 2008 at 10:30 as to an individual licensee. Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Tunstall seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a close case.

The Board considered the recommendation of the Settlement Conference Committee—Surveying on one (1) case conducted by Mr. Haynes and Ms. Rodgers on May 19, 2008 at 10:30 as to a corporation licensee. Ms. Rodgers made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Tunstall seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a close case.

The Board considered the recommendation of the Settlement Conference Committee—Surveying on one (1) case conducted by Mr. Liles and Ms. Rodgers on May 20, 2008 at 10:30. Mr. Tunstall made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Thompson seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand and restricted practice.

The Board considered the recommendation of the Settlement Conference Committee—Surveying on one (1) case conducted by Mr. Haynes and Ms. Rodgers on May 20, 2008 at 1:00. Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Thompson seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference Committee recommendation resulted in a continued case.

Mr. Pond requested that the Board consider publicizing violation activity, through the means of the Board newsletter which he would like to see more than once a year instead of as it is now. A discussion ensued as to what the Board has done in the past, what it is presently doing and various ways they can publish that information and how often. Mr. Liles has tasked Mr. Pond to head an ad-hoc task force regarding communication to the public regarding violation activity through the newsletters. Mr. Pond will work with staff and come back with a recommendation.

Break taken at 10:10 a.m.; continued at 10:35 a.m.

7. NCSS Fellows Program

Mr. Ritter gave a brief recap of the initial proposal and then introduced Ms. Peggy Fersner, A & T University Geomatics Coordinator and Ms. Dianna Vass, PhD, Director of Development. Ms. Fersner and Dr. Vass gave a presentation to the Board regarding a 3+2 years surveying recruitment program with the Board donating one hundred thousand dollars (\$100,000.00) for each of the first three (3) years. At the end the third year there will be a formal review of the program's progress with an option to renew for two more years. Ms. Melissa Beard, Executive Director of NCSS and her colleague, Mr. Frank Mundy, gave a presentation regarding the marketing aspect of the program which has been started. A website has been created (www.beasurveyor.com), which is at present up and running with live links. A discussion ensued

regarding the difference in dollar amounts between what the program is requesting from the Board and what the Board is prepared to donate. Mr. Pond made a motion that the Board contributes one hundred thousand dollars (\$100,000.00) the first year and eighty thousand dollars (\$80,000.00) for the second and third year with a renewable two (2) years at eighty thousand dollars (\$80,000.00) per year option. No one seconded and the motion died. Ms. Rodgers, as Acting Secretary, stated that she felt that the Board could donate fifty thousand dollars (\$50,000.00) with eighty thousand dollars (\$80,000) being the highest that can be expended without diminishing the Board's reserve. Dr. Ratcliff then made a motion to approve the investment in this program, with the caveat, that the expense budget that is presented to the Board is doable within the Board's contribution and budget. Mr. Joyner seconded the motion. A vote was taken and the motion was approved with one participating Board member voting against it. Dr. Monroe and Mr. Thompson recused themselves from discussion and voting. Mr. Pond then made a motion that the Board contributes eighty thousand dollars (\$80,000.00) for three (3) years with a a renewable two (2) years at eighty thousand dollars (\$80,000.00) per year option. A&T is to report back to the Board with an outline as to what the program will look like. Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved.

Recessed for lunch at 12:15pm; continued at 1:00 p.m.

Mr. Ritter introduced the paperless board information. A full report will be available at the July Board meeting. Board Members will be given an opportunity to read the report prior to the meeting so as to think of questions and provide input ready for presentation at the July Board meeting.

Dr. Ratcliff made a motion that the Board enter into closed session to consider and give instruction to an attorney concerning the handling or settlement of a claim, judicial action, meditation, arbitration, or administrative procedure. Mr. Joyner seconded. A vote was taken and the motion was approved. Mr. Liles recused himself from the closed session.

The Board resumed into open session.

8. Presentation by Tom Morgan, PLS, Land Records Manager, NC Department of the Secretary of State Certification and Filing Division on the e-record of plats.

Board Counsel David Tuttle introduced Mr. Morgan and questioned if present Board rules on electronic transmittal of files is adequate for the e-recording of plats. Mr. Ozie H. Stallworth, Electronic Notarization Analyst and Director of Certification and Filing, gave a presentation about electronically recording plats which would be considered legally accepted. Mr. Stallworth encouraged the Board to revisit the Board's rules to see if it is up-to-date, allowing new technology on recording plats as a part of the policy. Mr. Tuttle gave a brief summary of what the Board rules say, indicating that it does allow e-recordings where the received file is verified by the Register of Deeds office and would then be controlled as to the form in which it is released to the public.

9. Violations Activity

Assistant Executive Director David Evans gave a report on the Violation activity. There were seventy- five (75) cases opened thus far this fiscal year. There were twenty-nine (29) opened since the Board last met: twenty-four (24) licensees and five (5) non-licensees. There are one hundred forty-nine (149) cases open- fifty-six (56) of which are active or pending investigations. Forty-eight (48) cases are pending review committee. Since the Board last met one investigator resigned, leaving a bulk of the investigation work with the remaining two Investigators. Mr. Evans also made mention of one presentation that he gave on Ethics, accompanied by Ms. Cathy Kirk, Board Investigator, to the PENC Central Chapter.

10. Applications

The Board considered the following six (6) special agenda items:

1. Patrick Engineering, Inc. New Professional Corporation applicant wishes to use the name Patrick Engineering inc. "Patrick" is the middle name of the founding owner of the company who is not a licensee. Dr. Ratcliff moved that the Board approve the name and the application; Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously.
 2. Ross & Baruzzini. New Business Corporation applicant wishes to use the name of Mr. Baruzzini, who has retired from the firm and was a licensed engineer in the State of Missouri, in the firm name.
 3. Simmons & White, Inc. New Professional Corporation applicant wishes to use the name of a retired member of the firm, Mr. Simmons, who was a licensed engineer, in the firm name.
 4. Rowe Incorporated. New Business Corporation applicant wishes to use the name of Mr. Rowe, who is deceased and was a licensed engineer and surveyor in Michigan, in the firm name.
- Dr. Ratcliff moved that the Board approve the applications #2 – 4 for Ross & Baruzzini, Simmons & White, Inc., and Rowe Incorporated. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.
 - Baker NY, Inc. (F-1084) This licensed company wishes to change its name to Michael Baker Engineering, Inc. Mr. Baker was a licensed engineer and has since passed away. Ms. Rodgers moved that the Board approve the application; Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.
 - Engineered Telecomm Solutions, Inc. Company is requesting the Board to provide a Certificate of Exemption to their corporation so that they can obtain a Certificate of Authority in North Carolina using the name "Engineering Telecomm Solutions, Inc." They have indicated through an attached letter, follow up email and as indicated on the copies of the website that they are not offering engineering services. In the discussion it was noted that the April 9, 2008 letter (page 2 of the exhibit) stated that as part of the installation of microwave communication networks it lists the activity of "Tower and Civil Work – Tower work, antenna installation and site preparation. Mr. Pond made a motion to deny the application; Dr. Ratcliff seconded the motion. A vote was taken and the motion was denied.

The Board considered the request from Mr. Charles E. Murphy for Charles E. Murphy P.A. (C-0679) to use the d/b/a of SGI Engineering. A motion was made by Mr. Haynes and seconded by Mr. Thompson. This motion was voted upon and approved unanimously by the Board.

The Board considered the applications of twenty-seven (27) 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 Mr. Thompson 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. Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously.

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 the Board staff. Mr. Thompson 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 three (3) Name Change requests. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Haynes 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 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. Haynes 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 for seven (7) retired status requests. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Thompson moved that the Board approve the applications. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.

11. Old Business

Mr. Ritter presented to the Board a response letter from Mr. Upton regarding the Landscape Architect Board.

Mr. Ritter informed the Board that the dates for both Certificate ceremonies were inadvertently schedule on the same date. As soon as he receives word on the final dates, he will notify the Board.

Mr. Ritter presented the idea of a Board Member retreat. A discussion ensued regarding scheduling. Tentatively it is set for early November.

Mr. Ritter gave a brief recap on the Southern Zone meeting in Puerto Rico.

Dr. Ratcliff spoke on an issue that was discussed at the Southern Zone regarding the designation of the state licensee are registered in on their business cards. The decision was made to remove the state designation off the business cards.

Mr. Ritter gave an update on the NCEES annual meeting in Minnesota on August 13-16. Hotel rooms have already been booked. Mr. Ritter reminded everyone to register before the July 3rd deadline date and to make arrangements for air fare. Ms. Rodgers has elected to be the funded delegate. Dr. Monroe will not be present at this year's Annual meeting due to previous A & T engagements.

An email was included in the Board notebook indicating that Mr. Tuttle will be invited to participate in discussions on revising Chapter 2 of the building codes, with respect to the exemptions from requiring signed and sealed drawings for issuance of a building permit.

Mr. Ritter informed the Board that this year the ACEC meeting and the PENC meeting, which is normally held on two different dates will be a joint meeting this year, which brings up the need to amend the Board policy about sending one committee member at a time. Dr. Ratcliff made a motion to approve the funding of two engineering committee members to attend the joint ACEC/PENC meeting in North Carolina held in July; Mr. Joyner seconded the motion. A vote was taken and the motion was approved unanimously.

12. New Business

Mr. Ritter presented the Board with three (3) investigation cases that needed to be opened. Mr. Pond made a motion to open all three (3) cases; Dr. Monroe seconded the motion. A vote was taken and the Board voted unanimously to open the following cases:

1. Information presented by the Mecklenburg County Chief Building Code Administrator indicates that an individual might be in violation for practicing or offering to practice engineering without a license as required by G. S. 89C-23 and for using the "P.E." designation in violation of licensing required by G. S. 89C-23.
2. Information received from the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects indicates that a Professional Engineer was found guilty of felony or crime involving moral turpitude [G. S. 89C-23(a)(3)] and was revoked by another jurisdiction [G. S. 89C, .0701(h)].
3. Information obtained from a firm's web site indicates that the corporation may be in violation for practicing or offering to practice engineering without a license [G.S. 89C-24, and 55B].

