

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 18, 2012

Raleigh, North Carolina

Board Chair David Pond called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. Board members on the conference call were:

Board Members on Teleconference Call:

David L. Pond, PE, Chair  
Gary W. Thompson, PLS Vice Chair  
Willy E. Stewart, PE Secretary  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Elizabeth W. Riley, Public Member  
Teresa Helmlinger Ratcliff, PE, PhD  
Linda A. Thurman, Public Member  
John S. Tunstall, PE

Absent:

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director  
David S. Tuttle, Board Counsel  
Shirley U. Ditt, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Mr. Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Board Chair

Mr. Ritter presented the Consent Agenda for approval. Mr. Haynes made a motion to approve the consent agenda. Dr. Ratcliff seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings, Comity Applications; CPC Recommendations, Firm Applications for 12 Professional Corporations, 13 Professional Limited Liability Companies, 2 Business Firms and 3 Chapter 87 Corporations; 5 Requests for Name Changes, 1 Request to be Resident for Multiple Companies and 4 D/B/A Requests; a Review Committee Recommendation and Requests for Retired Status.

3. Appointment of 2012 Board Committee – Board Chair

Mr. Pond announced committee appointments as follows:

Engineering Committee:

Dr. Teresa Helmlinger Ratcliff, PE, Chair  
Mr. David L. Pond, PE  
Mr. Willy E. Stewart, PE,  
Ms. Linda A. Thurman, Public Member  
Mr. John S. Tunstall, PE and Replacement

Surveying Committee:

Mr. Nils W. Joyner, Jr., PLS, Chair  
Mr. J. Glenn Haynes, PLS  
Ms. Elizabeth W. Riley, Public Member  
Mr. Gary W. Thompson, PLS

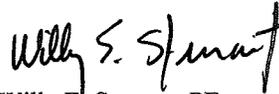
CPC Committee:

Ms. Linda A. Thurman, Public Member, Chair  
Mr. Gary W. Thompson, PLS  
Mr. John S. Tunstall, PE and Replacement

4. Mr. Ritter stated the February meeting will start at 10:00 a.m. on February 15<sup>th</sup>. Committee meetings will be from 10:00 a.m. until noon and extend into lunch at noon if needed. The CPC Committee will not meet but handle business electronically. The board meeting will begin at 1:00 p.m. and last until late in the afternoon.

*Ms. Riley made a motion to adjourn the conference call. Ms. Thurman seconded the motion. The Board voted unanimously to adjourn. The Board formally adjourned Wednesday, January 18, 2012 at 7:45 a.m. The Board is next scheduled to meet Wednesday, February 15, 2012.*

Respectfully submitted,



Willy E. Stewart, PE  
Secretary

Approved by the Board in Session

Date February 15, 2012

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 15, 2012

Raleigh, North Carolina

Board Chair David Pond gaveled the North Carolina Board of Examiners into session at 12:35 p.m. on Wednesday, February 15, 2012 to convene its regular order of business for the Board. Board members present were:

Present:

David L. Pond, PE, Chair  
Gary W. Thompson, PLS Vice Chair  
Willy E. Stewart, PE Secretary  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Elizabeth W. Riley, Public Member  
Teresa Helmlinger Ratcliff, PE, PhD  
Linda A. Thurman, Public Member  
John S. Tunstall, PE

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Executive Director

Chair Pond asked if there was a motion to approve the consent agenda. Dr. Ratcliff made a motion to approve the consent agenda. Mr. Tunstall seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Comity Applications; CPC Sponsor Recommendations, Firm Applications for 8 Professional Corporations, 14 Professional Limited Liability Companies, 3 Business Firms and 1 Chapter 87 Corporation; 3 Requests for name changes, 1 Request to Use Individual's Name in Company Title and 2 D/B/A Request; Minutes for December 2011 and January 2012, Settlement Conference Committee Recommendations; and Requests for Retired Status.

Chair Pond presented gifts to Mr. Haynes for his leadership and service as Chair last year.

3. Settlement Conference (Engineering – Stewart, Nixon, Riley)  
1/31/2012

Executive Director

The Board considered the recommendation of the Settlement Conference Committee on a case conducted on January 31, 2012 at 2:00 p.m. with Mr. Stewart, Ms. Riley and Emeritus Member Larry D. Nixon, PE, PLS, as Consultant. Chair Pond recused himself from discussion and voting and passed the gavel to Vice Chair Thompson. Mr. Joyner made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Stewart seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Committee recommendation resulted in a closed case based upon the Board accepting the admission of guilt by the respondent of the charges and ordering the respondent not to commit in the future the specific acts admitted and also not to violate any provisions of G.S. 89C or the Board Rules in the future. Vice Chair Thompson passed the gavel back to Chair Pond.

