

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 8, 2009

Raleigh, North Carolina

Board Chair Nils W. Joyner gaveled the North Carolina Board of Examiners into session at 10:40 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

John S. Tunstall, PE

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Nils W. Joyner, PLS 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.

2. 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, applications for Professional Corporations, Professional Limited Liability Companies, Firms, Requests to Change Company Name, Comity and Retired lists. Mr. Thompson moved to approve the consent agenda; Mr. Pond seconded the motion. The Board voted and the Consent Agenda was unanimously approved.

3. Committee Reports

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

- Dr. Ratcliff reported the committee has been working on the application process. A tailgate meeting will be held to discuss the statute and rules before the review process.
- The committee received a memo from Mr. Teeter, PE regarding engineers not getting paid for their design work. The committee found this inappropriate for the Board but encouraged Mr. Teeter approach the professional societies to see if they can assist him.
- Several months ago the committee reviewed whether fire alarm design shop drawings must be prepared by a PE and the earlier determinations by the Board that fire alarm system design is the practice of engineering. In the process the committee established a dialogue with the fire alarm system professionals as they speculated a legislative action to exempt fire alarm design may be forthcoming. Legislation is being proposed by those representing the fire alarm system contractors. The committee has spent a great deal of time in establishing how this might relate to opening up the Board's statute. The committee has decided to strongly encourage PENC (Professional Engineers of North Carolina) and ABET (Accreditation Board of Engineers and Technology) to become involved in this issue. The legislature will most likely ask the Board to be involved.
- Jerry Carter notified the Board that there is a move for the American Society of Energy Engineers to promote a certification by ASEE to become a Certified Energy Manager. Upon certification, a numbered seal is given that looks almost identical to the seal of licenses of this Board. David Evans has been asked to write a letter to Jerry Carter requesting that he keep the Board advised.

There is not anything the Board can do, but it is a topic for discussion at the joint meeting with the PENC executives.

- The committee has had long discussions on crane safety. The North Carolina Department of Labor is preparing rule making to put crane safety wording in place. Over the last couple of months, the committee has been tracking if the proposed rule making satisfies the Board's requirement for protection of the public. The committee concluded the rule does comply except for two very important wording changes required in their definition of qualifying engineer. As the rule making is in the open comment period, Mr. Pond will write a comment. If Mr. Pond feels it is necessary a representative of the Board may speak at their hearing on Thursday, February 15.
- Dr. Ratcliff updated the Board that two or three copies of the book, Body of Knowledge for the 21st Century are being purchased and will be available for use.

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

- Mr. Haynes reported a successful meeting with NCSS the previous day with discussion regarding GIS and mapping.
- Mr. Thompson finalized the Survey Ties Guidelines paper online and will make maps bigger to help those with vision problems.
- The committee has received numerous questions including:
 1. Do cemetery plots have to be mapped? Response by committee: Yes.
 2. Question regarding doing wetland surveys. Response by committee: A survey must meet all NC requirements using proper techniques and equipment to establish wetlands. The Board discussed mapping standards and accuracy tolerance. The Board has held that you do not have to be a PLS to say if the property is wet or dry; however, if a physical map is provided that maps the wetland essentially determining building setback lines, it must be done by a PLS and the accuracy must meet the Standards of Practice. It's best for a Professional Land Surveyor to inform his crew what tolerance is required.
- The committee has prepared a final draft of the Construction Statement Policy to send to the Chair to review and finalize so an average surveyor understands what he can and can't do regarding construction and what he is liable for. The policy interprets the statute and will be placed on the web site. The policy was prepared in response to the question, "does construction staking have to be done by a licensed surveyor?". The committee determined it depends on the situation. A meeting may be needed to discuss with homebuilders.
- A suggestion was made to place questions received with answers in the newsletter.

CPC Committee

The meeting was cancelled and did not report.

4. Appointment of 2009 Board Committees.

Mr. Ritter read the committee appointments on behalf of Chair Joyner. They are as follows:

CPC Committee

Gary W. Thompson, PLS – Chair
Dr. Joseph Monroe, Public Member (until replaced by new Board appointee)
Dr. Teresa H. Ratcliff, PE

Engineering Committee

Mr. David L. Pond, PE - Chair
Mr. Henry V. Liles, Jr., PE
Dr. Joseph Monroe, Public Member (until replaced by new Board appointee)
Dr. Teresa H. Ratcliff, PE
Mr. John Tunstall, PE

Surveying Committee

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

5. Violations Activity

Assistant Executive Director, David Evans reported four (4) cases have been opened in 2009 of which 75% are against PE's. One hundred forty-four (144) cases are open with seventy-seven (77) in investigations. Two (2) cases have been opened since the last board meeting. Nine (9) new complaints were sworn out the previous day that are not reflected in these numbers in keeping with the board's new directive that previously would have been brought to the Board for authorization. Mr. Ritter added last month the Board authorized staff to take responsibility for filing sworn to complaints on all new cases that the Board would have previously authorized. The official complainant for board authorized cases in the future will be the Assistant Executive Director. Subsequent summaries will reflect the total number of staff cases. Mr. Evans reported fourteen (14) cases have been closed this fiscal year with forty-two cases (42) pending Review Committee. A list of proactive contacts and an informal list of inquiries of noncompliant firms have been added to the report. For future meetings, there will be a break down between licensed and nonlicensed firms. Clyde Alston and Eric Purvis are attending the first session of the CLEAR Investigator Training and are on track for Mr. Alston to work his own cases in February and Mr. Purvis at some point later.

6. Applications

The Board considered the applications of three (3) firms shown as Special Agenda Items in the notebook for licensure as Professional Corporations as follows: (1) Eskenazi, Farrell & Fodor, P.C., (2) Nelson-Rudie & Associates, Inc. and (3) Farnsworth Group, Inc. All three have the recommendation of the staff to approve. Dr. Ratcliff moved to approve all three firms for licensure on the Special Agenda Items. Dr. Monroe seconded the motion. A vote was taken and the motion was approved unanimously.

7. Pending Action Items

- Mr. Ritter reported "Purchased Items" have been added to the report. A 52" monitor was purchased as requested to enable the surveying committee to read maps easier. After using the 52" monitor, there was the realization that the large conference room swallows the 52" monitor. After discussion, the Board decided to buy a larger monitor for the surveying committee and the engineering committee can utilize the 52' monitor.
- Mr. Ritter mentioned investigations plans to have a PERT Chart for the February meeting.
- Mr. Ritter reported per the request of the Board to be more proactive and the possibility of getting a Board member on the GICC Board. He has talked with Bill Owen and Mr. Owen would be willing to serve on the GICC Board if asked. Mr. Pond suggested the Board might consider more than one possibility. This could have long term benefits for surveyors and engineers. Mr. Thompson will report back to the Board what appointments are available on the GICC Board.
- Given the new political environment, there was discussion regarding how this Board can support, encourage and assure that the health, safety and welfare of the public is protected. Areas discussed included EMC (Environmental Management Commission), DOT (Department of Transportation and DENR (Department of Environmental & Natural Resources). Given the problems experienced with EMC regarding deeds and easement maps for buffers and wetlands, the Board would like to have someone on the EMC Board to develop a better working relationship. Regarding DOT, the Board discussed there should be a meeting with DOT to explain the Board is seeing more cases with violations and to (1) maintain the relationship already established, (2) encourage the use of licensed engineers and (3) encourage DOT licensed engineers if there are violations they see in reviewing plans to bring those violations to this Board and the Board will investigate aggressively as the Board has the resources and capabilities to do so. Regarding

DENR, the Board discussed a meeting to discuss the following: (1) who the Board is, (2) what the Board does, (3) explain this Board is here for you and (4) explain how this Board can help if you see bad work. Upon further discussion, the Board decided that the Engineering Committee and Surveying Committee should come back to the Board with the issues for the April meeting. Staff should write a letter to DENR to let them know the functions of the Board and to encourage support with a more formal meeting later in the year. DOT and DENR will be placed on the Pending Action Items.

- Mr. Ritter reported the new website is scheduled to be online the first of February. The option for licensees to renew online has been very cost effective resulting in a significant savings in postage.

8. Old Business

- Mr. Ritter reported NCEES will pay for one delegate to attend the 2009 Southern Zone NCEES Board Presidents' Assembly. Mr. Haynes will be attending on behalf of the Board.

9. New Business

- Mr. Ritter updated the Board that 76% of licensees have renewed online; 79% of engineers renewed online and 64% of surveyors renewed online. Applications for engineering are down. Mr. Ritter confirmed with the engineering members of the Board that at the next Board meeting they would begin review of new applications at noon on Wednesday until five. The Board meeting will be on Thursday morning followed by the continuation of review of new applications until finished.
- Mr. Ritter brought before the Board a staff question regarding retired status. The Board has taken the stance that retired status is an honorary title that one requests from the Board. No one with a disciplinary case has ever requested retired status. The question arising for this Consent Agenda Item is can the Board grant retired status when an individual is in good standing but has been disciplined? The Board agreed as long as a person is licensed in good standing, the honorary retired status may be given when requested. No motion or vote was required.
- Mr. Ritter updated the Board that Mr. Padia's case is tentatively calendared for tomorrow, January 10, 2009 at 10:00 a.m.
- Dr. Monroe informed the Board he hired a new recruiter with extensive background in Public Relations and a graduate of the University of Miami. She will be going to the local boot camp with the local surveying society. He will send the Board her profile.
- Mr. Ritter updated the Board that Mr. Dykes's hearing before the Administrative Law Judge is on the calendar for February.

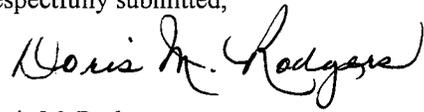
10. Informational Items

Mr. Ritter requested volunteers for the certificate ceremonies in Raleigh and Charlotte. Mr. Pond, Mr. Thompson and Ms. Rodgers volunteered to attend the Charlotte ceremony on Tuesday, January 20. Dr. Ratcliff, Mr. Liles and Ms. Cathy Kirk will attend the Raleigh ceremony on Wednesday, January 21.

The Board went into a closed session at 12:35 p.m. to discuss a personnel matter. The Board formally adjourned following the closed session at 1:15 p.m.

The Board is next scheduled to meet on February 25 and 26.

Respectfully submitted,

A handwritten signature in cursive script that reads "Doris M. Rodgers".

Doris M. Rodgers
Secretary

Approved by the Board in Session

Date 2/26/09

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 26, 2009

Raleigh, North Carolina

Board Chair Nils W. Joyner 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:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Nils W. Joyner, PLS 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.

2. 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, applications for Professional Corporations, Professional Limited Liability Companies, Firms, Chapter 87, Requests to Change Company Name, Comity and Retired lists, Review Committee Recommendations and Settlement Conference Recommendations. Mr. Liles moved to approve Items 1 through 4 of the consent agenda; Mr. Tunstall seconded the motion. The Board voted and Items 1 through 4 of the Consent Agenda were unanimously approved.

Mr. Haynes and Mr. Pond recused themselves for the vote on Items 5 through 7 of the Consent Agenda. Mr. Thompson moved to approve Items 5 through 7 of the Consent Agenda. Mr. Liles seconded the motion. The Board voted and Items 5 through 7 of the Consent Agenda were unanimously approved.

Mr. Ritter introduced Sara Kusan, the new Executive Director of the North Carolina Society of Surveyors. She joined the surveying society December 1.

Mr. Ritter officially introduced Liz Riley, the new Board member.

3. Request from C. Douglass Jewell, PE, regarding the Mini-Brooks Act

Mr. Ritter presented a letter from C. Douglas Jewell, PE in Kernersville regarding the Mini-Brooks Act. Mr. Jewell is upset that little attention is paid to Mini-Brooks, that it is not being enforced and that many municipalities and affiliated groups are using it to their advantage. Mr. Jewell requests the Board to take measures to prevent this through education of individuals, firms and local officials and the prosecution of individuals and firms who violate the Act. Additionally, Mr. Jewell requests the Board to refer violators to the North Carolina Attorney General. Discussion included the conversations reported by Mr. Tuttle, Board Counsel, in which he has assisted Mr. Jewell. The Board consistently has assisted an individual with raising the proper questions with the county and in answering questions from the county on their behalf; however, the licensees must make the complaint themselves. Last year Mr. Tuttle presented a Mini-Brooks

educational course to approximately 200 purchasing agents from across the state. Mr. Tuttle presents Mini-Brooks seminars at society sponsored meetings across the state for licensees. The Board requested staff to respond.

4. Request from Peggy Fersner, North Carolina A & T Geomatics Coordinator, regarding permission for 4th year Geomatics students to sit for the Fundamentals of Surveying exam.

Mr. Ritter presented a request from Peggy Fersner of North Carolina AT&T University for the Board to consider approving potential graduates in the Geomatics program at North Carolina A&T State University to sit for the Land Surveying Fundamentals Exam during their senior year. This follows the same consideration given to potential graduates with other engineering degrees. The statute was changed for engineering. When the statute was written no four year surveying programs existed. After discussion, Dr. Ratcliff made a motion to allow students who have achieved senior status in the Geomatics curriculum to be able to take the Fundamentals of Surveying Exam. Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

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

Mr. Ritter presented the annual request from Mr. Larry Greene, PLS, as President on behalf of the North Carolina Society of Surveyors Education Foundation, for the contribution to the Trig Star Program. Mr. Ritter stated the Board has made this an annual contribution and it is budgeted. Ms. Rodgers made the motion to approve the contribution. Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

6. Information regarding new Board member appointment.

Mr. Ritter made the formal introduction and welcome to the Board of new Board Member Liz Riley. Information on Ms. Riley is in the Board Books as required by statute. The Chair appointed Ms. Riley to the Engineering Committee and the CPC Committee.

7. Information regarding Ethics Training.

Mr. Ritter informed Board members that an Ethics Refresher course is required every two years. The Ethics Commission is mandated with keeping records of ethics courses. Board Members requested Mr. Ritter inquire when they are due for ethics training and furnish dates and web site information on classes.

Dr. Ratcliff made a motion to establish a policy that any ethics training that will improve, enhance or maintain one's personal ethics should be approved or counted toward CPC. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

8. Committee Reports

CPC Committee: Mr. Thompson informed the Board of the following activities:

- The Committee received eight (8) sponsor applications – seven (7) were approved and one (1) was denied.
- There are many agenda items and a tentative meeting is planned for March 23 and 24 to set goals for this year to include enhanced auditing of sponsors and web applications to support CPC.
- The Committee will be asking Board members to audit CPC classes to verify classes are working. More details will be coming in April. The Committee is also working with Mr. David Evans, Assistant Executive Director, to develop a list of out of state sponsors.