13. Informational Items

- A letter from a Professional Society regarding B+ 30 and the response letter from NCEES.
- Official notification of the Engineering Award Program connecting professional practices and education which geared towards University student with a twenty-five thousand dollars (\$25,000.00) grand prize.
- Campaign flyer for Mr. Dave Whitman who is running for NCESS president-elect.
- Information regarding Colonial States meeting on August 13, 2008
- Irrigation Contractor Legislation.
- Recap article on Machine Control.
- Memo from NCEES regarding Examination changes to be made effective April 2009. This change will include three separate modules for the electrical PE exams whereas now there is a common morning exam.
- April 2008 edition of the Licensure Exchange.

Dr. Ratcliff made a motion to adjourn the meeting. Mr. Thompson seconded the motion. The Board formally adjourned on Thursday, June 12, 2008, at 3:56 p.m. The Board is next scheduled to meet on Thursday and Friday, July 24 and 25, 2008.

Respectfully submitted,



Dr. Joseph Monroe, Public Member
Secretary

Approved by the Board in Session

Date July 24, 2008

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 24, 2008

Raleigh, North Carolina

Board Chair Henry V. Liles, Jr., PE gaveled the North Carolina Board of Examiners into session at 9:30 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

John S. Tunstall, PE

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Henry V. Liles, Jr. 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 June 12, 2008 Board meeting had been sent to each Board member. Any changes were reflected in the final draft presented. Dr. Ratcliff presented some grammatical changes that needed to be made to the minutes. Mr. Haynes moved to approve the minutes; Mr. Thompson seconded the motion. The Board voted and the minutes were unanimously approved.

3. Request from Texas PE Board and Software Engineering Licensee Consortium that NCBELS support the development of a software engineering exam.

Mr. Ritter presented to the Board a request from the Texas PE Board. Because of a court issue between Texas PE Board and Dell Company 8-10 years ago, the Texas Board developed a Computer Engineering exam, in order that they can require Software Engineers to become licensed with the Texas Board. It has now become costly for the Texas Board to regenerate, annually, 8 hours of exam questions and would like NCEES to take over the expense. In taking the next step, Texas Board needs to have a minimum of ten (10) states request the exam to NCEES, in order that NCEES will take on the expense of generating the exam. Dr. Ratcliff moved to support the request. Mr. Pond seconded. The Board voted and the motion was unanimously approved.

4. Results of the FY2007 Audit

Mr. Ritter presented to the Board information regarding Fiscal Year 2007 Audit. For another consecutive year in a row, the Board received a 100% clean audit, however, received a management letter with suggestions from the Auditor on how to improve. There were three suggestions made- one regarding the renewal process and storing of checks, another was in regards to exam fee reconciliation, which has now been fixed in the database. The third suggestion presented was in regards to the need to have a back up check signer in the event Mr. Ritter was unable to sign. A discussion ensued. Dr. Ratcliff made a motion to

appoint Mr. Henry Liles, Jr. as the Associate Financial Member. Dr. Monroe seconded. The Board voted and the motion was approved unanimously.

5. Request from Barry Cobb, Attorney for Rochling Engineering Plastics, regarding obtaining a waiver from the firm licensure requirements.

Mr. Ritter introduced Mr. Cobb, Attorney for Rochling Engineering Plastics, whose request for their business name was denied. Mr. Cobb presented to the Board documents and reasons explaining why the company would like the Board to reconsider their decision and grant a waiver to allow them to use the name Rochling Engineering Plastics. The company is a subsidiary of a German corporation that has branches worldwide, most of which use the name Rochling Engineering Plastics. Dr. Ratcliff made a motion to grant the waiver. Dr. Monroe seconded the motion. The Board voted and unanimously approved the motion.

6. Request from Mary Holt, President of Engineered Telecomm Solutions, regarding obtaining a waiver from the firm licensure requirements.

Mr. Tuttle presented the letter of request to the Board. The initial decision by the Board was made due to some concerns expressed by the Board around the terms used by the company, including "civil site work". Mr. Tuttle presented further explanation as expressed by the company as to what the company actually does. A discussion ensued regarding the matter. Mr. Pond made a motion to approve the waiver. Mr. Haynes seconded. The Board voted and unanimously approved the motion.

7. Correspondence regarding the recruiter position at North Carolina A & T.

Mr. Ritter presented correspondence to the Board regarding the recruiter position at North Carolina A & T. They included a thank you letter from North Carolina Society of Surveyors, Inc.; a thank you letter from Peggy Fersner; and a letter to Dr. Monroe regarding the Board's annual contribution of eighty thousand dollars (\$80,000.00) through 2010. Mr. Pond reminded the Board that as stated in the previous minutes, A&T is to provide the Board an outline that will reflect what the program will look like now with eighty thousand dollars (\$80,000.00) instead of the initially requested one hundred thousand dollars (\$100,000.00).

8. Correspondence regarding ELSESES.

- ECU now has an engineering program up and running with the spring and fall cycle.
- Effective October 2009, the exam fees will increase from sixty-five dollars (\$65.00) to seventy-five dollars (\$75.00).
- Effective Spring 2009, The Electrical and Computer PE exam will no longer be a breadth and depth exam. Instead, the exam will consist of three separate exams divided by subdiscipline. These three sub disciplines will be as follows:
 1. Electrical and Computer- Power Examination
 2. Electrical and Computer-Computer Examination
 3. Electrical and Computer-Electrical and Electronics Examination

9. Information regarding North Carolina Floodplain Mapping Program.

Mr. Ritter presented to the Board an email from Ms. Leni Ward on behalf of the North Carolina Floodplain mapping program (NCFMP) in regards to a meeting being held about the future of the statewide mapping program. A discussion ensued as to who is the best person to represent the Board. Gary Thompson has opted to go to the meeting.

Break taken at 10:50 a.m.; continued at 11:00 a.m.

10. Settlement Conference Recommendations

The Board considered the recommendation of the Settlement Conference Committee—Engineering on one (1) case conducted by Mr. Liles and Dr. Monroe on July 18, 2008 by telephone. Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Haynes seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a closed case.

The Board considered the recommendation of the Settlement Conference Committee—Land Surveying on one (1) case conducted by Mr. Haynes and Dr. Monroe on July 18, 2008 by telephone. Mr. Thompson made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Joyner seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand and course(s).

The Board considered the recommendation of the Settlement Conference Committee—Engineering on one (1) case conducted by Mr. Tunstall and Dr. Monroe on July 18, 2008 by telephone. Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Haynes seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand and audit.

A discussion ensued regarding the manner (by telephone) in which the three settlement conferences were handled.

11. Review Committee Recommendations

The Board considered the recommendations of the Review Committee—Land Surveying on twenty-one (21) cases conducted on June 30, 2008 with Mr. Haynes. Mr. Joyner made a motion to accept the recommendations of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously. Mr. Thompson recused himself from discussion and voting. The Review Committee recommendations resulted in two (2) cease and desists letters; eight (8) closed cases; two (2) continuing investigations; three (3) reprimands; one (1) reprimand and civil penalty of one thousand dollars (\$1,000.00); one (1) reprimand, civil penalty of five hundred dollars (\$500.00) and course(s); one (1) reprimand, civil penalty of fifteen hundred dollars (\$1,500.00) and ethics; one (1) reprimand and civil penalty of two thousand dollars (\$2,000.00); one (1) reprimand and civil penalty of three thousand dollars (\$3,000.00); and one (1) three (3) month suspension, reprimand, civil penalty of two thousand dollars (\$2,000.00) and course(s).

The Board considered the recommendations of the Review Committee—Engineering on two (2) cases conducted on June 30, 2008 with Dr. Ratcliff via telephone. Ms. Rodgers made a motion to accept the recommendations of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in one (1) one (1) reprimand, civil penalty of five thousand dollars (\$5,000.00) and restricted practice; and one (1) three (3) month suspension and ethics course.

The Board considered the recommendation of the Review Committee—Engineering on one (1) case conducted on July 1, 2008 with Mr. Liles. Mr. Gilbert Alligood was used as a consultant on this case with Ms. Denise Stanford serving as Board Counsel. Ms. Rodgers made a motion to accept the recommendation of the Review Committee and Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously. Mr. Pond and Mr. Tunstall recused themselves from voting and discussion. The Review Committee recommendations resulted in a reprimand and civil penalty of three thousand dollars (\$3,000.00).

The Board considered the recommendations of the Review Committee—Engineering on twenty-three (23) cases conducted on the same day with Mr. Liles. Mr. Haynes made a motion to accept the

recommendations of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in four (4) cease and desists; fifteen (15) closed cases; two (2) suspensions; one (1) suspension and restricted practice; and one (1) reprimand and audit.

The Board considered the recommendations of the Review Committee—Surveying on two (2) cases conducted on July 1, 2008 with Mr. Joyner via telephone. Mr. Haynes recused himself from discussion and voting on case number one. Dr. Ratcliff made a motion to accept the recommendation of the Review Committee and Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously. On case two, both Mr. Haynes and Mr. Thompson recused themselves from discussion and voting. Dr. Ratcliff made a motion to accept the recommendation of the Review Committee and Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in one (1) closed case; and one (1) reprimand and civil penalty of one thousand dollars (\$1,000.00).

12. Committee Reports

Land Surveying Committee:

Mr. Tuttle received an email from Mr. Lloyd A. Kirk, PLS, Survey Manager at ANC Engineering, Inc., regarding a question about electronic field data collector files. This was referred to the Surveying Committee.

Mr. Ritter presented a letter regarding wetland boundary surveys. Mr. Thompson answered many of the questions asked and it was referred to the Surveying Committee.

Mr. Haynes mentioned that we had twenty (20) for the exam writing workshop.

Mr. Thompson mentioned that the Land Surveying Committee needs to schedule their annual meeting with the Surveying Society. Mr. Thompson also mentioned that while the Board is in Minnesota there will be a GICC meeting in Raleigh. Mr. David Evans was tasked to sit in on the meeting to represent the Board.

Engineering Committee:

Mr. Ritter presented an email from Mr. Pond regarding the reclaimed water issue. A letter is needed to endorse the issue on behalf of the Board. Dr. Ratcliff made a motion to respond to the question on reclaimed water as outlined in Mr. Pond's email. Dr. Monroe seconded. A vote was taken and the motion was approved unanimously.