Chair Pond stated that the Board needed to go into closed session to consult with Board Counsel regarding a legal matter. Mr. Tunstall made a motion to go into closed session. Ms. Riley seconded the motion. A vote was taken and the motion was unanimously approved.

*The meeting went into closed session at 12:40 p.m. to consult with Board Counsel regarding a potential legal issue. The meeting was gaveled back in at 1:05 p.m.*

#### 4. Committee Reports

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

- A board member at the PENC meeting asked a question about electronic signatures on electronic communications. She was given a response at the PENC meeting. She responded back with “what if” scenarios. A letter was sent in response giving her options. She has followed up with a letter. The Committee will reiterate the same information given to her at the PENC board meeting. This created a dialogue regarding the currency of the Board Rules related to certification of electronic documents. The Committee has decided to take on the project to update the Statutes and/or Rules based on newer technology with the goal to bring them up to date with current electronics. Mr. Ritter will find out what is being done in other states.
- Mr. Mazanek was given a request as part of the Secretary of State’s Office process for Analytics Operations Engineering, Inc. to do business in North Carolina as Operations Analytics Inc. Staff is okay with the dba name, but asked the Engineering Committee for a judgment call on whether they were doing engineering. The Committee concluded the company was not doing engineering but a letter should be sent reminding them of the definition of engineering. Mr. Mazanek stated he will say the Board has approved their request for a Non-objection letter and he always includes the definition of engineering with the caution the company not practice engineering in a situation of this nature.
- A request has been made to give a formal interpretation when a design professional seal is required. The Committee reviewed and gave instructions to Mr. Ritter to give Mr. Tuttle an outline of the response the Committee would like to send. Dr. Ratcliff requested that Mr. Tuttle send the letter to her for review before sending.
- The Engineering Committee reviewed an email from the City of Fayetteville that was also sent to the Surveying Committee for review. A PE Interim City Engineer of the municipality told a PLS he could not seal the BMP (Best Management Practices) which in this case was a storm water pond. The question for the Board is can the PE deny the PLS sealing the BMP and does the PE have to right to do so? Dr. Ratcliff stated she would like to address this matter by a motion that affects the specific question in this letter and a discussion about how this relates to the broad brushed interpretation.

Dr. Ratcliff made a motion that a response be sent to respond to her question that a municipality can have a higher standard than the Board and yes the detention pond is engineering. Dr. Ratcliff stated the Engineering Committee felt it was important for the Surveying Committee to know the letter was being sent because it involved a surveyor. Also, a timely response is imperative.

Mr. Joyner stated the Surveying Committee briefly discussed this matter. The Surveying Committee would like to see examples of what is being proposed. Mr. Joyner expressed BMPs are very much a part of storm drainage design which can be incidental to a subdivision. Mr. Joyner stated if it is part of the subdivision design, the Surveying Committee needs to look at further as this type of design would fall under the category of incidental to a subdivision. He voiced concerns that the Surveying Committee does not interpret this issue the same as the Engineering Committee and if the letter is written, it may have to be taken back in the future. The Surveying Committee believes design of detention ponds can be done by not only engineers, but also by surveyors and landscape architects.

Dr. Ratcliff split her motion to say, “I would like to respond to the woman who wrote the letter from the City of Fayetteville that a municipality can create standards above those that are more stringent than the Board”. The Board voted and the motion was approved unanimously. Dr.

Ratcliff made a motion that the letter state her ruling on the design of a detention pond is engineering. Mr. Pond brought to the board's attention the *Guidelines for Interpretation of Incidental Streets and Storm Sewer System Designs*. After discussion, the Board voted. Chair Pond requested those in favor signify by raising their hand. Dr. Ratcliff, Mr. Tunstall, Mr. Stewart and Ms. Thurman voted in favor. Messrs. Joyner, Thompson and Haynes opposed. Ms. Riley abstained. The motion passed. Mr. Thompson requested that a copy of the aforementioned Guidelines be included in the letter.