Engineering Committee: Mr. Pond informed the Board of the following activities:

- The Engineering Committee met with the Executive Committee of PENC (Professional Engineers of North Carolina) and discussed CPC rule changes, fire alarm design and ethics training. PENC was favorable to joint participation with the Board and NCSS (North Carolina Society of Surveyors) on the seminar "Rules of Professional Conduct" in December.
- PENC and the Engineering Committee of the Board mutually agreed for the Board to take over the Certificate program previously done by PENC. Due to feedback received from the surveying and engineering population, the Board feels participation would improve if the program was administered by the Board. PENC and NCSS are welcome to have exhibit booths and hand out literature, but they will not have a speaking part of the program. There was discussion regarding locations and speakers for the July certificate ceremony. Board members agreed Charlotte and Raleigh would have a higher degree of participation in the certificate program. The Board mutually decided on UNC-Charlotte for the Charlotte location and several Raleigh locations were mentioned for evaluation. The Board members prefer staff or the Dean of Engineering Schools for speakers. With direction from the Board, Mr. Ritter will work on.
- The Engineering Committee and PENC discussed B + 30.
- PENC wants to promote a public relations campaign for engineers. Mr. Pond expressed PENC was preparing the Board to ask for money. The committee responded that the Board would consider anything PENC brings before the Board.
- A task force has asked for representation from the Board at a meeting on Monday, March 9 to discuss how to comply with the Board's statutes in sending seals electronically. This involves the security of the seal in sending electronic files. Mr. Pond stated the regulations today are backward and one cannot easily comply with the rules as they are written today. There was discussion regarding who should attend the meeting to report back to the Board in the April meeting. It was suggested Mr. Tuttle attend. Dr. Radcliff felt strongly that a practicing engineer should attend. Mr. Tunstall agreed to check his schedule. It was also suggested an Emeritus Member may be asked.

Surveying Committee:

- Mr. Haynes reported the committee has not met.
- Mr. Thompson reported a great turnout at a workshop conducted by Mr. Thompson, Mr. Evans and Mr. Tuttle at the annual NCSS Conference in Concord. They have been requested to do the same class three more times.
- Mr. Ritter reported the highlight of the NCSS Conference was the class by Mr. Thompson, Mr. Tuttle and Mr. Evans. There were 90 people in attendance and 80 of them attended the class held by Mr. Thompson, Mr. Tuttle and Mr. Evans, leaving the exhibit hall empty.

The meeting recessed at 10:10 a.m. for a ten (10) minute break; back in session at 10:20 a.m.

Upon resuming session the Board Chair Nils W. Joyner presented a gift to outgoing Board Chair Henry V. Liles, Jr.

9. Violations Activity reported by Assistant Executive Director, David Evans

Mr. Evans reported twenty-five (25) cases have been opened this fiscal year. Twelve (12) cases have been initiated by the Board Staff which previously would have been originated by the Board. Twenty-one (21) cases have been opened since the last board meeting. One hundred fifty-nine (159) cases are on the open sheet, seventy-nine (79) of which are in investigator's hands. Clyde Austin has completed his training and is working on his own. Eric Purvis will be working his own case loads in another month or two. Twenty cases have been closed this year.

Programming has been done to create an investigations document library for the data base. It has been tested and is being implemented. This will allow storage of all disciplinary actions on the Board's data base. Once all the information is input into the Board data base, it will also post to the web site. When a search for a licensee is done, the searcher may view any disciplinary actions and the Decision & Order. Another feature will allow a search on non-licensees to determine if they have been disciplined.

The investigative staff has been involved in four presentations since the last Board meeting.

Mr. Evans presented the "Disciplinary Timetable" requested by the Board. Discussion ensued on the 1-4 month period between "interviews required" and "investigation report written/evidence recorded". Mr. Evans stated productivity will increase when all four investigators are fully trained. There was also discussion about getting the case to the Review Committee faster. Suggestions included more frequent review committee meetings and video conferences. Mr. Ritter will investigate the latter option. Board members also expressed being more firm with the Settlement Conference dates. There was discussion of some board members being open to conference calls and email while others want to see the respondent in person. The staff is working to refine the process to make the period shorter. The Board requested Mr. Evans establish a baseline to measure the average time it takes to do a case.

10. Applications

The Board considered the application of four firms shown as Special Agenda Items in the notebook as follows:

1. GlenMartin Engineering, Inc. d/b/a GlenMartin, Inc. requests to obtain a Certificate of Authority to do business in North Carolina. The staff recommendation is to deny the request. Dr. Ratcliff made the motion to deny the request. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.
2. Ritter Engineering, PC requests licensure as a Professional Corporation and Squared Design Studio, PLLC requests licensure as a Professional Limited Liability Company. Both have the recommendation of the staff to approve. Mr. Pond made the motion to approve. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.
3. Structural Engineers Association of North Carolina, Inc. has the recommendation of staff and Board Counsel to approve. Mr. Liles made the motion to approve. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.

11. Pending Action Items

- Mr. Ritter stated the flow chart has been completed as requested.
- Mr. Ritter reported a line item, "purchased items" has been added to the list. The 52 inch monitor has been moved to the small conference room and a 60 inch monitor has been purchased for the large conference room.

The staff recommended that the Board make a motion to go into closed session to discuss matters involving real estate transactions. Ms. Rodgers made a motion to go into closed session to discuss real estate transactions. Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.

The Board went into closed session at 11:00 a.m. on Thursday, February 26, 2009 to discuss real estate transactions, to reconvene upon completion of executive session.

Meeting reconvened at 11:45a.m. on Thursday, February 26, 2009.

12. Old Business

- Dr. Ratcliff and Mr. Ritter attended the NCEES (National Council of Examiners for Engineering and Surveying) Board Presidents' Assembly in Atlanta. Dr. Ratcliff reported that ABET (Accreditation Board for Engineering and Technology) made a great presentation. ABET highly recommended that the Board members have a Board representative at every ABET function including ABET functions at community colleges and at all examinations. Presentations were about (1) accommodations that ELSES has to make for ADA including not only existing conditions but all preconditions. (2) Roberts Rules of Order emphasizing the need to derive a

standard and be consistent with the same standard. (3) BIM and the presenter stated BIM is quickly becoming the standard at an incredible pace. More and more jurisdictions are requiring BIM plans. The problem is who has the oversight capability. It is being done by vendors thereby bypassing regulating bodies. Dr. Ratcliff suggests the Engineering Committee work with the Architectural Board on this.

- Mr. Ritter reported that NCEES was not successful in adopting a new logo.
- NCEES has adopted a unique ID that tracks candidates nationally for cheaters, etc. Information will be completed prior to the exam. The unique id enables tracking in all jurisdictions. This is the first step to computer based testing. It will not affect the Board as it is informational only. For the short term, it is a staff function.
- Regarding NCEES politics, Mr. Thompson will have a very heated campaign as he runs for NCEES Southern Zone Vice President. Mr. Thompson appreciates the support of the Board members as he runs a low key campaign.
- Gene Dinkins, PE, PLS from the Southern Zone and Howard C. (Skip) Harclerode II, PE from the Northeast Zone are running for Treasurer of NCEES. This Board will need to decide how to vote. Discussion ensued. Mr. Liles went on the record in support of Skip Harclerode. The decision is not needed now.
- Information is in the book regarding Allyson K. Lugo, the Geomatics recruiter who has been hired for NC A&T State University. Ms. Lugo began her employment with NC A&T on January 23. The Board is interested in the results she is having.

Meeting recessed at 12:10 for lunch. Meeting gaveled back in at 1:10 p.m..

- Mr. Ritter updated the Board that Mr. Padia appealed to Superior Court and lost.
- Mr. Ritter presented the Board a memorandum from NCEES. The Board will need to vote on these issues in the summer. The issues are (1) for the office of Treasurer, a partial term served for the period between consecutive Annual Meetings shall not be considered a term for term-limit purposes and (2) the Jane Blair rule.
- Mr. Pond attended NCEES Sustainable Building Design Task Force in Albuquerque, New Mexico. The task force focused on designing energy efficient buildings that are classified at different levels with certain credits that can affect market value and energy savings. The total green building market value will have a huge increase. There is a certification process that anyone can complete. Many of the certifications constitute engineering. The task force took 60 new building applications and determined that 14 of those applications constituted engineering. Licensing boards will have cases with people certifying who are not qualified and their work will constitute engineering. The recommendation to NCEES is there is engineering involved and NCEES needs to discourage this certification process.
- Mr. Liles reported on the UPL&G meeting in Florida. ABET previously approved a bachelor's or master's degree program and now they will approve both bachelor's and master's degrees which have enhanced the B+30.
- Mr. Thompson reported that the NCEES survey exam writing committee is ready for the beta test. This will alleviate the calculator problem.
- Dr. Ratcliff stated that the spring exam is being offered in Korea and Egypt (already available in China and Dubai). Important issues regarding what rights should be given to foreign licensees in this country will need to be considered.
- Mr. Ritter reported that Mr. Thompson's announcement to run for NCEES Southern Zone Vice President is in the Board book.
- Mr. Ritter presented:
 - (1) Email from Colonial States requesting support of Gene Dinkins for NCEES Treasurer,
 - (2) Email announcing the candidacy of Gene Dinkins for NCEES Treasurer and
 - (3) Announcement of candidacy of Govind Nadkarni, P.E. for NCEES Southern Zone Vice President. Mr. Nadkarni is running against Mr. Thompson.

13. New Business

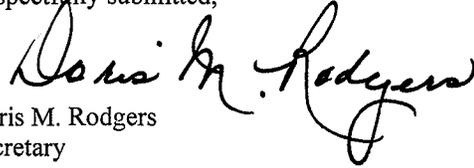
- Mr. Ritter presented a table showing that for the past four years over 50% of engineers reported more than 15 hours of PDH credit and slightly less than 50% of surveyors reported over 15 hours of PDH credit. Engineers are averaging over 11 ½ hours of PDH carry over. Surveyors are averaging over 9 hours of PDH carry over.
- Mr. Ritter will make hotel reservations and board members need to complete registration and travel arrangements for the 2009 Southern Zone Meeting in New Orleans.
- In January there was discussion regarding Texas giving licenses to Australian engineers without taking the NCEES exam. The question is why Texas would be doing this? Mr. Ritter talked with the Texas Executive Director. Texas reached an agreement with Mexico, Canada and Australia that gives engineers from those countries a one year temporary permit. It is a reciprocity agreement. Texas engineers want to work in these countries; none are asking to work in Texas.

14. Informational Items.

- Mr. Tuttle reported on the status of the “Rules” process. The “Rules” have gone through the hearing, and finished the comment period with no comments. There are no other changes to the revisions that were initially set to be revised. Now that the public comment period has passed, the Board needs to formally adopt the final version of the Rules to go to the Rules Review Commission. The earliest effective date would be May 1. Dr. Ratcliff made a motion that the rules be adopted as written. Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.
- Dr. Ratcliff inquired about the statute and rule changes. Mr. Tuttle responded that the statute changes must be made first, followed by the rule changes. Mr. Ritter suggested there should be a continuous cycle of statute changes followed by rule changes every two years. Mr. Tuttle can chart out the timeline. Mr. Ritter stated that staff will bring recommendations for statute revisions at the April meeting. Board members were asked to have in mind bill sponsors they can approach. There was discussion whether to approach the legislature at this time. The Board will decide in April how to proceed.
- Mr. Ritter updated the Board that renewals are complete. Seventy-four per cent (74%) were done online.
- Mr. Ritter was asked by a licensee how long a disciplinary action resides on the computer database. A licensee was disciplined in 1989 and he is requesting that the violation be removed from the computer. He is often asked to be an expert witness and the violation causes a problem. Dr. Ratcliff made the motion to deny the request. Ms. Rogers seconded the motion. A vote was taken and the motion was approved unanimously.
- Mr. Thompson travelled to the ACSM Convention where he is Chairman of the Board Forum. The last several years the Board has funded Mr. Thompson. Dr. Ratcliff made a motion to fund the ACSM Convention expenses for Mr. Thompson. Ms. Rogers seconded the motion. A vote was taken and the motion was approved unanimously.
- Mr. Ritter requested the Board review a copy of proposed House Bill 221, Oversight of Licensing Boards in the Board book. The bill would authorize the review of activities, require annual audits and require Board members receive training.
- Issues with GICC were discussed. Strong efforts were made against GIS professional certification by Mr. Thompson in Utah and Mr. Ritter in Atlanta. Mr. Tuttle spoke at the NC GIS Conference at the Raleigh Convention Center on February 20.

The Board formally adjourned on Thursday, February 26, 2009 at 2:30 pm. The Board is next scheduled to meet on Thursday, April 16, 2009.

Respectfully submitted,



Doris M. Rodgers
Secretary

Approved by the Board in Session

Date

April 16, 2009

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

April 16, 2009

Raleigh, North Carolina

Board Chair Nils W. Joyner gaveled the North Carolina Board of Examiners into session at 10:40 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Nils W. Joyner, PLS 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.

Before beginning the Agenda, Mr. Ritter noted that Mr. David Tuttle, Board Counsel was not present for two reasons. Mr. Tuttle is attending the Rules Review Commission Hearing beginning at 10:00 a.m. where the Board's new rules are being presented. Also, his wife is in the hospital for planned surgery so he will be going back to the hospital following the Rules Review Hearing.

2. 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, applications for Professional Corporations, Professional Limited Liability Companies, Business Firms, Chapter 87 Corporations, Requests to Change Company Name, Request to use D/B/A, Comity Applications, Requests for Retired Status, Review Committee Recommendations and Settlement Conference Recommendations. Ms. Rodgers made a motion to approve the consent agenda; Ms. Riley seconded the motion. The Board voted and the consent agenda was unanimously approved.

3. Request from Jerome Lavelle, Interim Associate Dean, NCSU, regarding the NCSU/UNC-A Joint BS degree in Engineering Mechatronics.

Mr. Ritter presented a request from Jerome Lavelle, PhD that the Board approve potential graduates in the Joint Degree, Bachelor of Science in Engineering Mechatronics program at North Carolina State University be allowed to sit for the Engineering Fundamentals Exam (FE) upon obtaining senior status. The new Joint degree program replaces the existing transfer-credit program and establishes joint ownership between North Carolina State University and the University of North Carolina at Asheville. The program will require "new program" accreditation by ABET (Accreditation Board for Engineering and Technology) which will happen in 2010. Because the new program effectively replaces an existing ABET accredited program, Mr. LaVelle is confident the Joint program will also be fully accredited. This follows the same consideration given to potential graduates with East Carolina and A & T State University. Verification of graduation from North Carolina State University and notice of ABET certification must be received by the program prior to the Board granting engineering intern status to those that have passed the Fundamentals Exam.