Continuing Professional Competency Committee:

- Ms. Rodgers informed the Board that there were three (3) new sponsor applications for approval. Ms. Rodgers made a motion to approve all applications. Mr. Thompson seconded. The Board voted and unanimously approved the motion to approve the applications for American Power Conversions, Hamlin Sheet Metal and ITT FLYGT.
- Ms. Rodgers informed the Board that the committee did not get a chance to review the demo and will do so at a later time in the day.
- Ms. Rodgers mentioned that there was a review of the NCEES Institute section B Land development surveying courses and the committee is questioning a couple of their classes. Dr. Ratcliff has volunteered to monitor the class and report back to the Board her findings.
- Ms. Rodgers mentioned that it was brought to the committee's attention that two major CPC sponsors were not holding up to the standards of reporting their attendees in a timely manner. Further discussion will be had on the matter so as to make a decision on what course of action to take.

13. Violations

Assistant Executive Director David Evans reported that the case load is on average for this time of year. There were eighty-seven (87) cases open thus far, this fiscal year. There were twelve (12) open since the Board last met- 7 licensees and 5 non-licensees. There were one hundred forty-seven (147) cases open-fifty-eight (58) of which are active or pending investigations. Seventy-nine (79) were close so far this fiscal year. Clyde Alston and Eric Purvis were recently hired as the two newest investigators. Mr. Alston will be working from the board office and Mr. Purvis will be working out of his home in Kannapolis. Since the Board last met Ms. Cathy Kirk gave a presentation to the Triangle Chapter of the Society of Surveyors.

14. Applications

Mr. Mazanek provided the Board with an update with the firm licensure renewals.

The Board considered the following special application items:

1. **Keck & Wood, Inc.**, a new Business Corporation Applicant wishes to use the name of its two founders in the title of the company. Both Mr. Keck and Mr. Wood are former NC licensed engineers.
2. **Perkins & Will North Carolina, Inc.**, a new Professional Corporate Applicant wishes to use the name of its two founders in the title of the company. Both Mr. Perkins and Mr. Will were licensed Illinois Architects and the company is currently licensed with the NC Board of Architecture. The Board has historically approved the use of professionally licensed individuals in the titles of companies as long as the firm is licensed with the respective licensing Board.
3. **Faisant Associates, Incorporated**, a new Professional Corporate Applicant wishes to use the name of its founding owner in the title of the company. Mr. Faisant was a licensed engineer in Maryland.
4. **Sebesta Blomberg & Associates, Inc.**, a new Professional Corporate Applicant wishes to use the name of a retired member of the firm (Mr. Sebesta) in the title of the company. Mr. Sebesta is a licensed engineer in Minnesota.

Mr. Joyner moved that the Board approve items 1- 4; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

5. **Lose & Associates, Inc. (C-2895)** requests permission to continue using the name of Mr. Lose in the company name subsequent to his retirement. Ms. Rodgers moved that the Board approve; Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.
6. **Van Horn, Hoover & Associates, Inc.**, a new Professional Corporate Applicant wishes to use the name of one of its founding partners in the company name. Mr. Van Horn is a licensed surveyor in Ohio; however, the company is not qualifying to offer land surveying services in North Carolina at this time. The firm hopes to add land surveying to their North Carolina services later on once they are established in North Carolina. Mr. Joyner made a motion to deny. Mr. Thompson seconded the motion. A vote was taken and the motion was denied unanimously. Mr. Mazanek presented an alternative name of VHH Associates, Inc. Mr. Thompson made a motion that the Board approves the alternate name; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.
7. **4Front Engineered Solutions, Inc.**, a manufacturer of loading dock equipment supplying materials and parts requests to be allowed to use the word "engineered" in their name. They provide loading dock equipment and supply parts and materials to distributors. They do not hold out engineering to the public nor perform any engineering. **(Marketing Materials provided)**. Dr. Ratcliff made a motion to deny. Dr. Monroe seconded the motion. A vote was taken and the motion was denied unanimously.

8. **Engineered Electronics, Inc.**, a manufacturer of nurse call systems. The firm requests to be allowed to use "engineered" in their name. The firm installs their nurse call systems throughout the United States. The systems are designed by engineers but the firm does not provide engineering services as part of their business. **(Marketing Materials provided)**. Dr. Ratcliff made a motion to approve. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the following D/B/A requests:

9. **Chas H. Sells, Inc. (F-0891)** requests to use the d/b/a of WSP - Sells. Dr. Ratcliff made a motion to approve. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.
10. **Andrew Consulting Engineers, P.C. (C-2461)** requests to use the d/b/a of Investigative Engineers Association of Eastern North Carolina, A Division of Andrews Consulting Engineers, P.C. Mr. David Pond made a motion to approve. Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.
11. **Robert Derector, P.E., P.C.**, a new Professional Corporate Applicant wishes to use the d/b/a of Robert Derector Associates in addition to their legal name. Dr. Ratcliff made a motion to approve. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of twenty-two (22) 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. Dr. Ratcliff made a motion to approve the applications. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

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 the Board staff. Dr. Ratcliff moved that the Board approve the applications. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

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 the Board staff. Dr. Ratcliff made a motion to approve the applications. Dr. Monroe 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 corporation. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Dr. Ratcliff made a motion to approve the applications. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of three (3) Name Change requests. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Dr. Ratcliff made a motion to approve the applications. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

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

Lunch was taken at 12:30 p.m.; resumed at 1:15 p.m.

Ms. Rodgers provided an update from earlier in the committee reports to write a letter and try to get one sponsor to conform to the CPC requirements and a letter the other sponsor to come in and speak with the Committee regarding the CPC criteria.

15. Old Business

Mr. Ritter introduced the topic regarding the referral of Mr. Dykes to the Office of Administrative Hearings. They will conduct the hearing against him. Ms. Trisha Kerner will serve as the prosecuting attorney.

16. New Business

Mr. Pond presented the Board with the following recommendations regarding publicity of disciplinary actions:

1. Publish all disciplinary actions as part of our Board Minutes along with licensee's name.
2. Consider publishing quarterly newsletters to include disciplinary action taken, case studies and other pertinent business the Board and staff feel worthy for publishing. Forum for publication should be via e-mail since we currently maintain approximately 90% of licensees' e-mails.
3. Add a look-up feature to NCBELS current website to allow the public to view disciplinary history for any licensee. The Board currently has over 15 years of historical data which could be entered.
4. Starting in 2009 offer annually a 1- day seminar consisting of a half-day on the Board Rules and half-day on Ethics.

A discussion ensued about the recommendations. Mr. Pond moved to approve items two, three, and four with ten (10) years on recommendation 3. Mr. Joyner seconded the motion. A vote was taken and the Board voted unanimously. Mr. Joyner presented the discussion on making the one day seminar a professional setting.

Mr. Ritter presented the Board with three (3) investigation cases that needed to be opened. Dr. Monroe made a motion to open all three (3) cases. Mr. Thompson seconded the motion. A vote was taken and the Board voted unanimously to open the following cases:

1. Information considered by the Land Surveying Review Committee (Haynes) on June 30, 2008, indicates that a Professional Land Surveyor may be in violation of practicing outside his area of competence [.0701(c) (3)]; knowingly associating with a person or firm that is not properly licensed [.0701(g) (1)]; and failing to be completely objective and truthful in professional statements [.0701(d)].
2. Information considered by the Land Surveying Review Committee (Haynes) on June 30, 2008, indicates that a Professional Engineer may be in violation of practicing outside his area of competence [.0701(c) (3)].
3. Information received from the California Board for Professional Engineers and Land Surveyors indicates that a North Carolina Professional Engineer had his PE license revoked in California potentially in violation of G. S. 89C and Board Rule .0701(h).

Mr. Ritter presented the Board with a report given at the general PENC meeting. There were two hundred fifty (250) in attendance. Dr. Ratcliff and Mr. Pond both gave a brief recap on the PENC/ACEC meeting.

Mr. Ritter gave reminders about registration for Annual meeting in MN.

Mr. Ritter presented an issue regarding Canadian experience. More and more request whether

Canadian experience counts. At present, the Board recognizes Canadian degrees but not the experience. A discussion ensued and Mr. Tuttle brought out information from the statutes. It won't be made a policy.

Mr. Ritter presented information on the Board Retreat. It is tentatively set for November. Mr. Ritter presented information on the Certificate Ceremonies. At the Raleigh Ceremony, 43 Engineers and one Surveyor were present. Mr. Tuttle attended the Charlotte Ceremony with Mr. Pond. Mr. Ritter also spoke on some issues regarding the ceremonies and brought up the idea again of taking over the planning of the certificate ceremony. A discussion ensued about ideas in regards to taking control of the ceremonies.

17. Informational Items

- Transportation information in Minneapolis
- ZONE UPDATE
- Article in The Magazine for Professional Engineers naming Mr. David Pond an inductee into the 2008 NSPE Fellows.

18. Administrative Conferences

The Board formally adjourned on Thursday, July 24, 2008, at 3:20 p.m. The Board is next scheduled to meet on Thursday and Friday, September 11 and 12, 2008.

Respectfully submitted,



Dr. Joseph Monroe, Public Member
Secretary

Approved by the Board in Session

Date September 11, 2008

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 11, 2008

Raleigh, North Carolina

Board Chair Henry V. Liles, Jr., PE 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:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Henry V. Liles, Jr. 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 July 24, 2008 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. Thompson seconded the motion. The Board voted and the minutes were unanimously approved.

3. Request from Jesse Price, PLS regarding guidance with request to Wetland Boundary Mapping.

Mr. Ritter presented to the Board a request from Mr. Price with questions that needed answering. The Board decided to refer those questions to the Surveying committee for review and to be answered. Mr. Pond presented the idea of flagging these questions and their answers so that they can be added to the newsletter for information for other licensees.