Based on the Committee's discussion of this matter, the Engineering Committee reviewed in their committee meeting the *Guidelines for Interpretation of Incidental Streets and Storm Sewer System Designs* as to what changes they would recommend for clarification of the policy. Each item of the policy was reviewed. Staff was asked what questions they receive most. Dr. Ratcliff proposed as a starting point to consider adding the following item to paragraph 3, "12. Design of any storm water impoundment, storm water reservoir, storm water Best Management Practices or permitted storm water system" of the Guideline and this be placed on the March agenda.

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

- The Committee had a work session to finalize the Rule Change for vertical and horizontal surveys.
- A work session was held regarding reviewing applicant's maps electronically to make comments. Board members will be able to make their comments and forward to other board members for comments, then send back to the board office for processing. This procedure will begin in March and will be helpful with future plans for computer based testing.
- Mr. Tuttle and Mr. Thompson will work on a newsletter article regarding using GPS ties in lieu of tying to a NCSPCS monument. The process is explained in the Tie Guidelines.

CPC Committee: Ms. Thurman reported that CPC has no items to report.

5. NCEES Activities - Executive Director

- The Southern Zone Interim Meeting is April 19-21 in Huntsville, Alabama.
- Mr. Ritter presented the NCEES 2010 Annual Report and the last NCEES newsletter.
- Dr. Ratcliff reported on her CBT Implementation Task Force in Clemson. She stated there are a group of veteran engineers from the northeast that are opposed to computer based testing saying the reference materials would not be common to the practice. She also attended a Leadership Task Force. There is discussion about putting together a NCEES Leadership Academy that would mimic Leadership North Carolina or Leadership Charlotte. The topic would center around leadership in licensing professions.
- Mr. Thompson is Chair and reported on the EPP (Exam Policy and Procedures) Committee. The Committee has been tasked with modifying the EDPs (Exam Development Procedures) and EAPs (Exam Administrative Procedures) and policies to fix CBT (Computer Based Training).
- Mr. Ritter reported on the MBA Task Force and MBA Forum. The transition to CBT was the largest item on the agenda. A lot of time was devoted to what the states need to do to be ready for CBT, including the review of statute and rule changes and how staff will interact with NCEES. Staff will have to transition to a revolving deadline for exams.

How states deal with foreign applicants who have taken the 16 hour exam in foreign countries was discussed. Education and the exam can be verified. The question is, "how do you evaluate experience and references from foreign countries?" It is unknown how many countries in the world have some sort of licensing model for engineers. A survey has been prepared to send to a variety of engineering associations to compile data to create a matrix of which foreign countries have a licensing model and their contact information.

6. Board Secretary Report - Executive Director and Board Secretary

- Mr. Stewart stated about 50% of the board's revenue comes in the month of December. To date, revenue is up over budgeted projections. Engineering renewals are up 4%. Surveying renewals are down 5%. So far, there is a net increase of \$40,000 and the Board is 2% above the budget on the revenue side. Expenses are tracking as projected. To date, exam applications are up 19%. About 1,500 licensees have not renewed at this time.
- A hearing is scheduled for the May board meeting and the meeting will be for two days. The hearing will be Wednesday, May 16 and the board meeting will be Thursday, May 17.
- Future Committee meetings will begin at 9:00 a.m. and board meetings will begin at 11:00 a.m.

7. Violations Activity – Assistant Executive Director

- Mr. Evans stated 13 cases have been opened this year and 13 cases have been closed this year. Sixty-six cases are on the open sheet of which 18 are in the investigator's hands. Two cases are on hold. Twenty-three cases are pending review. Proactive enforcement has included visits to 21 Registers of Deeds, 17 County/City Inspection Departments, and 15 other agencies with a positive response from the offices visited. Mark Mazanek has handled 10 companies on an informal level.
- Mr. Ritter stated that questions were asked if we are having more settlement conferences and if we are disciplining more people. Mr. Evans prepared a bar chart showing 51% (over 5 years) of licensee cases going into the Review Committee come out with a recommended action. Of that 51%, 27% lead to settlement conferences. The numbers go up and down; it is not going up on a regular basis. The Board is not having more settlement conferences. The number of settlement conferences is in direct proportion to the number of Review Committee cases. From this data, Mr. Ritter concluded public members will have 5-6 days a year with Settlement Conferences and licensee board members will have 5-6 days a year with Review Committees and Settlement Conferences.