Dr. Ratcliff recused herself from the vote. Mr. Pond made a motion to approve that potential graduates in the Engineering Mechatronics program at North Carolina State University be allowed to sit for the Engineering Fundamentals Exam upon obtaining senior status. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

4. Update on the North Carolina A & T Geomatics Program.

Mr. Ritter presented a series of emails from Peggy Fersner, PE seeking support for the Geomatics program as Dean Monroe seeks to reduce positions in the Geomatics program. This was of concern to the Board since last fall the Board approved giving \$80,000 per year for a recruiter position for the Geomatics program. Upon receipt of the emails, Mr. Ritter asked Dr. Ratcliff's advice regarding how to best approach this issue. She advised this was an internal matter and any external pressure may be detrimental. In a second email, Mr. Ritter was informed the Geomatics faculty was reduced to two. In a third email Ms. Fersner requested support for the Geomatics program.

Mr. Ritter discussed the above issues with Ms. Sara Kusan with the North Carolina Society of Surveyors and Dr. Ratcliff, as well as concern regarding the 28% pass rate for community college graduates on the surveying exam while the pass rate for the University of North Carolina at Charlotte and North Carolina State University graduates is over 80%. Dr. Ratcliff suggested the possibility of a partnering program between NC State University, UNC - Charlotte and North Carolina A & T University. She cited that NC State has partnered with other universities. Each university has faculty that teaches, broadcasts and grades that are shared. The Board discussed the importance of Geomatics as the future for surveying.

After much discussion the Board agreed not to make any decisions now. The Board will not abandon the A & T program and will ask for a report in the fall from Peggy Fersner before making any decisions. The Board also agreed to informally pursue the possibility of the NC State and UNC-Charlotte connection.

5. Committee Reports

CPC Committee - Mr. Thompson informed the Board of the following activities:

- The CPC committee has met twice to develop and plan the overall direction of the committee including the web portal.
- Mr. Thompson presented the following organizations that have applied for CPC sponsorship with the recommendation of the committee for approval:
 - a) ASHRAE, Inc.
 - b) Professional Online Educators, Inc.
 - c) Green Energy Engineering, Inc.
 - d) North Carolina State University Civil Engineering Dept.
 - e) William E. Beardslee, PE, PLS, P.P.
 - f) Uretek ICR Mid-Atlantic, Inc.
- Ms. Rodgers made a motion to approve these organizations as CPC sponsors. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.
- Licensees can now report their experience with CPC on the Board web site.
- In the past the focus has been on licensees, now the committee will focus on auditing sponsors also. Mr. Thompson and Dr. Ratcliff have tested the sponsor audit program by auditing classes. The committee has developed a proposed audit policy as well as identifying a list of organizations to audit this year. Mr. David Evans, Assistant Executive Director stated that sponsors were informed with their renewals that they will be audited and what is involved. The CPC committee will review the results of all audits and notify the sponsor of their findings. After discussion, it was decided that staff would audit in-house CPC training to avoid a possible conflict of interest and anyone performing an audit must be trained. The Board agreed that each Board member, except the Public Members, will audit one sponsor (not to include in-house training) and staff will audit the remainder. The Board also decided to have a training session for the audits as part of the CPC meeting at the next Board meeting. Based on geographic area Board members decided

which sponsor they would audit. The staff will share evaluations and CPC feedback with the CPC committee for appropriate action if needed. The Board has the authority to suspend or remove a sponsor.

Mr. Thompson made the motion that the audit policy be adopted with the exception that in-house audits be performed by staff. Ms. Rodgers seconded the motion. The Board voted and the motion was unanimously approved.

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

- Mr. Haynes reported an individual with GIS experience wanted to produce maps to do proposed site plans to eliminate surveyors doing them. Most of the information is public record and they wanted to charge a fee. A letter is being sent that they cannot charge for this because of the public records law.
- The committee received a question inquiring if you have to stake each individual plot if you are surveying a cemetery. Mr. Ritter spoke with the Funeral Board and they said each plot should be staked. The Surveying Committee decided that if a cemetery plot is sold fee simple, then the corners should be set.
- The committee has discussed adding Photogrammetry to the surveying exam and eliminating Part C of the exam.
- Mr. Haynes requested Mr. Ritter notify the public that the Mapping Science Exam (GIS) will be offered to replace the drainage part of the exam.
- East Carolina University wants ECU students to design a bikeway through town. Much of this work is within the definition of the practice of land surveying. The committee wants to be proactive and meet with ECU to show them the proper licensing process and the need to do this the right way.
- In response to an inquiry regarding engineers doing surveys, the committee responded that engineers can do electronic topo maps and any construction relating to that project; however, the engineer cannot do anything relating to boundaries.
- When the Rules are finalized, Mr. Haynes requested they be sent out in hard copy with the newsletter. Later in the meeting, this was revised. (See Item 9 – Laws & Rules)
- Per the request of Mr. Haynes, Mr. Ritter explained the terminology “inactive license” and the time frame in getting to this status. Mr. Haynes asked if a former licensee shouldn’t have been sent a certified letter before losing his license. In this situation the former licensee’s former employer handled his licensing and the former licensee didn’t think about the need to renew his license. He also did not change his address with the Board so the one letter and two email notices that were sent went to his former employer. The person was disciplined for practicing on an expired license for three years. After discussion of the existing procedures, the Board found the existing procedures are sufficient and fair.

The Chair stated that all Board members will be tasked with writing an article for the newsletter and mentioned the need to stay on schedule. It was suggested that a library of articles be written to draw from. The next newsletter deadline is May 15. Dr. Ratcliff would like to discuss a blog for the web site at the fall retreat.

Meeting recessed at 12:40 p.m. for lunch. Meeting gaveled back in at 1:25 p.m.

Engineering Committee – Mr. Pond informed the Board of the following activities:

- Mr. Pond presented a question that was asked regarding use of the seal. The entire Stormwater Pollution Prevention Plan itself does not have to be sealed, but the contents within the plan that constitute engineering do have to be sealed. The bigger concern is that DENR regulations say this does not have to be prepared by a professional engineer (when it should say “should”). The committee requested, Mr. Tuttle, Board Counsel write a letter that this is possibly misleading the public because there could be pieces that are engineering and the language should be removed.

- There were two items dealing with A/E Seal Security. When seals and signatures are submitted electronically, the licensee must still comply with the Board Rules. The Committee asked Mr. Tuttle to prepare a letter on behalf of the committee that the committee agrees with a position statement that A/E Seal Security in a future electronic plan submittal environment is a serious issue of concern to NC licensed engineers and action should be taken by the General Assembly to address the issue.
- General questions from a building official included: 1) what constitutes engineering; 2) when is an engineer required to be involved and 3) renovation versus new construction. A brochure was issued back in 2003 answering these questions that can be reprinted and redistributed. Mr. Evans and Mr. Tuttle will review for updating the information and obtain prices for printing.
- The Engineering Committee is revising the engineering application process. Staff will draft a policy for the next Board meeting. Mr. Pond made a motion that review of engineering applications be delegated to staff. Mr. Tunstall seconded the motion. The Board voted and the motion was unanimously approved.
- NC Irrigation Contractors Licensing Board – no action.
- The Structural Exam is going to be a 16 hour exam. In North Carolina an engineer can pass the civil exam and practice structural engineering.
- The committee proposes to have a meeting with the Secretary of DENR sometime in the fall. Chair Joyner mentioned the Surveying Committee would be interested in having a joint meeting with DENR. Mr. Pond requested Mr. Ritter schedule a date with DENR for the fall.
- The Committee would like the Board to have four or five national issues to present as the state report at the Southern Zone Conference. The Board has had input on OSHA regulations for crane safety that were accepted. The situation arising with A/E Seal Security is a national issue. Mr. Pond asked if there are issues the Surveying Committee would like to contribute to the report. Board members will send issues to Mr. Ritter to compile a list. Chair Joyner and Mr. Ritter will review. Mr. Thompson will present the state report assisted by Dr. Ratcliff from the floor.
- “Green” Building Industry Rankings – An opinion was requested if the LEED Certification has to be sealed. The national response has come so the response letter can now be done.
- BIM - working to coordinate a presentation for the next engineering meeting.

6. NCEES Activities

- Mr. Ritter reminded Board members of the national meeting in Louisville, Kentucky, August 12-15, 2009.
- By consensus of the Board, Ms. Rodgers was appointed as the funded delegate to the 2009 NCEES Annual Meeting in Louisville.
- Mr. Ritter presented a letter issued March 18, 2009 by NCEES to close a loophole in the Washington Accord. The Washington Accord is not in effect. All foreign schools should have an evaluation done by a foreign evaluation service before a state accepts them. This is consistent with the procedures of this Board.
- Mr. Ritter furnished campaign information and literature as follows:
 - a) Mr. Thompson for NCEES Southern Zone Vice President,
 - b) Mr. Ted Sack, PLS for NCEES Southern Zone Assistant Vice President (unopposed),
 - c) Mr. Howard C. Harclerode II, PE “Skip” for NCEES Treasurer,
 - d) Govind Nadkarni, PE for NCEES Southern Zone Vice President and
 - e) Gene Dinkins for NCEES Treasurer.
- Mr. Ritter reported that he has made reservations for all Board members for the Southern Zone Convention in New Orleans.

7. Violations Activity reported by Assistant Executive Director, David Evans

Mr. Evans reported thirty-nine (39) cases have been opened in the fiscal year 2009. Thirteen (13) were initiated by Mr. Evans. One hundred forty-three (143) cases are on the open case sheet and seventy-seven (77) are in investigators’ hands. Fourteen (14) cases have been opened since the last Board meeting. Fifty (50) cases have been closed in fiscal year 2009 which is more cases than have been opened this year.

Sixty-five (65) cases have been taken to the Review Committee with thirteen (13) cases pending Review Committees. One (1) presentation has been made since the last Board meeting.

Mr. Ritter mentioned there are two hearings coming up and requested Board members pencil in their calendar a hearing for possibly the June meeting but most likely the July Board meeting. The Board meeting will begin immediately after the hearing.

8. Applications

The Board considered the applications of six firms shown as Special Agenda items in the notebook as follows:

- Mr. George L. Sprinkle, PLS (Item 3 of Special Agenda) requests to continue using the name of retiring surveyor Mr. Thomas H. Cabe, PLS in the name of the licensed firm, Cabe Surveying, PLLC.
Klein and Hoffman, Inc. (Item 4 of Special Agenda) requests approval to obtain licensure as a Professional Corporation and to use the title of two founders of the firm,
Mazzetti Nash Lipsey Burch, Inc. (Item 5 of Special Agenda) requests approval to obtain licensure as a Professional Corporation and to use the names of its founders in the title and
Sandwell Engineers Corp. (Item 6 of Special Agenda) requests approval to obtain licensure as a Business Corporation and to use the name of its founder in the title.
These four firms have staff approval. Mr. Thompson made the motion to approve Items 3 – 6 of the Special Agenda requests. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.
- (Item 1 of Special Agenda) Captain Donald J. Riley requests a non-objection letter from the Board to register a new association called "The American Registry of Marine Surveyors" with the NC Secretary of State. The staff recommendation is to approve the request. Dr. Ratcliff made the motion to approve the request. Mr. Liles seconded the motion. A vote was taken and the motion was approved unanimously.
- (Item 2 of Special Agenda) Horne Engineering Services, LLC requests approval to register with the NC Secretary of State. Dr. Ratcliff made the motion to deny the request. Mr. Thompson seconded the motion. A vote was taken and the motion to deny the request was approved unanimously.

9. Pending Action Items – Mr. Ritter reported as follows:

- Law & Rules – Mr. Tuttle called this morning to say that the new Board Rules passed the OAH Review Commission Hearing without opposition. The Board directed Mr. Ritter to place a link to the new Rules and a summary of the changes on the web site to licensees. The Board agreed that for licensees for whom there is an email address in the Board database, a broadcast email will be sent announcing the posting of the new rules on the NCBELS web site. A post card with a link to the NCBELS site will be mailed to licensees without an email address. Mr. Ritter will advise the Board of the effective date of the Rules.
- The new web site is launched. Many of the pictures on the site were contributed by Travel & Tourism.
- Mr. Ritter presented two proposed layouts for the Board room renovations for the Board to review. Board members preferred Floor Plan Option B that enlarges the existing Board room. As there is eight years remaining on the existing lease, the Board agreed it is more economically feasible to expand the existing space rather than pursue other alternatives previously discussed. Board Members want the existing lease to end concurrently with the new lease. Chair Joyner requested Mr. Pond assist Mr. Ritter in negotiating with the landlord with the objective to seek the approval of the Council of State this summer.
- Mr. Evans will add a 6 month timetable to the Investigations Report.
- Mr. Pond set up a meeting with Herb McKim. Mr. Thompson and Mr. Ritter narrowed down the discussion items with Mr. McKim and GICC to the following: 1) A government exemption exists

for licensure but there is not a government exemption for COGs (Council of Governments). The question has always been, “do COGs come under the government exemption”? The Board has taken the position no, but an Attorney General’s opinion can be sought. The Board has been asked to get the Attorney General’s opinion. Mr. Pond made a motion that Mr. Tuttle will draft a letter to the Attorney General requesting an opinion whether COGs are within the government exemption. Mr. Thompson seconded the motion. Discussion ensued. A vote was taken and the motion was approved unanimously. 2) A definition of authoritative and examples are needed.

- Application Overhaul – new folders have been ordered that Laverne Smith designed.
- With the assistance of Mr. Evans and Mr. Tuttle, Mr. Ritter prepared a list of seven potential Statute changes for the Board’s review. The Board deferred discussion until June.
- Mr. Ritter inquired of the Board if the Board wants reinstatements to be handled the same way that the initial engineering applications are to be handled by staff. Reinstatements were not mentioned in the day’s earlier discussion. Staff in the past has confirmed the applicant has 30 PDHs or otherwise met the criteria for being reinstated. The Board requested the staff review and only the ones that do not meet the standard reinstatement criteria be reviewed by Board members at the end of the engineering meeting for review.

10. Old Business

- Mr. Ritter updated the Board that UNC – Charlotte is pleased about partnering with the Board for the Certificate ceremony. The date is July 30 for the Charlotte ceremony. UNC-C has already put together a meal and is handling other details. All Emeritus members should be invited and Board members are strongly encouraged to attend. Discussion ensued regarding who would be a dynamic speaker. Board members requested Mr. Ritter ask Mr. Jerry Carter if he would speak at both ceremonies.
- For information Dr. Monroe’s retirement party is June 26.