4. Correspondence from Gary S. MacConnell, PE regarding engineering of Onsite Wastewater Systems.

Mr. Ritter presented to the Board Mr. MacConnell's correspondence regarding information regarding an issue with Onsite Wastewater Systems. The issue is regarding onsite septic systems where state regulation says that if the septic system is greater than three thousand gallons, it has to be done by a licensed engineer. A discussion ensued. Mr. Pond recommended not to engage in this matter but to refer to DENR-Division of Environmental Health (DEH) letting them know that the Board understands the situation and would like DEH's perspective on the issue. Mr. Tuttle mentioned that it is an overall issue but specific cases have been brought up on specific issues. The Board decided to send a letter to DEH with a copy of the original correspondence letting them know that the issue has been raised with the Board, which understands the regulations. The Board would like to hear DEH's perspective on the issue and will react accordingly to their response. The Surveying Committee will meet together at a later time to discuss the issue regarding the surveying aspect.

Mr. Ritter announced to the Board that Ms. Mellissa Beard has resigned from the Surveying Society and will be working at the North Carolina section of American Water Works Association and Water Environment Association. Mr. Ritter and the Board bestow best wishes to Ms. Beard and her future endeavors. Further discussion ensued on the great relationship the Board has had with the Surveying Society over the years and how will Ms. Beard's absence from the Surveying Society affect the progression of the Geomatics program at NC A & T and the recruiter position. Mr. Ritter also presented the idea of drafting a recognition letter for Ms. Beard and inviting her to a future Board meeting and presenting it to her.

5. Settlement Conference Recommendations

The Board considered the recommendations of the Settlement Conference Committee—Engineering on three (3) cases conducted by Mr. Tunstall and Dr. Monroe on August 4, 2008. Dr. Ratcliff made a motion to accept the first recommendation of the Settlement Conference Committee; Mr. Thompson seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a closed case. Ms. Rodgers made a motion to approve the second recommendation of the Settlement Conference Committee; Mr. Thompson seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand, civil penalty of five thousand dollars (\$5,000.00) and ethics course. Dr. Ratcliff made a motion to approve the third recommendation of the Settlement Conference Committee; Ms. Rodgers seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a revocation.

The Board considered the recommendations of the Settlement Conference Committee—Surveying on two (2) cases conducted by Mr. Joyner and Dr. Monroe on August 5, 2008. Ms. Rodgers made a motion to accept the first recommendation of the Settlement Conference Committee; Mr. Tunstall seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand, civil penalty of five hundred dollars (\$500.00) and course(s). Ms. Rodgers made a motion to approve the second recommendation of the Settlement Conference Committee; Mr. Haynes seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a closed case.

The Board considered the recommendations of the Settlement Conference Committee—Engineering on one (1) case conducted by Mr. Liles and Ms. Rodgers August 25, 2008. Mr. Tunstall made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Thompson seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in a reprimand, civil penalty of five thousand dollars (\$5,000.00) and restricted practice.

The Board considered the recommendations of the Settlement Conference Committee—Engineering on one (1) case conducted by Dr. Ratcliff and Ms. Rodgers on August 26, 2008. Mr. Haynes made a motion to accept the recommendation of the Settlement Conference Committee; Mr. Pond seconded the motion. A vote was taken and the case was approved unanimously. The Settlement Conference Committee recommendation resulted in an acceptance of a surrender of license.

6. Review Committee Recommendations

The Board considered the recommendations of the Review Committee—Land Surveying on one (1) case conducted on August 4, 2008 with Mr. Haynes via telephone. Mr. Haynes made a motion to accept the recommendations of the Review Committee and Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in a closed case.

7. Violations.

Assistant Executive Director David Evans reported that the case load was up from last year this time. There were one hundred seventeen (117) cases open thus far, this fiscal year. There were thirty (30) open since the Board last met. There were one hundred forty-one (141) cases open- seventy-nine (79) of which are with the investigators or pending investigations. Since the last Board meeting, Eric Purvis and Clyde Alston, the new Board investigators have been traveling with Cathy Kirk and Will Casey.

8. Applications

The Board considered the following special application items:

- **Giffles-Webster Engineers, Inc.**, new Business Corporation Applicant wishes to use the names of its firm's founders in the name of the company. Both Mr. Giffles and Mr. Webster were licensed engineers in Michigan. Dr. Ratcliff moved that the Board approve; Mr. Pond seconded the motion. A vote was taken and the motion was approved unanimously.
- **VHH Associates, Inc. (C-3274)** [Corporate name in Ohio is Van Horn, Hoover & Associates, Inc.]. VHH Associates, Inc. was approved at the last meeting to offer engineering under the assumed name of VHH Associates, Inc. The actual firm name was denied because the firm was not applying at the time to offer land surveying services and Mr. Van Horn is a licensed land surveyor but not an engineer thus the firm was not able to qualify to offer land surveying services as required by Board Rule .0902. **The firm has since gotten an owner of the firm licensed as a NC land surveyor and can now qualify as a land surveying firm. VHH Associates, Inc. is requesting to change their name to their actual corporate name of Van Horn, Hoover & Associates, Inc.** Dr. Ratcliff moved that the Board approve; Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.
- **Faisant Associates, Incorporated**, a new Professional Corporate Applicant wishes to use the name of **Mr. Sydney E. Chipman, P.E.** has requested to license a firm (Sole Proprietorship) called *Building Performance Engineers*, which will provide energy conservation and sustainable construction consulting services. Mr. Chipman currently owns and operates another firm (Sole Proprietorship) called *Criterion-Chipman Engineers (F-0421)*. Per Board Rule 0901(c), Mr. Chipman is requesting to operate both firms from the same location and he is 100% owner of both. Dr. Ratcliff moved that the Board approve; Mr. Pond seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of twenty-three (23) 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. Mr. Pond made a motion to approve the applications. Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of thirteen (13) 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. Mr. Tunstall 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 made a motion to approve the applications. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of two (2) firms for Chapter 87 corporations. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Dr.

Ratcliff made a motion to approve the applications. Mr. Pond seconded the motion. A vote was taken and the motion was approved unanimously.

The Board considered the applications of five (5) Name Change requests. The Board was advised that the applications had been reviewed and deemed in full compliance by the Board staff. Mr. Pond made a motion to approve the applications. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

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. Mr. Haynes moved that the Board approve the applications. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

9. Old Business

Mr. Ritter presented action items from the annual meeting in Minnesota. The Engineering Committee will review and discuss it at their Committee meeting.

10. New Business

Mr. Ritter presented the Board with four (4) investigation cases that needed to be opened. Mr. Thompson made a motion to open all four (4) cases. Dr. Monroe seconded the motion. A vote was taken and the Board voted unanimously to open the following cases:

1. Information received from the Alabama Board of Licensure for Professional Engineers and Land Surveyors indicates that a North Carolina Professional Engineer (Archived) had his PE license revoked in Alabama, potentially in violation of G. S. 89C and Board Rule .0701(h).
2. Information received from the Pennsylvania State Registration Board for Professional Engineers, Land Surveyors and Geologists indicates that a North Carolina Professional Engineer (Archived) was reprimanded and received an indefinite suspension in Pennsylvania, potentially in violation of G. S. 89C and Board Rule .0701(h). This individual is not eligible to petition for reinstatement in Pennsylvania until January 1, 2011.
3. Information from the 2007 CPC audit indicates that a Professional Engineer might be in violation for failing to maintain adequate CPC records [.1706] and failing to comply with the CPC audit requirements [.1712(a)].
4. Information received from a Professional Engineer indicates that an Architect may have practiced or offered to practice engineering without a license as required by G. S. 89C-23.

Mr. Ritter presented a motion for a shift in policy which is to set the 2009 Board meeting calendar at the October meeting. Dr. Ratcliff amended the motion to include setting the Review committees and Settlement conferences. Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

Mr. Ritter presented the topic of high speed internet reimbursement for the Board members when traveling. Hotels may have additional connection fees for high speed internet service and in the past the Board has been going on a case by case basis but would like to have a policy in place to pay for it. Dr. Ratcliff made a motion that there be made a policy for the Board to reimburse for high speed internet. Ms. Rodgers seconded the motion. A vote was taken and the motion was unanimously approved.

Mr. Ritter informed the Board that Mr. Thompson and Mr. Pond are up for reappointment and asked if the Board would like to write endorsement letters to the Governor stating their wishes to have both Mr. Thompson and Mr. Pond reappointed. Dr. Ratcliff made a motion to write endorsement letters for Mr.

Thompson and Mr. Pond. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

Mr. Ritter presented an idea to the Board regarding a consent agenda. The consent agenda will be sent to the Board members in advance, prior to the Board meeting. It will include, but is not limited to, the minutes, applications review, Review committee and Settlement committee recommendations and anything that is a routine part of every Board meeting. The consent agenda will be posted on the web for the Board members to review. This will not replace the Board Book that is presented on Board day.

Mr. Ritter informed the Board about an article in the News and Observer where the State Auditor is asking all licensing Boards to waive PDH requirements for those in the military serving on active duty. At present the Board already waives PDH requirements for those on active duty.

Mr. Ritter informed he is hosting the next Colonial States meeting to be held in Asheville, NC on October 17-18 at the Renaissance Hotel. While there, there will be a question writing workshop to be held on Math and Science. On October 30, 2008, Mr. Ritter and the Surveying committee will be hosting an exam writing workshop at the Board office.

Mr. Ritter updated the Board on the information regarding the Board Advance. It will be held on November 5 and 6, 2008. A facilitator will be used to run most of the meeting. Dr. Ratcliff mentioned that in addition to the facilitator, a leader is needed in order to make sure that the facilitator is on track with meeting the advance objectives. Mr. Liles appointed Dr. Ratcliff to be the leader for the Advance and Mr. Ritter will act as coordinator, receiving from the Board members their objectives for the meeting.

11. Informational Items

- Tenure Track Faculty position in Geomatics at NC A & T State University
- Memorandum regarding Engineer Your Life Volunteer opportunities
- Correspondence from Mr. Mark Kiel, Vice Chancellor at NC A & T State University, thanking the Board on the monetary gift.

Lunch was taken at 11:50 a.m.; resumed at 1:30 p.m.