8. Applications – Executive Director

Special Agenda Items for Board Approval

- ITT Engineered Valves, LLC requests the Board to allow them to register with the NC Secretary of State with the above name. The entity advises they do not perform engineering. The firm is a manufacturer of pumps and valve types. Staff recommends approval. After discussion, Dr. Ratcliff made a motion to approve. Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously.

Engineering Committee

Land Surveying Committee

9. Old Business – Executive Director

- A certificate ceremony was hosted by UNC Charlotte with Dr. David Young as guest speaker. Ms. Thurman served as host and board member. The Raleigh certificate ceremony was held at NC State with former board member Gilbert R. Alligood, PE, PLS as guest speaker. While the number of surveyors attending has been no more than 2-3 in the past, no surveyors attended either ceremony this year. Mr. Thompson devised a plan for a survey to ask the surveyors who were licensed why they did not attend the ceremony. The results will be brought back to Mr. Thompson to see if more interest in the surveying community can be developed.
- Messrs. Ritter, Thompson and Haynes were the lunch time speakers at the NCSS (North Carolina Society of Surveyors) Annual Meeting. The attendees were very interested in the industrial exemption. Mr. Tuttle attended and gave a presentation. Tina Currant audited a presentation of the Institute.
- Dr. Ratcliff and Mr. Ritter met with the PENC (Professional Engineers of NC) Board of Directors to give them a board update. Dr. Ratcliff updated them regarding the national committee she is on. PENC stated their membership numbers are down and inquired if the Board can help. Database support as would be provided to anyone was offered.
- Exam pass rates on the FE exam for NC State and UNC Charlotte have increased dramatically.

10. New Business - Executive Director

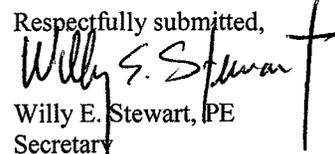
- At the present, the Chair and Executive Director sign different disciplinary documents. Mr. Ritter proposed that all disciplinary actions including Decision and Order, Contemplated Board Action and the Decision and Right of Appeal be signed by the Executive Director. Mr. Ritter would be signing on behalf of the Board. Mr. Stewart made a motion that all disciplinary documents be signed by the Executive Director. Mr. Thompson seconded the motion. A vote was taken and the motion passed unanimously.
- Mr. Ritter stated most universities can provide an electronic verification of graduation in lieu of a transcript. Now the Board requires a transcript as part of an application package. Mr. Ritter asked if the Board would find it acceptable to receive electronic verification of graduation in lieu of transcripts. If the applicant meets the criteria, is proof of graduation sufficient? Dr. Ratcliff made a motion that the Board start to move toward electronic proof of graduation in our application process. Mr. Stewart seconded the motion. After discussion, Dr. Ratcliff amended her motion to say the Board would accept electronic proof of graduation in the application process. Mr. Stewart agreed to the amendment to the motion. The Board voted and the motion passed unanimously.
- Mr. Ritter stated PE2, PS1 and PS2 applications are up 3%. FE applications are down 3%.
- Mr. Ritter reported on the following items coming out of the Planning Session:
  1. In moving forward in going paperless, Mr. Ritter and Mr. Evans met with the programmer to give him the "to do" list with deadlines. He is working on 8-9 items immediately and he is giving a price proposal on the major item of moving the database towards the wireless transmission of paperless applications. The first item is to add an "opt out" button so licensees will no longer have to receive a paper renewal. This should result in a large savings in postage.
  2. The cost to do an electronic newsletter is less than \$500. The next newsletter will be in E-reader format.
  3. The vendor's proposal is ready regarding new technology and space planning. Dr. Ratcliff and Mr. Thompson and Mr. Ritter will meet with the vendor February 29 and report back to the Board at the March board meeting.
- As a request to have all 9 board member signatures on Certificates, Mr. Ritter emailed four options to board members for them to choose from. As there was not a quorum, Mr. Ritter brought the samples for board members to view and decide which option at the meeting. The consensus was on number 3.

11. Informational Items - Executive Director

- Mr. Ritter presented a letter written by PENC recommending Herbert P. McKim, PE, PLS as the replacement for Mr. Tunstall.