The meeting recessed at 3:10 p.m. for a ten minute break; back in session at 3:20 p.m.

- Mr. Ritter informed the Board that House Bill 221 was proposed as part of oversight of licensing boards. As part of the sunset review process, data was being requested that didn’t make sense. The bill originally only asked for the number of suspended or revoked licenses with no questions about other violations. After a conversation between Mr. Ritter and Ms. Betsy Bailey, Executive Director of Professional Engineers of North Carolina, Ms. Bailey was able to get added 7a and 7b on Page 2. The bill has passed the House of Representatives and is now on the Senate side. This is a study bill of the licensing boards.
- Mr. Ritter furnished a copy of the agreement discussed at previous Board meetings that Texas has with Canada. If an engineer has a license in Australia, Mexico or Canada, Texas will give a temporary permit to work in Texas for two years. Mr. Ritter was told this was done so Texas engineers can work in Australia, Mexico and Canada. Anyone working in Texas under the two year temporary permit must apply for full license at the end of two years.

11. New Business

None – already discussed.

12. Informational Items

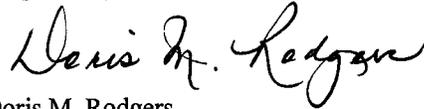
- The Board received a thank you letter from Mr. George E. Freeman, PE, PLS for appointing him as an Emeritus Member of NCEES.
- Mr. Ritter provided for Board members to review the Engineering Education Task Force Report. This will be a major topic of discussion at the Southern Zone Conference. If this passes, it will be a 2020 implementation.
- Mr. Ritter presented the press release in Lawyer’s Weekly regarding Ms. Riley’s appointment as a Public Member with the Board.

- Mr. Ritter provided information in the Board book regarding the PENC summer conference.
- Mr. Ritter provided a copy of the Proposed Amendment to NCEES Bylaws.

The Board went into a closed session at 3:35 p.m. to discuss a personnel matter. The Board formally adjourned following the closed session at 4:05 p.m. The Board is next scheduled to meet on Thursday, June 4, 2009.

13. Administrative Conference

Respectfully submitted,



Doris M. Rodgers
Secretary

Approved by the Board in Session

Date June 4, 2009

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 4, 2009

Raleigh, North Carolina

Board Chair Nils W. Joyner gavelled the North Carolina Board of Examiners into session at 10:30 a.m. to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

J. Glenn Haynes, PLS

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Nils W. Joyner, PLS 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.

2. Consent Agenda

The Executive Director, Andrew Ritter, reported the consent agenda was sent to each Board member that included the minutes, firms and comity applications. Because of conflicts among Board members the Review Committee Agendas were removed from the consent agenda and placed on the regular agenda. The consent agenda included the minutes, applications for Professional Corporations, Professional Limited Liability Companies, Business Firms, Chapter 87 Corporations, Requests to Change Company Name, Requests to use D/B/A and Comity Applications. Dr. Ratcliff moved to approve the consent agenda. Ms. Rodgers seconded the motion. The Board voted and the consent agenda was unanimously approved.

Mr. Ritter mentioned that Mr. Haynes had a scheduling problem and sends his apologies.

3. Update on the North Carolina A & T Geomatics Program.

Mr. Ritter summarized the current status following the April Board meeting as follows: 1) A&T did not get the faculty position they wanted for the Geomatics program; 2) The Board has concerns regarding what direction the program is going; 3) Dr. Monroe's retirement has caused the Board to question the direction of the Geomatics program and 4) The Board decided to wait until the July meeting or until a new dean has been appointed to decide how to proceed.

Mr. Ritter presented to the Board a Financial Summary from A&T received on May 5, 2009 showing little of the \$80,000 paid by the Board has been spent. This may delay the concern for a request of a second check for \$80,000 in the fall. The commitment is for three one year commitments based on meeting certain benchmarks.

Dr. Ratcliff recommended implementing the Gap Analysis. Mr. Ritter obtained the engineering curriculum for NC State and UNC - Charlotte. As the statute clearly sets out the education needed to take the surveying exam, the surveying committee could review the curriculum and determine the courses that can be counted. The actual gap would then need to be confirmed with the individual universities. The recruiter would identify the classes needed to sit for the surveying exam and check with the school to find the

courses needed. Discussion ensued regarding the Geomatics program possibly being in jeopardy at A&T; the commitment of the Board to A&T, the balance of funds not spent to date and budgetary times.

The consensus of the Board was to write a letter to Peggy Fersner, PE stating the Board is reevaluating the recruiter position and requesting she come to the July meeting to update the Board on the Geomatics program and how the funds are being spent.

Board members also agreed that mapping would give many community college students as well as students at NC State, UNC - Charlotte, A&T and other universities with a degree the opportunity to take courses satisfying the 45 surveying hours as directed to qualify for taking the Surveying Fundamentals Exam. The surveying committee will begin reviewing the programs.

4. Committee Report

CPC Committee: Mr. Thompson informed the Board of the following activities:

- Mr. Thompson presented the following organizations that have applied for CPC sponsorship with the recommendation of the committee for approval:
 - a) Academic Services Corporation
 - b) CE Education, LLC
 - c) Instrument Transformer Equipment Corporation
 - d) Jim Thorpe Associates (Johnny D. Kerr – owner)
 - e) O'Brien & Gere
 - f) Storm Technologies, Inc.

A vote was taken and the organizations were approved unanimously.

- The committee received a request to provide evaluation of the CFedS program from the Bureau of Land Management. The committee recommends if a licensee successfully completes the CFedS program, the individual will get 30 PDHs.
- The committee has answered questions regarding courses being offered by sponsors and has worked on proposed statute and rule changes.
- Mr. David Evans, Assistant Executive Director presented a request for exemption due to extenuating circumstances for Peter Forrester, PE. Mr. Forrester's license is inactive and he needs 30 PDHs to change his license to current. The committee recommends 15 PDHs to become current for 2009 and 30 PDHs to renew in December 2010. Discussion ensued. Mr. Thompson made a motion on behalf of the committee that the recommendation be approved. A vote was taken and the motion was approved unanimously.

Engineering Committee: Mr. Pond informed the Board of the following activities:

- Reclaim Water - Last July Betsy Bailey with Professional Engineers of North Carolina (PENC) came to the Board and asked if a PE is required to do a service connection for reclaimed water for residential purposes. A policy response was issued that a service connection does not have to be under the direction of a licensed engineer. The question has been asked what about commercial. The committee agreed to reissue the letter to say if commercial property is less than one acre in parcel size and for landscaping irrigation outside, it does not have to be under the direction of a licensed engineer.
- BIM (Building Information Modeling) - The Committee wanted to have a BIM presentation at a Board meeting. PENC (Professional Engineers of NC) and the national conference in Louisville will have BIM presentations so Board members will attend these and decide if a presentation for this Board is needed and if this is a national item to engage in.
- Crane safety was discussed in New Orleans. North Carolina was asked to bring forward a resolution to the Zone meeting in Louisville to take forward as a national item. The resolution will say that with all the crane deaths and proposed OSHA regulations, NCEES (National Council of Examiners for Engineering & Surveying) needs to become engaged. The committee will bring a resolution before the Board in July to be introduced in Louisville.
- Fire Alarm System Design – issue will unlikely be in this legislative session.

- The committee provided a response on the thresholds for a licensed engineer for expansion, renovation and replacement projects. Mr. Pond made a motion from the committee to spend up to \$3,000 on updating and republishing a seal brochure that was circulated six years ago. The Architecture Board may split the cost. If they don't, this Board will proceed. The Board voted and the motion was unanimously approved.
- Request from Department of Insurance (DOI) – Seals on Truss Placement Drawings – Truss manufacturers feel they don't need a licensed engineer. DOI has taken a hard line stand that the calculations have to be taken to the ground. The Board's policy has certain restraints on licensed engineers and exemptions, but the calculations have to be taken to the ground. The truss companies are meeting with DOI. The Board's policy is very clear and no action is needed. The committee will review the exemptions that apply.
- Engineering Application Reviews – Mr. Pond made a motion from the committee that the Administrative Review of Engineering Application Policy be adopted. The Board voted and the motion was unanimously approved.
- DENR – As there are ongoing issues with DENR, Mr. Pond tasked the Executive Director to request a meeting with the new Secretary of DENR in conjunction with the September meeting for Mr. Pond, Mr. Tunstall and Mr. Ritter to attend.
- A/E Seal Security – no action.
- Onsite Wastewater Systems – no action.
- Proposed Statute and Rule Changes – The committee is reviewing 1) eliminating temporary permits and 2) if someone has a criminal violation, anything other than traffic, the licensee would have to report the violation to the Board within 30 days of the conviction. Mr. Evans added to include disciplinary actions.
- Two Board appointments are expiring this year and the Committee needs to begin exploring potential candidates, particularly for the Engineering Committee to replace Mr. Liles.
- Strategic Planning – begin identifying items for the November planning session.

Surveying Committee: Mr. Thompson informed the Board of the following activities:

- Combining Parts B & C of Exam – At this time the committee does not recommend combining the two parts of the exam. Mr. Thompson asked the Executive Director to investigate the possibility of electronically grading or scoring the exams.
- Surveying Application Review Policy – Much as the engineering committee has done, the committee is going to create a surveying application review policy for surveying applications.
- Mapping Science Exam – is now posted on the NCBELS web site. Committee will continue efforts to inform the public this exam is available.
- The committee is working on a policy for construction surveying. Mr. Ritter will contact other states for their policy so the committee can review before finalizing the policy.
- The new Rule changes now require a Report of Survey. Guidelines for the Report of Survey have been posted to the web site and the information is available to the public.
- Mr. Thompson thanked Mr. Tuttle and Mr. Evans for a very successful seminar that the three of them put on. Mr. Thompson and Mr. Tuttle have done six workshops with the Secretary of State's office for review officers including rule changes. These workshops received very favorable feedback from the licensees and review officers.
- Mr. Thompson presented in the Board books a policy the State of Tennessee adopted on Digital Terrain Modeling & GPS (DTMs) similar to the policy NCBELS adopted a couple of years ago.
- Mr. Thompson presented in the Board books the minutes from the Geographic Information Coordinating Council (GICC) meeting. Mr. Evans attended the meeting. Mr. Ritter stated in the last meeting staff was directed to request an opinion from the Attorney General whether COGS are within the government exemption and this must be done by a motion and vote of the Board. Discussion ensued regarding if the Board still wants to proceed with requesting the opinion of the Attorney General and other options. Mr. Pond made a motion that the Board requests the opinion of the Attorney General, but until the Board receives the opinion, the Board will operate on the premise that COGS do not fall under the exemption. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

- GICC has asked the Board to provide a definition of “authoritative”. The committee will have the response for the Board’s approval at the July Board meeting.

Meeting recessed at 12:15 p.m. for lunch. Meeting gaveled back in at 1:50 p.m.

5. NCEES Activities

- There was discussion regarding Mr. Thompson’s loss to Govind Nadkarni, PE for NCEES Southern Zone Vice President. The Board also briefly discussed if Dr. Ratcliff wants to run for Assistant Vice President in two years.
- Mr. Ritter presented a copy of two resolutions adopted by the Western Zone for discussion and stated the Board will need to make a decision by the July meeting. The Western Zone resolution stated: 1) no data exists to support B+30 and 2) there is no factual or statistical exam or disciplinary data to support B+30 and additional points. The Southern Zone issued a resolution that cancelled the Western Zone resolution but said they would keep working on a white paper. The Western Zone reviewed the white paper and said none of the substantive questions were answered in the paper and requested the deletion of all references to B+30. All board discussion was in support of B+30 with the desire not to kill B+30 now. The Board discussed if a different stand is taken from NCEES, it defeats the purpose of national membership. This issue will be on the July agenda.
- Mr. Ritter provided information on a workshop on Wednesday, August 12 to provide background information about how the accreditation process works and the role that NCEES members can play as either a State Board Observer or an ABET Evaluator.
- Mr. Ritter presented for information a news release from the National Council of Examiners for Engineering and Surveying (NCEES) giving NCEES recognition to the Model Law Engineer standard. NCEES will also pursue a recognition for surveyors. Mr. Ritter has been asked to participate in the development of the standard.
- Mr. Ritter presented a memorandum from the National Council of Examiners for Engineering and Surveying to reaffirm the policy of the Center not to conduct evaluations on distance education programs. This policy is based upon the difficulty in establishing the quality of a distance education program on the basis of a transcript.
- Mr. Ritter presented a letter of notification that Mr. Leonard “Joe” Timms, Jr., P.E. is running for President-Elect of NCEES.
- Mr. Ritter presented a thank you letter from Texas thanking the Board for electing Govind Nadkarni, PE as Southern Zone Vice President.

6. Review Committee

The Board considered the recommendation of a combined Review Committee – Engineering and Land Surveying on two (2) cases conducted April 30, 2009 and chaired by Mr. Joyner and Mr. Liles. Mr. Thompson recused himself from discussion and voting on this matter. Ms. Riley made a motion to approve the recommendation of the Review Committee; Dr. Ratcliff seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in two (2) cease and desist letters for both engineering and surveying.

The Board considered the recommendation of a Review Committee – Engineering on one (1) case conducted April 30, 2009 and chaired by Mr. Liles. Dr. Ratcliff recused herself from discussion and voting on this matter. Ms. Rodgers made a motion to approve the recommendation of the Review Committee; Ms. Riley seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) continuation of the investigation.

The Board considered the recommendation of a Review Committee – Engineering on one (1) case conducted May 26, 2009 and chaired by Mr. Tunstall and conducted via telephone. Ms. Rodgers made a motion to approve the recommendation of the Review Committee; Dr. Ratcliff seconded the motion. A

vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) closed case.

The Board considered the recommendation of a Review Committee – Engineering on one (1) case conducted May 26, 2009 and chaired by Mr. Liles. Dr. Ratcliff recused herself from discussion and voting on this matter. Ms. Rodgers made a motion to approve the recommendation of the Review Committee; Mr. Tunstall seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) closed case.

The Board considered the recommendation of a Review Committee – Land Surveying on one (1) case conducted June 1, 2009 and chaired by Mr. Joyner. Mr. Liles made a motion to approve the recommendation of the Review Committee; Dr. Ratcliff seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) reprimand, Civil Penalty of \$1,000 and required course on boundary surveying section of the NC Society of Surveyors Institute.

The Board considered the recommendation of a Review Committee – Engineering on one (1) case conducted June 1 and chaired by Dr. Ratcliff. Mr. Pond made a motion to approve the recommendation of the Review Committee; Mr. Liles seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committee resulted in one (1) reprimand, Civil Penalty of \$5,000 and ethics course.