12. Committee Reports

Continuing Professional Competency Committee:

- Ms. Rodgers informed the Board that there were five (5) new sponsor applications for approval. Ms. Rodgers made a motion to approve all applications. Mr. Thompson seconded. The Board voted and unanimously approved the motion to approve the applications for Johnson Controls, NC Coastal Federation, Patent Initiative, Syska Hennessy Group, and The HydEx Group, LLC. Dr. Ratcliff informed the Board that if a committee makes a motion to approve, a second is not needed.
- Ms. Rodgers presented the issue regarding a licensee, Mr. C. Neal Barr, PLS. Mr. Barr has requested exemption from the CPC requirements because of his disabilities and his need to be on dialysis. The committee has denied his request based upon the fact that he is able to get out and around and the committee feels that he is practicing some Surveying. The offer has been made for him to go inactive to which he has turned down the committee's suggestion.
- Ms. Rodgers introduced the Power Point presentation. The committee wishes to put CPC forms online to include audit, sponsors, licensee access to the sponsor information, etc. Mr. Evans presented the CPC power point presentation. The CPC committee would like to require that the CPC Sponsor applicants apply online. Payment will be accepted online and staff will receive an email alert that there is a pending application online. Staff will then notify the committee that there is a new application for them to review. Committee members can then log on to review that application via the Committee logon. Estimated cost to

implement this will be eighteen thousand dollars (\$18,000.00). Another item is for the Sponsors to maintain their records online using their sponsor numbers and pin number. The estimated cost for this would be three thousand dollars (\$3,000.00). Sponsors would also need to identify their general offerings (Engineering, Land Surveying) and staff would identify sub-disciplines (GIS, civil, rules and laws, electric, etc.) Also, the Committee would like to have links on the Board's website to the Sponsor's website for specific course offerings, dates, location and contacts. The estimated cost for this would be six thousand dollars (\$6,000.00). Presently, Sponsors are required to renew annually and no renewal fees are required. The Committee would like for sponsors to renew online which will in turn generate a report regarding the renewals and information for the sponsors. Once the rules go into effect, sponsors will be required to submit quarterly reports on what they have done. This would be done online. Also, one of the goals of the committee is to ramp up sponsor audits. Currently an online form has been created so that CPC members will be able to access and fill out the information. Mr. Thompson and Dr. Ratcliff will be the first CPC members to audit Institute courses in November. Licensees will also be able to do a sponsor look up from the website. Licensees will be able to maintain an online CPC log using their current pin number. When the rules have been changed it will require for the online log to be maintained. Mr. Ritter presented the idea of increasing the fees. A discussion ensued on where the Board is financially and if the need is there to increase the fees. Ms. Rodgers made a motion to increase the fees by ten dollars (\$10.00). Mr. Pond seconded. Ms. Rodgers amended the motion to increase the fees by ten dollars (\$10.00) for individual and firm licenses and those fees go into the rule making that is going to happen. Mr. Pond seconded. A vote was taken and the motion was approved unanimously. Ms. Rodgers made a motion to approve the recommendation of CPC's procedural changes and incumbent financial changes and initial hired staff member. A vote was taken and the motion was approved unanimously.

Engineering Committee:

- Dr. Ratcliff reported to the Board committee updates. The Committee did a brief recap of the Annual meeting in Minnesota. Mr. Pond did a great job of doing a recap of the meeting in MN. The committee also discussed the pursuit of the Professional Practice exam and decided to recommend that North Carolina not support the pursuit of a Professional Practice exam until two issues are made clear. The first being that the committee does not believe the Professional Practice exam should be a business Practice exam. The second reason is that North Carolina shouldn't support it unless it is incorporated as a part of the second 8 hour exam.
- Dr. Ratcliff presented another item that was discussed which was a result of a discussion that came up at the Engineering forum regarding crane operation failures. With the recent incidents with crane operation failing, the committee tasked Mr. Tuttle with evaluating the Board's Industrial exemption and how it relates to crane operation failures and crane design.
- Dr. Ratcliff presented the topic about BIM-Building Information Modeling which is the engineering version of GIS.
- Dr. Ratcliff also presented the topic of pursuing making statute changes that give the Board jurisdiction over unlicensed practice. Currently other states have jurisdiction over unlicensed practice. Dr. Ratcliff presented the idea of creating an ad-hoc group from the Engineering committee to put a position paper together so as to identify the audiences and communicate with them. Also mentioned was the need for a meeting to be set up with PENC meeting.
- Dr. Ratcliff gave an update from the Committee on a list of objectives for the advance.

Land Surveying Committee:

- Mr. Haynes mention that the surveying Society should have their annual meeting before the NC Board's October meeting.

- Mr. Haynes presented the idea of combining the surveying exam parts B & C. The Surveying committee will do further research and will have a full discussion regarding this matter at the October meeting.
- Mr. Thompson presented the issue on Model rules regarding inclusions and exclusions of surveying. This is one of the items that GIS requested that the Board adopt as Board policy. Mr. Ritter will provide the Board members a copy of the inclusions and exclusions for review at the next Board meeting. GICC was supposed to provide the Board with a list of activities they would like the Board to do. As of recent, they had not provided that list. The Surveying committee would like for Mr. Ritter to contact GICC in order that the Board can reply back to them.
- Mr. Thompson mention that the septic tank issue was not discussed and information will be presented at the next Board meeting.
- Dr. Ratcliff presented a topic on the reconstruction of the agenda that is presented to the Board members.
- Mr. Ritter presented the topic of the February Meeting. A discussion ensued. The Board decided to have Committee meetings on noon of Wednesday and have the Board meeting on Thursday.
- Mr. Thompson and Mr. Liles gave a recap on the Floodplain Mapping meeting.

13. Administrative Conferences

The Board formally adjourned on Thursday, September 11, 2008, at 3:15 p.m. The Board is next scheduled to meet on Thursday and Friday, October 9 and 10, 2008.

Respectfully submitted,



Dr. Joseph Monroe
Secretary

Approved by the Board in Session

Date October 9, 2008

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 9, 2008

Raleigh, North Carolina

Board Chair Henry V. Liles, Jr., PE gaveled the North Carolina Board of Examiners into session at 10:15 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Henry V. Liles, Jr. 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. Dr. Monroe and Mr. Thompson recused themselves from voting and discussion regarding the NC A&T presentation. Dr. Ratcliff indicated that there may be a potential conflict and will, if needed, recuse herself from voting and discussion at that time. The Chair asked that this information be reflected in the Board minutes.

2. Consent Agenda

The Executive Director reported that copies of the first consent agenda had been sent to each Board member. The consent agenda included the minutes, Review Committee recommendations, applications for Professional Corporations, Professional Limited Liability Companies, Firms, Request to Change Company Name, Comity and Retired list. A discussion ensued on how to best handle consent agendas and what should be included in the consent agenda. Dr. Ratcliff moved to approve the consent agenda; Dr. Monroe seconded the motion. The Board voted and the minutes were unanimously approved.

3. North Carolina A & T Presentation

Ms. Peggy Fersner, PE gave a presentation on the status of the Geomatics program. The recruitment position has been advertised.

4. Committee Reports

Land Surveying Committee:

- Mr. Thompson discussed the topic on inclusions and exclusions in relationship to the GICC. The Surveying Committee will seek input from the Surveying Society at a meeting in October and will come back to the December Board meeting read to take action. The Surveying Committee is scheduled to meet with Colonial States and will receive some input at that meeting as well.
- Mr. Ritter informed the Board that this year's Colonial States meeting will be hosted by North Carolina on October 17th and 18th in Asheville. On the agenda at this meeting will be an exam writing session.

- The Surveying Committee is hosting an exam writing workshop for the state exam here at the board office on October 30, 2008. Those participating will receive PDH credits for every question accepted.
- Dr. Monroe will host the next Surveying Committee/ NCSS Board meeting.

Engineering Committee:

- Dr. Ratcliff informed the Board that the Engineering Committee is in support of the Model Rules being used as a guide with the exception of section 6.
- Dr. Ratcliff spoke on the topic of cranes. At the request of the Board, Mr. Tuttle made an inquiry of the NC Department of Labor who were in the process of getting a draft set of rules together. The draft rules were reviewed by the Committee, who discovered some problems. After getting an update on the Arizona issue, they will provide the necessary feedback.
- Dr. Ratcliff discussed the issue regarding waste water and what does or doesn't constitute engineering when it comes to onsite septic. The Committee will go back to the original recommendation to have Mr. Tuttle draft a letter to DENR. (Later revised to have Mr. Pond work with existing committee of PENC to interface with DENR.)
- Mr. Ritter is working on scheduling a meeting with the PENC executive committee and the Engineering committee.
- A new task force is being established which will go by the name LEED Certification. Mr. Pond has been nominated to be on the task force.

CPC Committee

- Ms. Rodgers informed the Board that there was one new sponsor application for approval. Ms. Rodgers made a motion to approve the application. Mr. Haynes seconded. The Board voted and unanimously approved the application for Kellenberger Engineering, Inc.
- Ms. Rodgers provided the Board with a CPC audit update and discussed the new CPC staff position that will be filled by Martha Michalowski when she moves from handling renewals.
- Ms. Rodgers and Mr. Tuttle spoke about the CPC rule changes. Rules Review Commission had some wording issues which were minor word changes in order to make it consistent.
- Mr. Pond initiated a discussion about the benefits, or lack thereof, to being a Sponsor. With the Rules revisions courses will not automatically be deemed approved simply because they are provided by a sponsor.

Lunch was taken at 11:45 p.m.; resumed at 12:50 p.m.

5. Violations

Assistant Executive Director David Evans gave a report to the Board on the violation activity since the Board last met. There were one hundred twenty-nine (129) cases opened thus far, this fiscal year. There were twelve (12) opened since the Board last met. There were one hundred forty-five (145) cases open-seventy-five (75) of which are active or pending investigation. There were one hundred twenty-three (123) cases closed thus far, this fiscal year. There were one hundred twenty-five (125) cases taken to the review committee thus far, this fiscal year. Mr. Pond complimented Mr. Evans and staff on the write-ups for the review committee.

6. Applications

The Board considered the following special application items:

- **Fletcher Thompson Architecture Engineering, PLLC** requests licensure using the name of its founders in the founders in the company title. Both individuals were licensed engineers in Connecticut. Both individuals are deceased.
- **Bob D. Campbell and Company** requests licensure using the name of its founder in the company title. Mr. Campbell was licensed in Missouri and is now retired.

Mr. Pond moved that the Board approve both applications. Mr. Tunstall seconded the motion. A vote was taken and the Board voted unanimously to approve both applications.

7. Approval of 2009 Fiscal Year Budget

Mr. Ritter presented the 2009 Fiscal Year Budget for approval. Dr. Ratcliff moved that the Board approve the Budget. Ms. Rodgers seconded the motion. A vote was taken and the Board voted unanimously to approve.

8. Approval of 2009 Board Calendar

Mr. Ritter presented the 2009 Board Calendar. The Board meetings will be set on a Wednesday/Thursday schedule. Wednesdays will be used for the CPC meeting. On *the* Thursdays, the Engineering and Surveying Committees will meet at 8:30 a.m. and will be followed by the Board meeting. For the September and February application reviews, the Board will meet at noon on the Wednesday, to be scheduled for after the CPC meeting. The Fridays will be blocked for potential disciplinary hearings and will be released for availability three months prior to the Board meeting if there is not a Hearing scheduled. Ms. Rodgers made a request that the October Board meeting be moved to November 4 and 5, 2009. The Board accepted the request and Mr. Ritter will modify the calendar accordingly. Dr. Ratcliff has tasked staff to draft a calendar for the Settlement Conferences and Review Committees to be presented at the December Board meeting for review.

9. Old Business

Mr. Ritter made a motion that the Board go into closed session to instruct staff on the amount of compensation and other material terms of an employment contract. Dr. Ratcliff seconded. The Board voted and unanimously approved to go into executive session.

The Board resumed into open session.

- Mr. Ritter informed the Board that the reappointment request letters for Mr. Pond and Mr. Thompson were written and sent to the Governor. We have since received acknowledgment letters from the Governor regarding those letters sent. Mr. Pond and Mr. Thompson have been scheduled to meet with the appointment secretary at the Governor's office.
- Mr. Ritter presented a letter sent from NCSS assuring the Board of their vested interest in the recruitment position at NC A&T despite Ms. Beard's departure.
- Mr. Ritter presented a letter from Pinehurst regarding attire.
- Mr. Ritter presented the Exam Roster results.
- Mr. Ritter briefly reported to the Board about his presentation at UNC-Charlotte. One hundred seventy (170) students were in attendance.
- Mr. Ritter briefly reported to the Board on his presentation to the Biological and Agricultural Engineering Department at NC State University. Forty-one (41) students were in attendance.
- Mr. Ritter briefly reported to the Board about his meeting with the NC Property Mappers Association.
- Mr. Ritter reminded the Board that he will be heading to Clemson, SC for a meeting with NCEES and all Executive Directors October 14th through the 17th.
- Mr. Ritter gave an update on the Board Room renovations. Dr. Ratcliff made a motion that the Board grant staff permission to make a decision, if necessary between now and the Board advance in November, with regard to leasing the adjacent office space. Dr. Monroe seconded. The matter was discussed. Dr. Ratcliff modified her motion that Mr. Ritter begin to move forward with negotiating a lease for the additional office space. Dr. Monroe seconded. The Board voted and unanimously approved the motion.

10. New Business

Mr. Ritter mentioned that Mr. Pond's name will be sent to NCEES for the LEED Certification task force.

Mr. Ritter presented the Board ten (10) investigation cases that needed to be opened. Dr. Ratcliff made a motion to open all ten (10) cases. Mr. Tunstall 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 failed to comply with the annual CPC requirements [.1703] and submitted false information on the 2008 license renewal form [G. S. 89C-23].
2. As a result of a random CPC audit, it is alleged that a Professional Engineer failed to comply with the annual CPC requirements [.1703] and submitted false information on the 2008 license renewal form [G. S. 89C-23].
3. As a result of a random CPC audit, it is alleged that a Professional Engineer failed to maintain adequate CPC records [.1706].
4. As a result of a random CPC audit, it is alleged that a Professional Engineer failed to comply with the annual CPC requirements [.1703].
5. As a result of a random CPC audit, it is alleged that a Professional Engineer failed to comply with the annual CPC requirements [.1703] and submitted false information on the 2008 license renewal form [G. S. 89C-23].
6. Information reviewed by the Engineering Review Committee on September 25, 2008 (Pond) indicates that an individual may have practiced or offered to practice land surveying without being licensed as required by G.S. 89C-23.
7. Information reviewed by the Engineering Review Committee on September 25, 2008 (Pond) indicates that a corporation may have practiced or offered to practice land surveying without being licensed as required by G.S. 89C-24 and 55B.
8. Information reviewed by the Engineering Review Committee on September 25, 2008 (Pond) indicates that an individual may have practiced or offered to practice land surveying without being licensed as required by G.S. 89C-23.
9. Information reviewed by the Engineering Review Committee on September 25, 2008 (Pond) indicates that a corporation may have practiced or offered to practice land surveying without being licensed as required by G.S. 89C-24 and 55B.
10. According to David Tuttle's e-mail to you on September 29th, the Surveying Committee is recommending that a case be opened against a firm for a wastewater design that included survey data that is not referenced to a source and appears as a map of survey. The charge will be practicing or offering to practice land surveying without a license as required by G. S. 89C-24 and 55B.

Dr. Ratcliff and Dr. Monroe discussed a potential replacement for Dr. Monroe on the Board. Mr. Lee O. Parish is an Assistant Dean for Student Development at NC A&T. Dr. Ratcliff made a motion to write a letter of recommendation to the Governor endorsing Mr. Parish. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously. Dr. Monroe recused himself from voting.

Mr. Ritter informed the Board that Mr. Tuttle has submitted the Proposed Rule Revisions to the Rules Review Commission for an unofficial review where they will mark for changes and give it back prior to publication in the NC Register and submittal for an official review by the Rules Review Commission. Mr. Pond made a motion to approve the final changes. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

Mr. Ritter gave a brief update on the Dykes case that is referred to the Office of Administrative Hearings.

11. Informational Items

- Zone Update October 2008 Edition.
- N.C. Ethics Commission Volume 11 Issue 2 SEC Study Edition August 2008 Edition.
- N.C. Ethics Commission Volume 11 Issue 1 Legislative Update August 2008 Edition.

12. Administrative Conferences

The Board formally adjourned on Thursday, October 9, 2008, at 3:30 p.m. The Board is next scheduled to meet on Wednesday and Thursday, November 5 and 6, 2008.

Respectfully submitted,



Dr. Joseph Monroe
Secretary

Approved by the Board in Session

Date December 11, 2008

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

November 5 & 6, 2008

Pinehurst, North Carolina

Board Chair Henry V. Liles, Jr., PE gaveled the North Carolina Board of Examiners into session at 8:15 a.m. to convene its strategic planning session for the Board. Board members present were:

Present:

Henry V. Liles, Jr., PE, Chair
Nils W. Joyner, Jr., PLS, Vice Chair
Dr. Joseph Monroe, Public Member, Secretary
David L. Pond, PE
Dr. Teresa H. Ratcliff, PhD, PE
Doris M. Rodgers, Public Member
Gary W. Thompson, PLS
John S. Tunstall, PE

Absent:

J. Glenn Haynes, PLS

The Board had previously identified twelve issues that were listed as potential discussion items for the strategic planning session. The Board first agreed to limit the substantive discussion items to three of those issues and those would be determined by Board vote and then the remaining items would be classified as either "Parking Lot" items or "Nike (Just Do It)" items.

The following issues were identified as the top three (in order of vote):

- Continuing Professional Competency (7votes)
- Legislative Activity (6 1/2 votes)
- Communications (6 votes)

The Board discussed CPC at length and identified the following discussion points:

- What is the problem?
- Are we making a mountain out of a mole hill?
- What is the definition of CPC?
- Technical classes v. non-technical classes
- Sponsor issues
- Syncing with the model law
- Should there be required components of CPC such as ethics and North Carolina specific classes
- What counts?
- What is the Board going to do to increase regulatory effectiveness
- Flexibility

After discussion, the Board identified the following action items regarding CPC:

- Agreed to adopt a new/clarification policy at the December Board meeting that introduced more flexibility to what the Board would count as professional development hours (pdhs). The proposed policy would personalize pdhs to the licensee and the audit requirement would be "for the licensee to document how/why the pdhs the licensee is claiming meets the enhance, improve, maintain criteria of the Board statute and rules."
- Rewrite statute/rule/policy to reflect the Board's policy interpretation and the requirement that licensees take pdhs from approved sponsors only.
- Establish CPC audit process for sponsors and those sponsors do not have to send in reports until audited.

The Board then discussed legislative activity and identified the following issues:

- Unlicensed activity.
- What do we mean?
- What is the purpose of the Board and how can the Board better protect the public and carry out its core mission.
The Board let's issues drift
- Is the Board aggressive enough?
- Sharpen focus and how is that accomplished.
- Codify process.
- Does the Board want to become more politically active?

After discussion, the Board identified the following action items:

- The Board agreed that there should be a paradigm shift from its current culture of not being politically active and make a conscious effort to become more politically active.
- The Board wants to continue to be active in future Board member appointments.
- The Board wants to routinely review suggested statutory and rule changes via engineering and surveying committee meetings.

The Board then discussed communications. The first item discussed was who were the Board's communication publics and the following was identified:

- Licensees
- Regulatory agencies
- Educational bodies
- Professional societies
- General public

A matrix was then developed that covered what types of instruments would be used to communicate with the publics and how frequently.

Two items were then discussed and were placed in the "parking lot". They are:

- Ideal replacement for upcoming Board member openings.
- Speakers bureau

The following issues were discussed and were classified as Nike items:

- Internal Processes such as applications.
- A resolving pending item system to bring closure on committee issues.
- GIS – place on planning agenda item to create strategy with a goal of resolution in January.
- Future direction of investigations – place on planning agenda with a goal of having investigative timeline presented to the Board in January.
- Board room renovation and expansion – place on planning agenda with update at December meeting.
- NCEES and the possibility of Board members running for NCEES office. In addition, it was discussed that the Board needs to develop a concise strategy prior to Zone meetings and the annual meeting.