7. Violations Activity reported by Assistant Executive Director, David Evans

Mr. Evans reported fifty-four (54) cases have been opened this fiscal year. Fifteen (15) cases have been initiated by the Board Staff which previously would have been originated by the Board. One hundred thirty-two (132) cases are on the open sheet, seventy-three (73) of which are in investigator's hands. Mr. Evans has (10) cases to be reviewed for the next round of Review Committees. Twenty-seven (27) cases are pending review. Fifteen (15) cases have been opened since the last Board meeting. Seventy-six (76) cases have been closed this year. Seventy-two (72) cases have been taken the Review Committee this year.

8. Applications

The Board considered the application of one firm shown as a Special Agenda item in the notebook as follows:

- Souza, True & Partners, Inc. requests approval to obtain licensure as a Professional Corporation and to use the title of two founders of the firm. Both Mr. Souza and Mr. True were licensed engineers. The staff recommendation is to approve the request. Ms. Rodgers made the motion to approve the request. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

The Land Surveying Committee was reminded to review maps before leaving.

9. Pending Action Items – Mr. Ritter reported as follows:

- Several items will be coming off the list. All CPC items (10-12) have been completed and have been removed from the list.
- Regarding statute changes and Board room renovations, changes are being postponed because of the economy.

10. Old Business

- Dr. Ratcliff will represent the Board at Dr. Monroe's retirement celebration from North Carolina A&T State University and the Board will pick up her tab. Mr. Ritter was tasked to write a letter of appreciation or proclamation on behalf of the Board.

- The Raleigh Certificate program is scheduled for Wednesday night, July 15, 2009 at the State Club at Centennial Campus. Betsy Bailey with PENC will book the club under her name. The Board requested Mr. Ritter, on behalf of the Board, to invite Dr. Louis A. Martin-Vega, Dean of the College of Engineering at NC State University. The Board will host a dessert bar following the program. Emeritus members will be invited.
- The Charlotte Certificate program will be July 30, 2009 at UNC - Charlotte. Mr. Bob Johnson, Dean of the School of Engineering, will be the MC. UNC-C is taking care of the rent and parking and bringing in department heads. Mr. Jerry Carter will speak at the Charlotte program. The Board will provide a dessert bar following the program. Emeritus members will be invited.
- Mr. Dykes did not appear for the Office of Administrative Hearing. After repeated unsuccessful attempts to serve Mr. Dykes, the Judge instructed Ms. Kerner, to prepare a Summary Judgment to revoke his license. Mr. Dykes will be given the opportunity to file written exceptions and make oral argument before the Board considers adopting the Administrative Law Judge's recommended decision.
- A Complaint has been served against the Board by the Office of Administrative Hearings. The complainant did not believe the action of the Board was strong enough and wanted to appeal her rights as she was not consulted about the respondent's answers in the investigation. The Board's answer is we're done (investigation was done and charges were issued with actions taken). Ms. Kerner is in the process of determining if she can clear a conflict of interest.
- The Auditor recommended a backup signatory be put in place when Mr. Liles' Board term ends the end of this year. Dr. Rodgers nominated Mr. Thompson as backup signatory for the Board to begin when the term of Mr. Liles ends. Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously.
- The PENC summer meeting is June 11, 12 and 13. Mr. Pond, Dr. Ratcliff and Mr. Liles will attend the meeting. Mr. Ritter requested Mr. Pond attend the general membership meeting on Saturday morning to present the Board report.
- Mr. Pond and Mr. Ritter are attending the ACEC Annual Meeting (American Council of Engineering Companies) in July.

11. New Business

None

12. Informational Items

Mr. Ritter included in the Board books summaries of PE and FE exam takers for the last ten years. The summary shows consistent growth with a higher percentage of exam takers taking the FE exam than the PE exam.

13. Administrative Conference

The Board formally adjourned on Thursday, June 4, 2009 at 3:35 pm. The Board is next scheduled to meet on Thursday, July 16, 2009.

Respectfully submitted,



Doris M. Rodgers
Secretary

Approved by the Board in Session

Date July 16, 2009

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 16, 2009

Raleigh, North Carolina

Board Chair Nils W. Joyner 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:

Nils W. Joyner, Jr., PLS, Chair
Teresa H. Ratcliff, PE, PhD, Vice Chair
Doris M. Rodgers, Public Member, Secretary
J. Glenn Haynes, PLS
David L. Pond, PE
Gary W. Thompson, PLS
John S. Tunstall, PE
Elizabeth W. Riley, Public Member

Absent:

Henry V. Liles, Jr., PE

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Nils W. Joyner, PLS 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.

2. Opportunity for Written and Oral Arguments on the Adoption of the Proposal for Decision

Michael J. Dykes, PE - V07-099

Present for Hearing:

Nils W. Joyner, Jr., Presiding
Teresa H. Ratcliff
Doris M. Rodgers
J. Glenn Haynes
David L. Pond
Gary W. Thompson
John S. Tunstall
Elizabeth W. Riley

Absent & Recused:

Henry V. Liles, Jr., PE

Respondent: Michael J. Dykes, PE, not in attendance

Prosecuting Counsel: Patricia P. Kerner, Troutman Sanders LLP

Advisory Counsel to Board: Ms. Denise Stanford, Bailey & Dixon LLP

The meeting recessed at 10:50 a.m. for a ten (10) minute break; back in session at 11:00 a.m.

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, applications for Professional Corporations, Professional Limited Liability Companies, Firms, Chapter 87, Requests to Change Company Name, Comity and Settlement Conference Recommendations. Mr. Ritter noted that Dr. Ratcliff sent an editorial correction to the minutes. Ms. Riley moved to approve the consent agenda. Ms. Rogers seconded the motion. The Board voted and the Consent Agenda was unanimously approved.

4. Request for Rule Changes as requested by the Rules Review Commission.

After revisions to any rules are adopted by the Board, the Rules Review Commission reviews the complete rule. After the review, the Commission is mandating that language be changed that has been in place for years, based upon it being covered in G.S. 89C. Mr. Tuttle presented to the Board his proposed revisions to meet the requested changes for 21 NCAC 56.0103 and 21 NCAC 56.0503 as shown in the Board notebook. Dr. Ratcliff made a motion to accept the requested Rule changes. Mr. Thompson seconded the motion. The Board voted and the motion was unanimously approved. Ms. Rodgers stated for the record she thinks there is language being deleted from the rule that is not covered by NC General Statute 89C. After clarification, Ms. Rodgers agreed the language in question appears in 89C-9.

5. Committee Reports

Engineering Committee: Mr. Pond informed the Board of the following activities:

- A licensee asked if he felt confident, could he determine the seasonal high water table in administering storm water risk management practices. The committee ruled as long as he is qualified and in his area of competency that he can practice this; however the committee cannot make the determination whether this is practicing soil science. This is not under the Board's responsibility.
- For NCEES annual meeting, there is a west coast resolution dealing with comity for out of the country licensees in dealing with Canada and other countries. NCEES has certain countries that administer the FE and PE exam. To date, the Board has chosen to follow the Model Law process (experience must be under a US PE or an American company). With the west coast resolution, if the NCEES exam is administered in Japan for example, Japan experience should be accepted. This is scheduled for discussion at the national meeting in Louisville with the possible recommendation of a task force. The committee will wait on the outcome of the national meeting and consider at the September meeting.

The western zone accepts a Canadian engineer on comity regardless of whether the engineer has taken the exam. This Board is adamantly against accepting someone who has not gone through examination other than the twenty (20) year waiver that is currently in place. The committee recommends the Board reject the Western resolution to be presented at the national conference as it relates to Canadian engineers.

- At the Southeastern Zone meeting, the Law Enforcement Committee met and presented a white paper on building commissioning. The Engineering Committee reviewed and confirmed that the position on commissioning is consistent with North Carolina's.
- A request was received from PENC (Professional Engineers of NC) for a meeting with PENC and ASCE (American Society of Civil Engineers) to discuss the B+30 proposal. Since a Western Zone Resolution will be presented at the NCEES National Meeting to kill B+30, a meeting with PENC and ASCE prior to the national meeting would be premature. A letter will be sent that the Board wants to meet in September provided B+30 survives the Western Zone meeting.
- Mr. Pond and Dr. Ratcliff attended a presentation at the PENC Annual Conference on BIM (Building Information Modeling). A presentation will also be given at the NCEES Annual Meeting.
- At the NCEES Southern Zone Conference, North Carolina was asked to prepare a resolution on crane safety to bring back to the Southern Zone and the NCEES Annual Meeting. Mr. Pond presented the draft Resolution in the Board book and made a motion that the Resolution for Crane Safety be adopted to present to the Southern Zone and hopefully presentation to the full floor of NCEES in August. Mr. Tunstall seconded the motion. A vote was taken and the vote was unanimously approved. It was agreed Dr. Ratcliff would present the Resolution.
- There has been ongoing discussion with the wood truss manufacturers and the DOI (Department of Insurance) on sealing truss drawings. DOI holds consistent with our licensing board. The committee is currently monitoring and sees no reason for concern. The current guidelines are clear.

- The committee has asked Mr. Ritter to set up a meeting with the Secretary of DENR (NC Department of Environment and Natural Resources) for the end of September.
- Mr. Pond stated that the AE Seal Security, House Bill 1478 (Board had some input) went to the Senate for some tweaking, went back to the House for concurrence and was scheduled to be ruled on yesterday, July 15. Ms. Betsy Bailey, Executive Director of PENC stated the Bill was approved with the verbiage approved by the Board.
- The proposed draft for the updated seal brochure being done jointly with the Board of Architecture will be reviewed by the committee in September.
- The committee has an item to add to the list for proposed statute changes. Currently an individual with a technology degree must wait four years to sit for the FE exam and eight years for the PE exam. The committee would like to allow those with a technology major to sit for the FE exam sooner. This would have no effect on the PE exam.

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

- For a question regarding engineering surveys, Mr. Tuttle was requested to draft a letter pursuant with the instructions of the committee to address what surveying can be done by a PE and a surveyor (particularly topo). This will be done in conjunction with the chairman of the engineering committee.
- The committee seeks to clearly identify what the surveyor, engineer and contractor can do regarding construction staking. Mr. Ritter has requested information from other states. Also, Mr. Thompson will make a contact to request a discussion with other states at the NCEES Forum in Louisville to discuss construction staking and find out their policies. Then the current policy can be sharpened.
- Mr. Haynes stated there is a move across the country from the GIS Society community to determine what they can do. This would affect engineers and surveyors. Mr. Thompson stated that the GICC has asked the Board to define "authoritative" because it occurs throughout the NCEES Model Law. GICC is asking all the states this question. NCEES should take the lead and reach a definition all states can use. Dr. Ratcliff suggested asking the UP&LG committee of NCEES to define what they mean by authoritative and get the two attorneys with UP&LG involved.
- Mr. Haynes made a motion that the Administrative Review of Land Surveying Application Policy as shown in the Board books be adopted. A vote was taken and the motion was unanimously approved.
- Mr. Ritter presented the surveying pass rates for the last NC part B & C exam. The grades are stable and good. There were 23 out-of-state test takers.
- Mr. Pond asked the status of the letter to the Attorney General's office regarding the determination if COGs are exempt. Mr. Tuttle will get out within the next week as he is touching bases with the AG representative who will be handling. Mr. Pond requested this be a priority.

Special Presentation: Executive Director

At noon all Board staff joined the Board members for a special presentation and recognition to honor Mrs. Audrey Thomas for twenty-five years of service with the Board. Mr. Ritter stated Mrs. Thomas has been dedicated, worked tirelessly and has always taken the extra step to do more work.

- Mr. Thompson stated the Exam Writing Workshop will be the second or third week of October.
- Mr. Ritter mentioned that the winner of the Trigstar program finished third in the nation. A congratulatory letter will be sent. The Board has contributed to the Trigstar program.

CPC Committee: Mr. Thompson informed the Board of the following activities:

- Mr. Thompson stated six applicants for CPC sponsorship were reviewed of which the following five sponsors are recommended by the committee for approval as follows:
 1. American Society of Mechanical Engineers Eastern NC Section

2. Clark Nexsen Architecture and Engineering
3. Gaston County National Resources Department
4. Kruger Inc.
5. Tate Access Floors, Inc.

Mr. Thompson made a motion from the committee to approve these five as CPC sponsors. Ms. Rodgers seconded the motion. A vote was taken and the motion was unanimously approved. Mr. Thompson stated the application from ICS Penetron International, Ltd. was denied.

- Progress is being made on the CPC portal on the web.
- Staff has designed a log for CPC to be placed on the web

6. NCEES Activities - Executive Director

- Mr. Ritter presented information regarding the upcoming NCEES Annual Meeting in Louisville.
- Mr. Ritter furnished Board members with the meeting information for the Board of the Colonial States meeting at the NCEES Annual Meeting.
- For informational purposes, the Board books contain a chart showing PE exam pass rates based on experience from the NCEES publication, "Exchange". For PE licensure, a couple of states are promoting taking the PE exam any time after graduation, with the license being granted after passing the exam and having obtained the four years of experience. NCEES does not like the idea. Discussion ensued regarding the policies of this Board in determining the dates used to establish experience and it was decided the Engineering Committee would review.
- Mr. Ritter presented campaign information received from Howard C. Harclerode, II, PE (Skip) for Treasurer of NCEES. After discussion, the Board agreed to support Gene L. Dinkins, PE, PLS for Treasurer.
- Mr. Ritter presented a press release from NCEES as an interest item from a disciplinary perspective. A candidate sitting for the PE exam was found concealing a host of recording and transmitting devices within her jacket and handbag.

7. Results of the FY2007 Audit - Executive Director

Mr. Ritter presented for information a draft of the 2007 Financial Statement. The actual audit is not ready yet. Mr. Ritter has been told a management letter with one or two suggested changes will be issued. Dr. Ratcliff voiced the importance of the appropriateness for all expenditures, including staff.

Meeting recessed at 12:40 p.m. for lunch. Meeting gaveled back in at 1:30 p.m.

8. Violations Activity reported by Assistant Executive Director, David Evans

- Mr. Evans reported sixty-three (63) cases have been opened this fiscal year. More cases have been closed than opened this year. Eight (8) cases have been opened since the last Board meeting. One hundred thirty-two (132) cases are on the open sheet, sixty-eight (68) of which are in investigator's hands, seventy-two (72) cases have been taken to the review committee.
- Tracking of proactive contacts around the state is being done. Tracking of Mark Mazanek's work is being done on an informal basis. In some situations problems are being resolved that would have been cases in the past. If Mr. Mazanek is unable to get resolution, a case can be opened.
- Mr. Evans and Mr. Tuttle will be assisting the Delaware Board to help them with their enforcement program. Dr. Ratcliff inquired who would pay the expenses. The Board agreed to pay the expenses as this benefits North Carolina and the time is one day and night only.

9. Applications

The Board considered the applications of seven (7) firms shown as Special Agenda items in the notebook as follows:

- Gilmor & Doyle, Ltd. (Item 1 of Special Agenda) requests approval to obtain licensure as a Professional Corporation and to use the title of two founders of the firm. Both Mr. Gilmor and Mr. Doyle were licensed engineers in Iowa.
- J.M. Turner Engineering, Inc. (Item 2 of Special Agenda) requests approval to obtain licensure using the name of its founding owner, Mr. J.M. Turner who was a licensed engineer in California. Mr. Adrianus J. Vermeulen, PE purchased the company from Mr. Turner in the 1980's.
- Hussey, Gay, Bell & DeYoung, Inc., Consulting Engineers of S.C. (Item 3 of Special Agenda) requests approval to obtain licensure as a Professional Corporation and to use the title of three former founders of the firm. Mr. Hussey, Mr. Gay and Mr. DeYoung all founded the firm and have since retired or are deceased. Mr. Bell is currently President of the firm. All were licensed engineers.

These three firms have staff approval. Regarding item 2, the record reflects PLS is not part of the name (as shown in the Board notebook). Dr. Ratcliff made the motion to approve Items 1 – 3 of the Special Agenda Request. Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously.

- Karges-Falconbridge, Inc. (C-3080) (Item 4 of Special Agenda) requests approval to continue using the name of Mr. Karges who recently retired. Mr. Karges is a licensed engineer in North Carolina (PE No. 021775).
- Gardner & McDaniel, P.A. (C-0112) (Item 5 of Special Agenda) requests approval to continue using the name of Mr. W. H. Gardner in the company title. Mr. Gardner has retired from the firm.
- Gibbens Drake Scott, Inc. (C-2594) (Item 6 of Special Agenda) requests approval to continue using the name of Mr. Thomas E. Gibbens in the company title. Mr. Gibbens has retired from the firm.
- Knott Benson Engineering Associates, P.A. (C-0186) (Item 7 of Special Agenda) requests approval to continue using the name of Mr. Charles Knott in the company title. Mr. Knott has retired from the firm.

These four firms have staff approval. Dr. Ratcliff made the motion to approve Items 4 – 7 of the Special Agenda Request. Mr. Tunstall seconded the motion. A vote was taken and the motion was approved unanimously.

- Mr. David Smith, PE (Item 8 of Special Agenda) requests to license Flow Engineering, PLLC. He currently owns and operates DesignBuild Mechanical Corporation (D-0202) and is the Resident PE. Mr. Smith will be the Resident PE for both companies, which will be integrated in operation, ownership and location.
- Mr. Joey Taylor, PLS (Item 9 of Special Agenda) requests to license GS Engineering Services, PLLC. He currently owns 67.00% of Geographic Solutions & Surveying Services, PLLC (P-0589) and is the Resident PLS. Mr. Taylor will be the Resident PLS for both companies, which will be integrated in operation, ownership and location.

These two firms have staff approval. Dr. Ratcliff made the motion to approve Items 8 and 9 of the Special Agenda Request. Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously.

- Software Engineering Services Corporation d/b/a SESC, Inc. requests to obtain a Certificate of Authority from the NC Secretary of State using the word "engineering" in the company name. The Engineering Committee reviewed and agreed the company cannot use the word "engineering" in the company name in North Carolina but that it can apply for a Certificate of Authority from the NC Secretary of State using a d/b/a based upon the company's assurances that they will not provide engineering services and that they will note in all marketing materials that "No engineering services are provided in the State of North Carolina." Mr. Pond made the motion to approve with conditions as noted. Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.

10. Pending Action Items – Executive Director

There have been no changes since the last meeting. A newsletter has not been done. Mr. Pond pointed out that at the retreat it was decided that four newsletters should be done per year. After discussion, it was decided a newsletter should be done now and a second one this year in November or December. Then newsletters should be done on a six month cycle. The content should include (1) what the Board has done; (2) new policies and (3) disciplinary cases.

11. Old Business

- Dr. Ratcliff reported that Dr. Monroe's retirement was a really nice affair. She spoke on behalf of the Board at the party. The event was a retirement party fundraiser for the John and Sally Monroe scholarship. The function raised \$3,500 for the scholarship.
- Mr. Ritter received a letter announcing the new interim Dean at NC A&T, Dr. Winser Alexander. He also received an email from Dr. Monroe two weeks before his leaving saying the next \$80,000 is due for the recruiter position for the Geomatics program. Mr. Ritter emailed Dr. Monroe saying the Board recently received an itemized statement showing less than half the money was spent and asking if the money is really needed now. Dr. Monroe did not respond to Mr. Ritter's email.

Mr. Ritter has not sent a letter to Peggy Fersner to get her opinion on the program since Mr. Thompson asked for the opportunity to chat with Ms. Fersner at an upcoming educational event before sending the letter. Mr. Thompson hopes to learn more about the situation.

The Board agreed to send a letter to the current dean asking for the statistical evaluation that has been requested so the Board can determine how to proceed.

- Mr. Ritter will not be on the B+30 Task Force. He has been placed on a committee to review standardizing engineering and surveying applications nationwide.
- Since the last meeting Dr. Ratcliff, Mr. Pond and Mr. Ritter attended the PENC meeting at Myrtle Beach. Dr. Ratcliff made a presentation. Mr. Ritter was the luncheon keynote speaker at the awards ceremony.
- Mr. Pond and Mr. Ritter attended the ACEC meeting. Mr. Ritter gave a short presentation at a reception. ACEC asked to attend an Engineering Committee meeting to foster better communication. Mr. Pond suggested the Board be proactive with other Boards.
- The Charlotte Certificate Ceremony is July 30. Mr. Pond, Ms. Riley and Mr. Thompson (and Ms. Rodgers and Dr. Ratcliff if needed) volunteered to attend. The Raleigh Certificate Ceremony had thirty licensees in attendance. Mr. Pond suggested inviting the employers of the new licensees to promote attendance. Pictures will be placed on the web site and the next newsletter.
- Regarding the September meeting, a hearing is scheduled for Wednesday, September 2, 2009 at 9:00 a.m. Dr. Ratcliff will not be present. Mr. Pond stated the Engineering Committee will convene immediately following the hearing if there is a hearing or at 1:00 pm on Wednesday if there is no hearing.
- The Board retreat is scheduled for November 4 and 5. Board members appreciated and accepted Dr. Ratcliff's offer to facilitate the meeting and bring a note taker. Dr. Ratcliff requested the committees be sent the parking lot ideas from last year and for the committees to furnish their goals for the coming year.

12. New Business

None

13. Informational Items

- Mr. Ritter provided the ABET 2008 Annual Report.

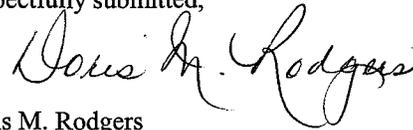
- Mr. Ritter presented the thank you letter and evaluation from PENC for the presentation he gave at the 2009 PENC summer conference.
- Mr. Ritter shared Mr. Thompson's Invitation to a Congressional Briefing.

Dr. Ratcliff made a motion to adjourn. Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously.

The Board formally adjourned on Thursday, July 16, 2009 at 3:15 pm. The Board is next scheduled to meet on Thursday, September 2, 2009.

14. Admin Conference

Respectfully submitted,



Doris M. Rodgers
Secretary

Approved by the Board in Session

Date September 3, 2009

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 3, 2009

Raleigh, North Carolina

Board Chair Nils W. Joyner 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:

Nils W. Joyner, Jr., PLS, Chair
Doris M. Rodgers, Public Member, Secretary
J. Glenn Haynes, PLS
Henry V. Liles, Jr., PE
David L. Pond, PE
Gary W. Thompson, PLS
John S. Tunstall, PE
Elizabeth W. Riley, Public Member

Absent:

Teresa H. Ratcliff, PE, PhD, Vice Chair

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Nils W. Joyner, PLS 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.

2. 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, applications for Professional Corporations, Professional Limited Liability Companies, Firms, Requests to Change Company Name, Comity Applications, Review Committee Recommendations and Settlement Conference Recommendations. Mr. Ritter noted Review Committee recommendations were sent to the Board members but were not listed on the consent agenda. Mr. Haynes moved to approve the consent agenda. Mr. Pond seconded the motion. The Board voted and the consent agenda was unanimously approved.

3. Status Report from Peggy Fersner on the Recruiter Grant Program at North Carolina A & T.

Ms. Peggy Fersner, Geomatics Coordinator, Ms. Allyson Lugo, Program Recruiter and Mr. Jerry Nay, PLS gave a presentation on the status of the Geomatics Program at NC A&T State University. Ms. Fersner apologized for not having furnished the Board quarterly reports or having brought Ms. Lugo to meet the Board sooner. They reported there are currently 30 students enrolled. Two students graduated in 2008 and two in 2009. Ms. Fersner and Ms. Lugo discussed their marketing materials and recruitment activities to recruit new students to the program. Mr. Nay discussed how Geomatics is presented to their target audience. Faculty cuts and administrative changes were also discussed.

After listening to the presentation, discussion ensued. The Board agreed in the future they want (1) quarterly reports, (2) the contributions to the Geomatics program to be spent wisely, (3) a commitment from leadership and (4) results. The \$80,000 already funded was under one set of conditions, but before the Board gives the next \$80,000 the rules of the game must be changed, or reprogrammed as it is called in the grant world. Board members agreed that Mr. Ritter should set up a meeting with the Dean and Interim Dean to discuss if the Geomatics program has their support. Messrs. Ritter, Joyner and Liles will attend the meeting on behalf of the Board. If the response is positive and acceptable, an ad hoc committee of Ms. Riley and Mr. Pond will structure a reprogramming letter for approval by all board members. An additional stipulation discussed was having oversight of the recruiting position by NCSS (NC Society of Surveyors).

The meeting recessed at 10:25 a.m. for a 15 minute break; back in session at 10:40 a.m.

4. Committee Reports

Engineering Committee: Mr. Pond informed the Board of the following activities:

- To be consistent, the committee has set February 1 and September 1 as the dates to be used by staff in reviewing engineering applications for cut-off dates for the required years of experience. Mr. Pond commented that the new application review is more consistent, quicker and provides a better process for the applicant.
- The question has been asked “do energy audits have to be sealed by the licensed professional”. The applications themselves do not have to be signed and sealed. There are parts of the application that are engineering, specifically calculation components. A letter will be sent to the State Energy Office clarifying those portions of the energy audit that are within the definition of engineering.
- With several recent cases, the question has been asked if stream restoration work is required to be under the auspices of a licensed engineer. EEP (NC Ecosystem Enhancement Program) requires that restoration plans be sealed by a licensed engineer. Many environmental firms are doing stream restoration work for municipalities and this is unlicensed practice. A meeting is being planned with Mr. Bill Gilmore who is a PE with EEP to discuss what parts are engineering to better address this issue.
- A meeting was called by DOT (NC Department of Transportation and DENR (NC Department of Environment and Natural Resources) to discuss a new general permit NC G01. Currently if an individual is doing monitoring with BMP (Best Management Practices) and erosion control onsite, the monitoring does not have to be done by a PE. Ten states have adopted a program for certification of erosion control specialists. DOT wants to start a similar program. The committee agrees the certification program would be a good program to have; however, this is not a board issue. If a PE is practicing in his area of competency, the committee would not favor requiring a PE to take this additional test.
- A meeting is scheduled with ACEC (American Council of Engineering Companies of NC) and the Engineering Committee on October 20, 2009. Dr. Ratcliff and Messrs. Liles, Thompson, Pond and Ritter will be attending.
- A meeting will be planned for the Engineering Committee to meet with PENC (Professional Engineers of North Carolina) and ASCE (American Society of Civil Engineers) regarding B+30.
- The committee will review what is and is not engineering as it relates to landscape architecture.

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

- The committee will draft a wetland survey policy. As this is also of importance to engineers, the committee requests the engineering committee also review.
- The committee plans to complete the engineering survey policy following the meeting and would also request the engineering committee review the proposed policy.
- Construction staking will be discussed at the survey committee meeting. This will also need feedback from the engineers.
- Mr. Mark Mazanek reported on the GICC (NC Geographic Information Coordinating Council) meeting. GICC was pleased with the Board letter sent to the Attorney General. The LGC (Local Government Committee) has been working on definitions of “authoritative” and has several. The LGC proposes meeting with the survey committee.
- The Mapping Science Exam will be promoted on the web site and in presentations given by Mr. Ritter.

CPC Committee: Mr. Thompson informed the Board of the following activities:

- Mr. Thompson stated two applicants for CPC sponsorship were reviewed and are recommended by the committee for approval as follows:
 1. Hirschfeld Industries - Bridge
 2. ICS Penetron International Ltd.
 Mr. Thompson made a motion from the committee to approve these two applications as CPC sponsors. A vote was taken and the motion was unanimously approved.
- By the end of the year, demonstrations of the applications being developed for CPC should be available.

5. NCEES Activities –

The Executive Director reported as follows:

- Mr. Ritter presented a press release from NCEES regarding B+30 going forward.
- Mr. Ritter furnished the Colonial States Agenda from the NCEES meeting. Messrs. Haynes and Thompson attended the meeting.
- The Colonial States meeting is October 23-24, 2009. Mr. Ritter requested if anyone is interested to notify him.
- The ten state requirement for NCEES to accept the initiative to develop a software engineering exam has now been met. North Carolina is pleased to be one of the ten. Mr. Ritter stated it would probably be about five years before the exam will be complete.
- ABET visits are listed in the board books. Board members are requested to notify Mr. Ritter if they are interested in attending.

Mr. Pond reported on engineering issues from the NCEES meeting as follows:

- The North Carolina Board was tasked with reviewing BIM (Building Information Modeling). There's a real concern regarding the definition of responsible charge and how it applies in today's electronic age.
- A presentation by the National Society of Education Engineers on "Training Teachers How to Teach" was very informative.
- A standing committee has been tasked to study crane safety so there is no need to take the Crane Safety Resolution forward.
- There was a presentation on "successor engineer" (when one engineer comes in behind another engineer and what they can and can't do). The presenter had studied all the state statutes and many have outdated definitions. Also he stated Model Law needs to be worked on. He found North Carolina's statutes as so / so with lots of room for improvement. Based on this the engineering committee will review further.