The issue of the relationship with professional societies was discussed to include the Board taking over the certificate ceremony and the Board's plan to put on an ethics themed CPC program in 2009. The issue was referred to the respective committees for discussion.

The issue of revisiting the Board's policy on foreign experience to be counted for licensure was discussed. The Board agreed that issue needed to be revisited and placed on the agenda for the December Board meeting.

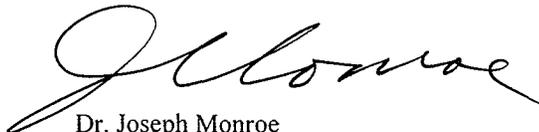
The Board directed the Executive Director to develop a pending item system and to have a report on pending action items on the agenda at every Board meeting.

The Board discussed replacing actual signatures on licensee certificates with computerized signatures. The Board was in favor of this idea and would like to proceed in that direction.

The Board then agreed that the strategic planning session was a very productive exercise and exceeded everyone's expectations. The Board also agreed that the session should be an annual occurrence and scheduled the 2009 session for the November Board meeting slot.

There being no further discussion items the strategic planning session was adjourned at 11:00AM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Monroe".

Dr. Joseph Monroe
Secretary

Approved by the Board in Session

Date December 12, 2008

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 11 and 12, 2008

Raleigh, North Carolina

Board Chair Henry V. Liles, Jr., PE 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:

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

Absent:

1. Hearing: Randy A. Carpenter – Case No. V07-006 (9:00 am Thursday, December 11, 2008).

Present:

Henry V. Liles, Jr., Presiding
Nils W. Joyner, Jr.
Joseph Monroe
David L. Pond
Teresa H. Ratcliff
John S. Tunstall

Rescused:

J. Glenn Haynes
Gary W. Thompson
Doris M. Rodgers

Respondent's Counsel: Randy A. Carpenter
Board Counsel: David S. Tuttle
Advisory Counsel to Board: Ms. Denise Sanford/Bailey & Dixon, LLP

The Board conducted a hearing and deliberated on the matter.

2. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Henry V. Liles, Jr. 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.

3. Consent Agenda

The Executive Director, Andrew Ritter, reported the consent agenda was sent to each Board member with links to all consent agenda items linked to the web site. The consent agenda included the minutes, Review Committee recommendations, Settlement Conference recommendations, applications for Professional Corporations, Professional Limited Liability Companies, Firms, Request to Change Company Name, Comity and Retired list. Dr. Ratcliff moved to approve the consent agenda; Dr. Monroe seconded the motion. The Board voted and the consent agenda was unanimously approved.

Before Mr. Ritter continued to Item 4 of the agenda, he introduced Shirley Ditt, the new assistant for the Executive Director and Board Counsel and Eric Purvis, the newly hired investigator working in the western part of the state.

4. Notice of Board Member re-appointments.

Mr. Ritter announced Governor Michael F. Easley reappointed Mr. Gary W. Thompson, PLS and Mr. David L. Pond, PE to the Board for additional five year terms each expiring December 31, 2013. Dr. Ratcliff expressed that it is important to show equal respect for all members of the board regarding titles.

5. Appointment of Associate and Emeritus Members to the North Carolina Board and to the National Council of Examiners for Engineering and Surveying.

Every December NCEES requests the Board review appointments for Associate and Emeritus Members. No action is needed for members to remain as Associate or Emeritus Members. Action is needed to add or remove someone.

Mr. Tunstall moved to delete Luther W. Blume and to add Eric L. Purvis and Clyde A. Alston as Associate Members. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

Mr. Ritter stated he thought George E. Freeman was added last year; however, he is not on the NCEES list. Mr. Haynes moved to approve adding George E. Freeman, PE, PLS as an Emeritus member. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.

A letter will be sent to NCEES informing them of the Board's nominations and removal request, as well as a letter being sent to the Emeritus Members informing them of their positions.

6. NCEES Activities

- Mr. Ritter presented an email requesting the support of the Board for Gene Dinkins, PE, PLS and Current Southern Zone Vice President as he seeks the position of NCEES Treasurer and for Gary Thompson, PLS as he runs for NCEES Southern Zone Vice President. Mr. Thompson and several board members have begun contacting other states for their support. Mr. Thompson requests the assistance of the Board.
- Mr. Ritter reported that the 2009 Southern Zone Interim Meeting will be held May 14-16 in New Orleans. One member is paid for by the Southern Zone. Ms. Rodgers and Mr. Haynes expressed interest. Mr. Ritter will check prices and let them know.
- Mr. Ritter reported that he and Dr. Ratcliff will be attending the NCEES Board Presidents' Assembly February 19-21, 2009 in Atlanta and will report back to the Board.
- Mr. Ritter presented for discussion an email received from Jerry Carter, Executive Director of NCEES that requires board action. NCEES has been unable to provide evaluations for candidates who have graduated from engineering programs from Iraq and Afghanistan. NCEES is proposing that the Center make an exception for candidates from Iraq and Afghanistan until stability returns to that region to complete the evaluations based on information that they are able to obtain and which the candidates may provide. The staff, while not firm, was not in favor of the resolution believing if a full transcript from a college cannot be furnished, it can be revisited later; it's easier not to license than to have to rescind a license. There was no comment or motion regarding said proposal.

7. Committee Reports

Continuing Professional Competency Committee

- Ms. Rodgers informed the Board that the Committee had met and Ms. Rodgers made the motion that three new applications for Keika Ventures/LLC, Eduwhere, Newcomb and Company and Synergy Engineering, PA be approved for sponsorship. The motion being made by a committee needed no second and the motion was approved unanimously.

- Miscellaneous items included a) working on computerization; b) sponsor audit updates and c) issues discussed in the retreat including working on getting new rules in place for next year.

8. Violations

- Assistant Executive Director, David Evans reported that in 2008, 38% of the cases opened were for PE's and 30% were for PLS's which was reversed from previous years. There were 151 cases opened in 2008 which is the most in the previous 10 years so the timing of hiring a new board investigator was important. One hundred thirty-six cases were closed in 2008 with 17 closings since the last board meeting (October 9). Twenty-four (24) cases have been opened since the last Board meeting for a total of 152 open cases, 77 of which are with the investigators or pending investigation. One hundred thirty-six cases were closed in the fiscal year 2008, four in the fiscal year 2009 with 17 being closed since the last Board Meeting. In 2008, 126 cases were presented to the Review Committee and 39 cases are pending the next round for the Review Committee.
- Per the request of the Board from the retreat, Mr. Evans coordinated with David Tuttle, Board Counsel and prepared a Disciplinary Timetable for the Board's review and comments. Dr. Ratcliff suggested a PERT chart with decision nodules would provide better analysis to show choke points. Discussion ensued regarding establishing chokepoints and the reasonable time a person charged should have a resolution to their case. The question to be answered is: Is the board being anemic with the resources provided while setting expectations that are unrealistic? The board would like to set reasonable benchmarks. Mr. Ritter shared through his experience each investigator should be able to produce 40 investigations per year and the best case scenario for the completion of a case is four months. Mr. Ritter also stated this is the first time in 15 years the Board has had four investigators. The Board could establish how long they want the average case to take, and then measure ourselves against that standard. When the Board sees the period is longer than the period decided, then an adjustment would need to be made. Possible adjustments mentioned besides investigators included attorney time required, scheduling settlement conferences, number of board members and number of public board members. Mr. Evans will furnish the Disciplinary Timetable in a different format for the next Board meeting.

9. Applications

Special Agenda items needing Board Approval

The Board considered the following special application items:

- Martin Group of Engineering of S.D., Inc. New applicant wishes to obtain licensure in North Carolina using the name of its founder, Mr. Doug Martin who was a licensed engineer in South Dakota and has passed away.
- Crain Atlantis Engineering, Inc. New Applicant wishes to obtain licensure in North Carolina using the name of its founder, Mr. Robert L. Crain, a licensed engineer in Florida and has passed away.

Ms. Rodgers moved that the Board approve the Martin Group of Engineering of S.D., Inc. and Crain Atlantis Engineering, Inc. applications; Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

- Well Done Engineering, PLLC – New applicant wishes to obtain licensure in North Carolina using the afore-mentioned name. This name was brought before the Board for possibly being misleading. Mr. Joyner moved that the Board deny the application for WellDone Engineering, PLLC; Mr. Tunstall seconded the motion and the motion was approved unanimously.
- Engineered Structure, Inc. wishes to obtain a North Carolina Certificate of Authority to perform General Contracting. The firm is a General Contractor in the State of Georgia and wants to do a project in North Carolina. The firm has agreed to not use their legal name in North Carolina and to operate as ES Carolina, Inc. All engineering is being done by subcontractors and they do not perform engineering services in Georgia nor do they intend to do so in North Carolina. The North Carolina Secretary of State is requiring them to obtain approval from this Board even though they are using an assumed name due to their legal name containing the word "Engineered". Mr.

Joyner moved that the Board approve the use of ES Carolina, Inc. in North Carolina; Mr. Tunstall seconded the motion and the motion was approved unanimously.

10. Pending Action Items

Mr. Ritter presented a list of all items coming out of the retreat to place in the board book. Mr. Ritter's highlights follow:

- Board Room Renovation – Mr. Ritter contacted the leasing agent, got a mark up and passed it on to Dr. Ratcliff. Dr. Ratcliff indicated it was close enough to obtain pricing. Leasing and costs information will be available for the January Board meeting.
- Investigations – already discussed – will bring back in January in a different format.
- GIS / Surveying -after survey meeting tomorrow.
- Committee work to develop closed loop system. Mark Mazanek was assigned to surveying and David Evans to engineering as committee liaisons. Board members will see immediate changes at committee meetings which are closed loop wrap around on correspondence we've sent out and email responses we've given.
- Application overhaul – Surveying is finished; nothing on engineering. Pricing information is being obtained on the new file system. It is expensive. A costs analysis will be done. The only suggestion from the Engineering Committee is to bring emeritus members in to assist.
- Newsletter is on track for 1st quarter in February.
- Laws and Rules – continuous with nothing to report.
- CPC – committee items are in progress.