6. Results of the FY2008 Audit - Executive Director

Mr. Ritter presented the final 2008 Financial Statement. The Board received a 100% clean audit. The management letter recommended the following changes:

1. Segregation of Duties – During the busy renewal season envelopes that cannot be processed are placed in a locked closet until they are ready for processing. According to the auditor all checks should be opened, stamped and processed. With thousands of checks coming in each day during renewal season, this is a problem all licensing boards experience and the Board accepts responsibility for.
2. Bank Reconciliation – Mr. Ritter reviews the bank statement and gives to Ms. Buck for reconciliation. Ms. Buck should give reconciliation back to Mr. Ritter for review (implemented).
3. Exam Fee Reconciliation – If an exam is in the upcoming year, the fee should be shown as deferred income (implemented).
4. Financial Statement Preparation – The CPA firm should not be the audit firm. As an ethical matter, this must be disclosed.

7. Review Committee Recommendations

The Board considered the recommendations of three Review Committees – Surveying on one (1) case for three different surveyors conducted July 23, 2009 and chaired by Mr. Thompson and Mr. W. C. Owen, Consultant (Emeritus Member was brought in as consultant). Mr. Haynes recused himself on all three from discussion and voting on this matter. Mr. Thompson made a motion to approve the recommendation of the Review Committee; Ms. Riley seconded the motion. A vote was taken and the matter was approved unanimously. The Review Committees resulted in (a) a reprimand and Civil Penalty of \$500; (b) a reprimand and Civil Penalty of \$1,000 and (c) a reprimand and Civil Penalty of \$500.

Mr. Ritter brought to the Board the invoice from Mr. Owen as consultant for the aforementioned Review Committee. The invoice was based on an hourly rate rather than per diem which has been the custom for emeritus board members. After discussion the Board agreed for Mr. Ritter to discuss with Mr. Owen renegotiating the invoice.

This situation emphasized the need to clearly state the board policy. Members agreed the policy for paying emeritus members as consultants reads as follows:

Emeritus members acting in the capacity of consultant to the Board shall be paid the daily per diem rate and travel expenses.

The meeting recessed at 12:05 p.m. for a 10 minute break; back in session at 12:15 p.m.

8. Violations Activity reported by Assistant Executive Director, David Evans

- Mr. Evans reported sixty-nine (69) cases have been opened this fiscal year. Sixty nine (69) cases had been opened by May of last year. There are fifty-nine (59) active or pending investigations. Eighty-nine (89) cases have been closed this year. More cases have been closed than opened this year. One hundred thirteen (113) cases have been taken to the Review Committee this year. Eight (8) cases have been opened since the last Board meeting. One hundred thirty-four (134) cases are on the open sheet, sixty-eight (68) of which are in investigator's hands, seventy-two (72) cases have been taken to the review committee. Mr. Evans has sixteen (16) cases pending for Review Committee in October and the number will increase.
- Mr. Evans has been tracking presentations and proactive contacts. Mr. Tuttle has been very busy on the presentation circuit. Mr. Thompson, Mr. Alston and Ms. Kirk have also given presentations.

9. Applications

The Board considered the applications of three (3) firms shown as Special Agenda items in the notebook as follows:

- McKnight Smith Ward Griffin Eng., Incorporated (F-0595) (Item 1 of Special Agenda) requests approval to continue using the name of retired engineer Harold F. McKnight in the firm name. Skarda and Associates, Inc. (Item 2 of Special Agenda) requests approval to obtain licensure as a Professional Corporation and to use the title of its founder, Mr. Skarda who was a licensed engineer in Maryland (Item 2 of Special Agenda). These two firms have the approval of staff. Ms. Riley made the motion to approve Items 1 and 2 of the Special Agenda. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

Spratt & Brooks (Item 3 of the Special Agenda) is currently a sole proprietorship licensed with the Board. Mr. Brooks was given permission by the Board in 1981 to use the name of his grandfather, Mr. Spratt, who was a licensed land surveyor subsequent to him passing away. Mr. Brooks is now requesting to use the name of his grandfather in a new Professional Corporation that he wishes to form. Mr. Pond made the motion to approve Item 3 of the Special Agenda. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.

10. Evaluation of Economic Interest and Conflict of Interest letters from the North Carolina Ethics Commission
Executive Director

- Recently enacted legislation requires persons appointed to boards and commissions receive training within six months following their appointment and every two years thereafter. Mr. Phillip T. Fisher, Executive Director of the NC Real Estate Commission organized and coordinated a successful training session several years ago and is surveying to see if there is interest in pursuing talks with the School of Government and Ethics Commission on behalf of boards and commissions to satisfy the new and existing requirements for board members. If this does not progress, Mr. Ritter and Mr. Tuttle will provide.
- Mr. Ritter provided in the board books the ethics certification provided by the State Ethics Commission for each board member.

11. Old Business - Executive Director

- Mr. Ritter presented a thank you note from UNC Charlotte. UNC Charlotte was a great host for the Certificate Program. Suggestions mentioned to encourage participation in the program included: promoting the Certificate Ceremony on the web site and in the newsletter and notifying employers of new licensees.
- Mr. Ritter presented the thank you note mailed to Mr. Jerry Carter on behalf of the Board for his presentation at the Charlotte Certificate ceremony.
- Mr. Ritter presented the letter Mr. Tuttle prepared for the Attorney General requesting the advisory opinion on COGs. There has been very favorable feedback with the letter.

12. New Business - Executive Director

- Board members were presented with the requested reading material and draft agenda for the retreat. It was suggested pending legislative actions be updated, committees make presentations to update and educate all board members and the NCEES Model Law be compared to Board Statutes and Rules.

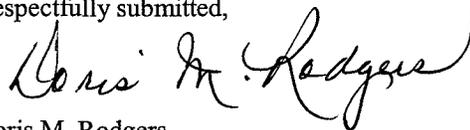
13. Informational Items - Executive Director

- Mr. Ritter announced that East Carolina University has received ABET accreditation. ECU is the fourth accredited institution in the state.

The Board formally adjourned on Thursday, September 3, 2009 at 1:00 pm. The Board is next scheduled to meet on Wednesday, November 4, 2009.

14. Admin Conference

Respectfully submitted,



Doris M. Rodgers
Secretary

Approved by the Board in Session

Date November 4, 2009

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

November 4 & 5, 2009

Pinehurst, North Carolina

Board Chair Nils Joyner, PLS gavelled 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:

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

Absent:

Consent Agenda

The Executive Director, Andrew Ritter, reported the consent agenda was sent to each Board member that included the minutes, firms and comity applications. The consent agenda included the minutes, applications for Professional Corporations, Professional Limited Liability Companies, Business Firms, Chapter 87 Corporations, Requests to Change Company Name, Requests to use D/B/A and Comity Applications. Dr. Ratcliff moved to approve the consent agenda. Ms. Rodgers seconded the motion. The Board voted and the consent agenda was unanimously approved. Mr. Thompson and Mr. Haynes recused themselves from voting.

Planning Session

The planning session began with three Board members giving reports on three books that had been read by them respectively. Ms. Riley reported on *Rising above the Gathering Storm*, Mr. Haynes reported on *The Grand Challenges for Engineering* and Mr. Pond reported on *Engineering 2020*.

The Board then identified thirty-one issues that were listed as potential discussion items for the strategic planning session. The Board first agreed to limit the substantive discussion items to five 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 five:

1. Improved IT – board room, paperless
2. Revamping Brooks Act/business firm law
3. Time line enforcement
4. Non-licensee
5. Related design props

The Board discussed the Board room, IT needs and going paperless at length. The Board covered the following discussion points:

- Board room expansion.
- Full-time IT?
- Board members need to review web site.
- Need for web investigator?

The Board then discussed the timeline for enforcement activities. The Board covered the following discussion points:

- Case loads.
- Choke points.
- Current process.
- Do we need 5th investigator?
- Can we do consent agenda by email?
- Do we bring second attorney in-house?
- Create tracking mechanism for disciplinary cases.

The Board then discussed mini-brooks. The Board covered the following discussion points:

- Does anyone fully understand it?
- Regulatory agencies.
- Does it protect the public?
- The Board should meet with ACEC/PENC to discuss concerns.

The Board adjourned for the day at 400PM and the session was reconvened the following morning at 8:15AM.

The Board then discussed four “Just Do It” items:

- Model Law Comparison to be sent to respective committees.
- Promotion in lieu of enforcement.
- Future direction of planning retreats/establishment of staff priorities/calendar
- Board elections

The following issues were discussed and were classified as “parking lot” items:

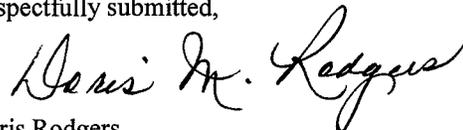
- Legislative plan.
- Cross-walking between technical committees.
- Promotion of the profession and A & T contract.
- Promoting rules of professional conduct.
- Consideration of ethical training as CPC requirement.
- Survey committee – subdivisions.

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 the December Board meeting.

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 tasked the planning and scheduling for the 2010 session with the 2010 Vice-Chair.

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

Respectfully submitted,



Doris Rodgers
Secretary

Approved by the Board in Session

Date December 10, 2009

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 10, 2009

Raleigh, North Carolina

Board Chair Nils W. Joyner 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:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder

To initiate the meeting, Board Chair Nils W. Joyner, PLS 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 stated that he would recuse himself during the A&T conversation.

2. 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, applications for Professional Corporations, Professional Limited Liability Companies, Firms, Requests to Change Company Name, Comity Applications, Requests for Retired Status and Settlement Conference Recommendations. Mr. Haynes moved to approve the consent agenda. Mr. Tunstall seconded the motion. The Board voted and the consent agenda was unanimously approved.

3. Committee Reports

Engineering Committee: Mr. Pond informed the Board of the following activities:

1. The committee received a request from the Division of Waste Management asking the Board to review proposed rules and determine what is engineering so they can place in their rules. Mr. Tuttle will review their rules for the January meeting with an interpretation of what is engineering and what is not to take back to the Division of Waste Management.
2. A request was received from an individual soliciting business from the Division of Waste Management to determine whether a firm must be licensed for engineering and geology (having both a PE and Professional Geologist on staff or a dual licensee) to do ground water onsite clean up. Since there is no remediation, the Board feels either a qualified PE in his area of competence or a Geologist are qualified to do the work. The committee stated it is not the role of the Board to tell the Division of Waste Management they cannot require a higher qualification.
3. The Surveying Committee presented an Engineering Surveying Policy for the committee's review. An engineer can do topographical surveying on their own project; however, they cannot do boundaries or anything regarding property lines. The Engineering Committee requested clarification on some matters. The committee is prepared to approve the policy when it comes back to them in January.

4. PENC (Professional Engineers of North Carolina) and DOT (NC Department of Transportation) referred a Resolution Regarding Qualified Inspection personnel for NC Construction Activities from Erosion and Sedimentation Control Board for review. The individuals who are doing inspections and certifications on soil erosion control would be required to be certified to do the work. All construction projects would have a certified person onsite to sign off on the work. Several states have this program. This resolution will go to the General Assembly with the request that legislation be written to provide this process and requirement. In concept, the committee has no problem with this. The committee thinks engineers are qualified to do this work if it is in their area of competence without further training. The Board would encourage the professional societies talk with the legislators writing the bill to make certain this point is made.
5. The Governor will be naming an Advisory Panel on Offshore Energy. Mr. Liles' name has been put forward to serve on this panel. As of December 9, no appointments were announced.
6. The FE application references can be a PE or professor who must certify they are "thoroughly familiar with the applicant's engineering work". A professor from NC State said he is not in a position to do this. After reviewing the rules more closely, the rules are more general and state they are "familiar with the work". The Board directed staff to revise the application to match up exactly with the rules.
7. The committee discussed a presentation presented at the 2009 NCEES Annual Meeting on successor licensee and the process a licensee goes through when they take over or assume the work of another licensee. The presenter stated what Model Law says and gave a state by state comparison with Model Law. Over the next six months the committee will examine how North Carolina compares to Model Law and will rework the Rules to conform to Model Law. The staff with respect to a successor licensee interprets consistent with the Model Law. North Carolina Rules are more general; Model Law is more detailed.
8. Messrs. Liles, Pond, Thompson and Ritter and Dr. Ratcliff met with the Board of ACEC (American Council of Engineering Companies). Much of the discussion focused on CPC PDHs. There was a lot of positive feedback and will most likely become an annual event.
9. A reference guide was developed by Nevada for engineers working in the construction industries. The Architectural Board approached the Board to see if there is interest in doing a joint rewrite or something similar for North Carolina. The committee said yes if it can be worked into the budget.
10. House Bill 1748 went into effect in the fall removing the seal from public documents. There are certain processes that need to be in place. The Board will continue to monitor that Board Rules are not violated.
11. There was a request for proposals initiated by the Energy Office on using stimulus funds for energy audits. The request for proposals was clear that parts of the work were engineering. The Board contacted the Energy Office. They were very cooperative in revising the proposal and stating what items were engineering.
12. The Board had a case on stream restoration with unlicensed firms practicing engineering and felt it was important to adopt a policy for municipalities, Ecosystem Enhancement Program (EEP) and the Corps of Engineers. The Ecosystem Enhancement Program has effectively handled these projects. Messrs. Pond, Liles and Tunstall met with Mr. Bill Gilmore, NCDENR Ecosystem Enhancement Program (EEP) Director and Mr. Jeff Jurek to clarify what is and is not engineering. The Surveying Committee ruled on one issue. The committee will forward a draft policy to EEP. After comments from EEP, a policy will be brought back to the Board for formal adoption in January.
13. The Board of Landscape Architecture is aggressively distributing publications to municipalities and their membership that they are licensed to do storm water plans and stream restoration plans. After review of the statutes, the Engineering Committee has taken the position landscape architects are not licensed to do stand alone storm water plans or stream restoration plans. After discussion by the Board a) Mr. Pond tasked Mr. Ritter to inquire of the Joint Legislative Oversight Committee on Licensing Boards if it is within the purview of this Board to say we have a concern with another licensing board that overlaps our responsibilities based on protecting the health, safety and welfare of the public; b) members agreed a time will be scheduled with PENC, NCSS and ACEC to discuss concerns; and c) members agreed the board needs to get statutory authority to fine nonlicensees. In addition, Mr. Tunstall made a motion, for Mr. Tuttle to obtain an opinion from the Attorney General's office on the interpretation of whether landscape architects

have the statutory authority under incidental storm water and subsurface storm drainage to do stand alone storm drainage. Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously. After the break, Mr. Pond suggested a small group meet with the Landscape Architect Board to discuss the issues. Board members agreed for Mr. Ritter to set up the meeting. Messrs. Pond, Tunstall and Ritter plan to attend.