Dr. Ratcliff suggested the director should add items that show we're moving toward a paperless office. The process for adding new items to the pending list was discussed. Two new items to be added: (1) develop a program for investigations to follow and (2) recommendation by Denise Stanford to Board members during the Carpenter Hearing that all board initiated cases be sworn to and notarized. Mr. Tuttle expressed concern that in determining who signs the complaint that person's role in the process should be considered with respect to a possible conflict at some point.; Dr. Ratcliff stated those members of the Board in the hearing agreed that an Affidavit was needed on board initiated cases. This can be done immediately.

The Board discussed how staff is to proceed when someone gives a Board member a map, does not want to file a complaint and the Board member gives the map to staff with the request to handle. The consensus was a procedure is needed for handling this situation. Suggestions included sending a letter and placing the individual on notice and providing education rather than prosecution to try to achieve compliance. Mr. Pond suggested if there's a filed complaint through normal due diligence to go through the formal process. If someone gives a Board Member a plat which he has a concern about and doesn't want to file a complaint, that the Board write a informal letter stating the Board has received information we're concerned about, addressing the issue and placing the issue on follow up. Mr. Ritter agreed and mentioned treating individuals like firms. The Chair requested it be made a pending item from Mr. Evans and Mr. Ritter to be discussed at the next board meeting.

Friday morning, the Chair stated additional clarification is needed regarding the above paragraph. If someone gives a map to a board member and the board member gives the map to the staff to review, the staff will review the case and if appropriate request the Board to open a case. He does not see the board member delivering the map as a conflict. It is up to the individual board member to decide if they're in conflict. Mr. Ritter will report back the next board meeting with internal procedural answers including the unanswered question who will swear out the complaint. Additional discussion ensued regarding if the respondent has to know who the complainant is. In formal complaints, the Contemplated Board Action sent to the respondent states the complainant's name. In a hearing, the investigator must respond if they know who the complainant is. During the investigation, the stock answer is this map speaks for itself; it does not matter where it came from.

11. Old Business

- Mr. Ritter presented the letter to Governor Easley recommending Mr. Lee Parish replace Dr. Monroe on the Board and Governor Easley's response that the recommendation will be kept on file.
- Mr. Ritter presented to the Board for information that the Texas Board of Professional Engineers and Engineers Australia will offer temporary licensure to registered engineers who are Australian and US citizens if experience and licensure requirements are met. Texas is the only state that has approved temporary licensure. A question for the engineering committee might be why Texas approved this.
- Mr. Ritter presented four cases to The Board to be considered for the Review Committee and Settlement Conference Committee that were not on the Consent Agenda.
 - (1) The Board considered the recommendation of the Review Committee – Engineering conducted by Mr. Liles, Mr. Ritter and Mr. Tuttle on December 1, 2008 (by telephone). The respondent passed away. Dr. Ratcliff 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 one (1) Board closed case based upon the death of the respondent.
 - (2) The Board considered the recommendation of the Settlement Conference Committee – Engineering conducted by Mr. Liles and Dr. Monroe on Monday, December 8, 2008 (#1). Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee and Mr. Tunstall seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference recommendation resulted in the Board accepting the voluntary permanent surrender of license.
 - (3) The Board considered the recommendation of the Settlement Conference Committee – Engineering conducted by Mr. Liles and Dr. Monroe on Monday, December 8, 2008 (#2). Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee and Ms. Rodgers seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference recommendation resulted in the Board accepting the voluntary permanent surrender of license.
 - (4) The Board considered the recommendation of the Settlement Conference Committee – Engineering conducted by Mr. Liles and Ms. Rodgers on Monday, December 8, 2008. Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee and Mr. Pond seconded the motion. A vote was taken and the matter was approved unanimously. The Settlement Conference recommendation resulted in a reprimand and civil penalty of \$2,000.00.

12. New Business

- Mr. Ritter has three new cases to open and recommended holding until January.
- Mr. Ritter announced the IRS standard mileage reimbursement rate has been reduced to 55 cents, which is reflected on the Board members expense report beginning in January. No action needed.
- Mr. Ritter presented a listing of 2008 civil penalties showing total receipts of \$43,500 noting this is the highest amount the Board has collected and that fees do not benefit the Board. The fees are sent to the State to be used for education in the county where the violation occurs.

13. Informational Items

- Mr. Ritter presented the Board with thank you letters as follows: (1) dated November 28, 2008 from Jeff S. Hiadun, Land Surveyor for presentations at the Surveying Institute by Mr. Ritter and Mr. Tuttle with compliments to the Board members and staff; (2) dated October 14, 2008 from Linda A. Thurman, Faculty Associate for Student Professional Development and Employer Relations from UNC-Charlotte for Mr. Ritter serving as speaker; (3) from Mike Sawhill for hospitality at the Exam Writing Workshop.
- Mr. Liles and Mr. Ritter gave a presentation at Duke. Mr. Ritter spoke at Raleigh Engineer's Club.

- Mr. Ritter updated the Board regarding the renewal system. The new computer program enables applicants to renew via email. Three thousand applications were received within the first 24 hours. Emails were sent to 21,000 applicants and only 10,000 opened. Forty per cent have already renewed, with 89% being online.
- Mr. Ritter inquired of the Board if they want further discussion regarding signing certificates via the computer. After discussion, the consensus was that signing can be a mix of signing electronically or with original signatures. It can be a personal preference.
- Mr. Ritter reported NCEES is giving more exams in foreign countries. The Board currently does not recognize foreign experience when evaluating applications. Mr. Ritter inquired if the Board wishes to revisit that policy? The matter was discussed. Mr. Liles assigned it to the Engineering Committee. Mr. Ritter later clarified that in the Board Rules foreign experience can be considered if it's done under the supervision of a PE.

The Board adjourned at 6:00 p.m. on Thursday, December 11, 2008 and will reconvene at 9:00 a.m. on Friday December 12, 2008.

Board Chair Henry V. Liles, Jr., PE gavelled the North Carolina Board of Examiners back into session at 9:00 am on Friday, December 12, 2008 for the Public Hearing: Proposed Board Rule Revisions, NC Administrative Code Title 21 Chapter 56. No members of the public attended to offer comments. The comment period ends January 2, 2009 after which the Board will approve the final version for submission to the Rules Review Commission for approval.

Immediately following the closing of the public hearing, the Board reconvened.

13. Informational Items

- Mr. Ritter addressed a question regarding how the Board accepts transcripts. The policy has been to accept transcripts only in a proper format from a university or community college in an untampered envelope via mail. The Board has been asked to accept electronic transcripts from universities and community colleges. Discussion ensued regarding security. Dr. Ratcliff will find out more about security measures. Mr. Ritter will keep on the open list and he will tell Laura Parham to pursue.
- Mr. Ritter reported that Mr. Dyke's hearing is scheduled for February before the Administrative Law Judge.
- Mr. Ritter reported that Mr. Padia's case has been recalendared for the 1st week in January. Ms. Patricia P. Kerner of Troutman Sanders LLP will be handling the case.
- A suggestion was made to educate the engineers more about surveying and possibly vice versa. Dr. Monroe will set up a future seminar for BIM (a new technology automating engineering and architecture).
- A retreat is tentatively scheduled for the November 2009 meeting in Pinehurst.

7. Committee Reports (continued)

GICC Committee

- Mr. Thompson reported the list of inclusions and exclusions will be ready today for the Surveying Law Working Group of GICC Council and Mr. Ritter will have by next week.
- NC GIS Conference is scheduled in Raleigh in February. A person from the Board is needed to represent surveyors as Mr. Thompson will be out of state. Mr. Thompson suggested more communication with the GICC Council is needed. An "at large" position from Dare County will be available soon on the GICC Council. Mr. Ritter will contact Mr. William C. Owen, a Board Emeritus Member to see if he might be interested.

Meeting adjourned at 10:15 a.m. on Friday, December 12, 2008 for committee meetings; will reconvene at 11:00 a.m., December 12, 2008.

Board Chair Henry V. Liles, Jr., PE gavelled the North Carolina Board of Examiners back into session at 11:10 am.

Surveying Committee

- Mr. Haynes reported the committee has received inquiries as to whether permanent easements should have to be staked out. As long as there is a metes and bounds description and the easement is inside the property lines, it does not have to be staked.
- Concerns have been voiced over having to do a map or survey report required in the new rules.
- Guidelines on drainage paper needs to be updated. This should be a joint project with Engineering Committee.
- Discuss with the NC Society of Surveyors areas of concern regarding what surveyors can do regarding drainage in a subdivision.

Engineering Committee

- Dr. Ratcliff reported on crane discussion. Mr. Evans and Mr. Tuttle were asked to contrast the regulations in North Carolina with the new regulations that Washington (state) adopted so any new information can be forwarded to authorities who write crane regulations in North Carolina.
- Green buildings are being reviewed nationally.
- Committee is working to develop future disciplinary policy or protocol on waste water systems.
- Dr. Ratcliff attended ABET annual meeting in which Jeff Russell gave a presentation on conversance of B+30 as the newest upcoming technology trend.
- Next month the committee will have guidelines on how to count experience.

The Board went into closed session at 11:40 a.m. on Friday, December 12, 2008 for a personnel item; will reconvene upon completion of executive session.

Meeting reconvened at 12:15 p.m. on Friday, December 12, 2008.

14. **Election of Board Officers for 2008**

Ms. Rodgers moved that the present Vice Chair, Nils W. Joyner, Jr., PLS be placed in nomination for the 2009 Board Chair. Dr. Ratcliff seconded the motion and Mr. Joyner was approved unanimously as Chair.

Dr. Monroe moved that Dr. Ratcliff be nominated for Vice Chair. Mr. Pond seconded the motion and Dr. Ratcliff was approved unanimously as Vice Chair.

Mr. Haynes moved that Ms. Rogers be nominated for Secretary. Dr. Monroe seconded the motion and Ms. Rogers was approved unanimously as Secretary.

The Board formally adjourned on Friday, December 12, 2008 at 12:30 pm. The Board is next scheduled to meet on January 7, 2009.

Respectfully submitted,


Dr. Joseph Monroe
Secretary

Approved by the Board in Session

Date

January 8, 2009