14. NCG01 General Permit was covered in Item 4.
15. There was no action on the national agenda items.
16. The committee responded in July that an engineer can determine the seasonal high water table if he is competent in that area.
17. The NC Coalition to Advance the Profession of Engineering was created by PENC and ACEC to discuss B+30. Until NCEES makes the final determination at the national meeting in the fall what B+30 means, this Board will continue to monitor and support. Then it can be determined how to apply in North Carolina.
18. Seals on Truss Placement Drawings - Removed from Committee Agenda – no action needed.
19. Messrs. Pond, Tunstall and Ritter met with DENR Secretary Freeman. Secretary Freeman invited Mr. Ritter to make a presentation to top DENR department heads encouraging the Board's role to help from an enforcement perspective. Secretary Freeman encouraged Board staff to visit the regional offices. There was discussion about "the book" sent to state agencies, legislators and the governor's office. Secretary Freeman stated there are two attorneys working on the response.
20. There have been several cases dealing with nonlicensees designing onsite wastewater treatment systems. A policy has been drafted and will be tweaked to send to the Health Department at DENR for their review. Mr. Tunstall and Mr. Pond will meet with them to review the policy to establish what is and what is not engineering. A final policy will be brought back to the Board for approval. Mr. Pond asked staff to determine if there are violations and to initiate a case if there are violations.
21. The costs on the reprint of Seal Brochure will be \$2,000 to \$3,000. Mr. Pond needs to confirm if there are funds in the budget for this project.
22. Mr. Tunstall will be comparing the Model Law first followed by Model Rules for the committee's review.

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

- A policy is being prepared on construction staking for review by the Engineering Committee. Any construction staking must be done by a PLS with the exception that a contractor may use his own employees.
- Regarding engineering surveys, the policy will be modified that all easements and buffers shown on a survey must be done by a PLS. Comments have been requested from the Engineering Committee.
- The question has been asked if landscape architects can request DOT driveway permits. Landscape architects say they can. It was requested Mr. Tuttle add this to the opinion requested from the Attorney General's office.
- The committee was requested to address a question regarding a local storm water design ordinance. Buncombe County and many other counties say that surveyors cannot do local storm water designs; however, G.S. 89C says they can. Ms. Sara Kusan with NCSS will talk with the Association of County Commissioners in an effort to clarify this issue with the local municipalities.
- If an individual buys a house and the title insurance company requires the owner to sign an affidavit that nothing has changed on an existing survey, the surveying committee has deemed this is surveying without a license. The committee wants to send a letter to the Insurance Commissioner to see what response they will receive. The use of the survey affidavit is not protecting the public.
- Mr. Pond suggested to the Surveying Committee that they consider doing away with the hydraulic area of the exam as they do the comparison with Model Law.

CPC Committee: Mr. Thompson informed the Board of the following activities:

- Mr. Thompson stated seven applicants for CPC sponsorship were reviewed and are recommended by the committee for approval as follows:
 1. Appalachian State University Energy Center
 2. Argand Energy Solutions
 3. Carolinas Concrete Pipe & Products Association
 4. Carrier Corporation (Charlotte Manufacturing Facility)
 5. Stearns & Wheeler, PLLC
 6. Element K Corporation
 7. Armstrong Pumps

Ms. Rodgers made a motion to approve these seven applications as CPC sponsors. Mr. Tunstall seconded the motion. A vote was taken and the motion was unanimously approved.

- The committee approved one request for a medical exemption.
- The CPC Online Form for licensees is now on the web site. The Sponsor Application is the next form to come online.

The meeting recessed at 10:25 a.m. for a 15 minute break; back in session at 10:40 a.m.

4. NCEES Activities – The Executive Director reported as follows:

- Mr. Haynes volunteered to be the funded delegate to the Southern Zone Interim Meeting.
- The Colonial States Fall Meeting was cancelled due to low attendance.
- Mr. Ritter asked if there was anyone the Board wanted to nominate for a national award. It was suggested that Mr. Liles be nominated next year.

5. North Carolina A & T Geomatics Engineering Report – Executive Director

- When the grant was given to A&T quarterly reports were requested. Fourteen months went by without any reports and the Board summoned A&T to the September meeting to find out a) why they had not given any quarterly reports and b) to get assurances of future quarterly reports. Mr. Ritter distributed the report he received for December. Dr. Ratcliff noted for the minutes “I see a whole lot of activity recruiting for the university and not necessarily for surveying. At NC State University if we had a program that was for essentially 32 (11 of which are double majors) which means the program really is for just 19; that is cut level. It has nothing to do with who is Dean or Provo or Chancellor or anything. We have to get really serious about making sure that we have a unified across the state effort at a robust four year degree program beyond this. This is going to get cut.”
- Mr. Thompson and Mr. Ritter met with UNC-Charlotte. The Head of the Technology program is interested in providing surveying classes. Ms. Kusan with NCSS received an email from the NC State Bio Ag Department. They also expressed interest in offering surveying classes. After this meeting, Mr. Ritter will begin putting the matrix together that has been discussed and contact UNC- Charlotte and NC State about their plans to bring back surveying classes.

6. Approval of 2010 Fiscal Year Budget - Executive Director and Board Secretary

Prior to the board meeting, Mr. Ritter presented the 2010 budget to the current board secretary, Ms. Rodgers and the presumptive board secretary, Mr. Pond. Mr. Ritter deferred to Ms. Rodgers and Mr. Pond to present the 2010 budget. The 2009 Statement of Activities was \$138,800 over budget and reserves were down to \$335,000. The new budget presented has no room for new initiatives including no funding for A&T and no board room improvements. This does not mean quitting projects that have been started or pending projects. Projects, legal fees and the website have been significant expenses. Mr. Ritter stated the three reasons why the finances are \$140,000 over budget can be attributed to a) legal fees for the Dykes

case; b) email notification for renewals significantly reduced late renewal fees c) low interest income on CDs and d) low interest income required more reserves to be used.

Discussion ensued regarding the revenue stream and expenses. Mr. Liles made a motion the 2010 budget be adopted, Mr. Tunstall seconded the motion. Dr. Ratcliff stated for the minutes, "why we are approving a 3% increase in staff salaries? I know that you have a wonderful staff that deserves everything in the world but the fact of the matter is that in a time when all of us are experiencing either level or declining salaries, as a fiduciary responsibility, what can we turn to and say we have this matrix that we can compare to?" Mr. Ritter stated he had that conversation with the Board Chair this summer. Mr. Ritter stated that for ten years he has used a matrix of what the City of Raleigh, Wake County and the State do and the cost of living. Both Raleigh and Wake County employees received raises higher than 3% and State employees did not get a raise. The cost of living increase was around 1 ½ to 1 ¾ percent. After discussion, Mr. Liles moved to table the motion he had made. Mr. Haynes seconded the motion. The Board voted and unanimously agreed to table the motion.

After discussion, Mr. Pond recommended changing the budgeting process to incorporate the process of the Board reviewing about 6 key items to include a cap on projects and basic assumptions on staff in September of each year. The Board agreed for Mr. Pond and Ms. Rodgers to recalculate the line item for salaries and move 3% to surplus. The 3% cannot be touched without coming back to the Board. Mr. Pond and Ms. Rodgers agreed to make the changes discussed prior to the afternoon session. The Board requested Mr. Ritter to bring the process he uses in calculating raises and the current numbers used in the matrix to establish raises as a topic on the agenda for the Board's review in June. Board members decided they wanted financial reporting from Mr. Ritter as an agenda item for each board meeting.

AFTER LUNCH: Mr. Pond revised the numbers as directed in the morning session showing an adjustment for a 0% increase for salaries. This was submitted via the Board Secretary for approval. Ms. Rodgers made a motion the Board approve the 2010 budget. Mr. Pond seconded the motion. A vote was taken and the budget was unanimously approved.

7. Approval of 2010 Board Calendar

Ms. Riley made the motion to approve the 2010 board calendar. Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously. The January meeting is scheduled for January 13 and January 14. There are some conflicts for these dates. After discussion, all board members agreed to move the January meeting to January 20. The Executive Director will send an amended calendar to the Secretary of State.

8. Pending Action Items – Executive Director

Mr. Ritter presented the pending action list and what everyone has agreed to do:

1. Laws and rules reviewed regularly via engineering and surveying committee meetings.
2. Staff will establish an electronic version of the newsletter to distribute two times a year.
3. Changes to application process to make more efficient (make use of new copier -scanning).
4. Make changes to review committee/settlement conferences to make more efficient (scanning).
5. David Evans is compiling average case time to be presented at February meeting.
6. Board room renovations are budget contingent.
7. Research is being done whether a consent agenda can be handled via email. Challenges are with the open meeting law.
8. Board agreed to review web site as a group and make it an agenda item.
9. The public calendar is complete. Work is being done to password protect the private board calendar.
10. Board members want Executive Director at all review committees but want a designee in the event the Executive Director is not able to attend. Board members extended this to include other roles of the Executive Director.
11. New committee chairs are requested to make a list of what their committee wants to learn about other committees.

12. Staff needs to prepare a matrix analyzing surveying classes at universities.
13. Each Board member needs to pick a topic or write one or two articles for the newsletters.
14. Dr. Ratcliff will bring to the January meeting a 15 minute segment of Judy Weseman's presentation for consideration of ethical training as a CPC requirement.

The meeting recessed at 12:50 pm for lunch. The meeting gaveled back in at 1:30 pm.

9. Violations Activity reported by Assistant Executive Director, David Evans

- Mr. Evans reported ninety (90) cases have been opened this fiscal year. This is a dramatic drop in the number of new cases from last year. Mr. Evans initiated 21 new cases. Last year the Board initiated 37 cases. Mr. Evans stated more corrective actions are being taken on the front end with firms. Mr. Mazanek has worked with 40 noncompliant businesses to get them compliant. Previously these cases would have gone through the disciplinary process to reach a resolution. A step process has been incorporated to get firms to comply. Also, because of the hard line taken on CPC, CPC is no longer the number one cause for cases. One hundred forty-two (142) cases have closed this year. Last year there were 126 closed cases.
- Messrs. Pond, Tuttle and Evans gave presentations at the Charlotte Ethics Seminar. They will present to 135 attendees at the McKimmon Center. The presentation given by Messrs. Tuttle and Evans to Delaware Law Enforcement & Ethics Committee was well received. Mr. Joyner received a letter of appreciation from the Delaware Board for their efforts.

10. Applications

The Board considered the applications of five (5) companies shown as Special Agenda items in the notebook as follows: (All five have the recommendation of the staff.)

- Calibre CSD, PC requests to obtain licensure as a Professional Corporation. Mr. Howard Resnick will be the Resident PE and is also the Resident PE for Coastal Site Design, Inc. (C-2710). Both companies will be integrated in location, operation and ownership as Mr. Resnick owns at least 1/3 of each company.
- AquaFusion Environmental Services, Inc. requests to obtain licensure as a Professional Corporation. Mr. Jan Smith will be the Resident PE and is also the Resident PE for AquaFusion, Inc. (C-2888). Mr. Smith is at least 1/3 owner of both companies and both companies will be integrated in location, operation.
- Tyndall Engineering & Design, PA (C-2303) & Earthworks Design, PA (C-2663) Mr. Prentice A. Tyndall, PE requests to operate both companies and be the Resident PE for both. Mr. Tyndall is 100% owner of both companies and they are integrated in location, ownership and operation.
- Cape Fear Engineering, Inc. (C-1621) and Professional Evolutions, Inc.: Mr. Perry G. Davis, Jr., PE, PLS requests to be the Resident PE and PLS for both companies. Mr. Perry owns at least one-third of each company and they will be integrated in operation, ownership and location.
- Weidlinger Associates, Inc. requests to obtain licensure as a Professional Corporation. The title of the company contains the name of the founder of the firm who was a licensed engineer in New York and is now deceased.

All five firms were recommended and approved by staff. Dr. Ratcliff made the motion to approve all five firms of the Special Agenda. Ms. Rodgers seconded the motion. A vote was taken and the motion was approved unanimously.

11. Old Business - Executive Director

- Mr. Ritter furnished a copy of the agenda for the Joint Meeting with DENR and a copy of the agenda for the meeting with Mr. Bill Gilmore of EEP both of which were discussed earlier in the meeting.

- Mr. Thompson and Mr. Ritter went to the Surveying Institute. At these meetings, they are reminding surveyors that the four year degree requirement goes in effect in 2013.
- Information is in the board books regarding the meeting with ACEC.
- Mr. Ritter furnished literature on the engineering program from East Carolina.

12. New Business - Executive Director

- New ethics requirements go in effect October 1. Members will have two years to get new training. Mr. Ritter will keep board members up to date on the training that Mr. Phil Fisher of the Real Estate Commission is trying to put together and will obtain the spread sheet from the Ethics Committee for the January meeting to confirm the date everyone will need to complete their ethics requirements.
- Mr. Ritter furnished a copy of the letter Ms. Kusan of NCSS wrote to the Governor in support of Mr. Willy Stewart for the board position currently held by Mr. Liles. Mr. Ritter has not heard anything from the Governor's Office.
- Mr. Ritter shared with members of the Board an article written by Dr. Ratcliff entitled "Pushing Ethics Makes Engineering Stronger – Preventive Measures Keep Problems from Developing" published in The Professional Engineer.

13. Election of Board Officers for 2009.

- Ms. Rodgers moved that the present Vice Chair, Dr. Teresa H. Ratcliff, PE be placed in nomination for the Board Chair. Mr. Thompson seconded the motion. There being no further nominations, nominations were closed.
- Dr. Ratcliff moved that Mr. J. Glenn Haynes, PLS be placed in nomination for the Vice Chair. Mr. Thompson seconded the motion. There being no further nominations, nominations were closed.
- Ms. Rodgers moved that Mr. David Pond, PE be placed in nomination for Secretary. Mr. Liles seconded the motion. There being no further nominations, nominations were closed.

Dr. Ratcliff moved to elect all the nominees by acclamation. Mr. Liles seconded the motion. The Board voted and all nominees were approved by acclamation.

The Board went into a closed session at 2:05 p.m. to discuss a personnel matter. The Board formally adjourned on Thursday, December 10, 2009 at 3:10 pm. The Board is next scheduled to meet on Wednesday, January 20, 2010.

Respectfully submitted,



David L. Pond, PE
Secretary

Approved by the Board in Session

Date 1/20/2010