*Dr. Ratcliff made a motion to adjourn. Mr. Thompson seconded the motion. The meeting adjourned at 3:00 p.m. The Board is next scheduled to meet on Wednesday, March 14, 2012.*

Respectfully submitted,

  
Willy E. Stewart, PE  
Secretary

Approved by the Board in Session

Date March 14, 2012

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 14, 2012

Raleigh, North Carolina

Board Chair David Pond gavelled the North Carolina Board of Examiners into session at 11:05 a.m. on Wednesday, March 14, 2012 to convene its regular order of business for the Board. Board members present were:

Present:

David L. Pond, PE, Chair  
Gary W. Thompson, PLS, Vice Chair  
Willy E. Stewart, PE, Secretary  
Carl M. Ellington, Jr., PE  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Elizabeth W. Riley, Public Member  
Teresa Helmlinger Ratcliff, PE, PhD  
Linda A. Thurman, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

Chair Pond welcomed and congratulated Carl M. Ellington, Jr. as a new PE appointee to the Board for a five year term. Mr. Ellington will be on the Engineering and CPC Committees.

2. Consent Agenda – Executive Director

Chair Pond asked if there was a motion to approve the consent agenda. Dr. Ratcliff made a motion to approve the consent agenda. Mr. Haynes seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings, Comity Applications; CPC Sponsor Recommendations, Firm Applications for 10 Professional Corporations, 17 Professional Limited Liability Companies, 1 Business Firms and 1 Chapter 87 Corporation; 3 Requests for name changes and 1 Request to be Resident for Multiple Companies; Minutes, Review Committee Recommendations, Settlement Conference Committee Recommendations; and Requests for Retired Status.

3. Request from Donald Pettigrew, PE United Engineering Group, regarding interpretation of telecommunications systems. - Executive Director

Chair Pond delegated this request to the Engineering Committee.

4. Committee Reports

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

- Regarding the United Engineering letter Dr. Ratcliff stated the approach is three fold:
  - a. A letter will be sent telling them what the board policy is and the Committee would recommend they follow the policy until the Board gets back with them as the Information Transport Systems policy will be reviewed. United Engineering will be asked if they have examples or feedback about the policy.

- b. The Committee will talk with Larry Nixon and tell him about some of the ambiguities they are finding with the life safety systems and ask if he has recommendations as he helped author the policy in 2006.
- c. Mr. Stewart will represent the Board and ask State Construction for any recommendations they may have.
- Based upon the recommendation of the Engineering Committee, the consensus of board members was to review and evaluate the industrial exemption as a board issue and a protection of the public issue that needs to be addressed. The Engineering Committee has requested staff research be done in three areas:
  - a. Ask South Carolina how they manage and balance primarily product liability between utility engineers who are licensed and the utilities that do not have an industrial exemption (utilities are not exempted in SC).
  - b. Requested staff to ask Puerto Rico (that has no industrial exemption) how they manage the same issues with manufacturing.
  - c. Requested Mr. Tuttle to research the exemption in G.S. 89C-25(7) and evaluate steps that can be made to change the law in a progressive manner.

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

- The Committee continued with revisions of the standards for vertical and horizontal locations on topo and GIS surveys. Mr. Tuttle stated the revisions will go through the process for the next set of Board Rule changes.
- The Committee approved the newsletter article regarding Engineering Surveys, specifically regarding using LIDAR for final design.
- The policy for 3D Modeling was re-reviewed without change for posting to the web site.
- The Committee reviewed the letter from the NC Board of Soil Scientists. The Committee will send an informational letter to the Board of Soil Scientists to include the Board Wetlands Policy, which was previously furnished to them, and state that the work of the Soil Scientists must be consistent with the Wetlands Policy and ultimately location data must be performed by a PLS.
- The Committee approved the finalized article for the NC Real Estate Commission Newsletter regarding the use of existing surveys for a real estate closing.
- Online map review is being implemented.

CPC Committee: Ms. Thurman informed the Board of the following activities.

- NCEES has ended the Registered Continuing Education Program (RCEP) that was implemented to help licensees locate course providers and track their progress.
- Fifteen (15) sponsor audits are scheduled for this year which is a 25% increase from 2011. There will be 366 CPC audits for PEs and PLSs which is a 23% increase from 2011.
- The Committee will meet in May to discuss and reprioritize items for the web site.
- The online CPC Sponsor Application review process is activated.
- In an effort to increase readership of the newsletter, the Board discussed at the November meeting the option of giving a quiz on the newsletter whereby licensees could earn a PDH. After discussion, board members decided to evaluate the response to the new E-Reader to be implemented with the April newsletter. An email will be sent as a follow-up to the newsletter to notify the licensees in case the newsletter may have gone to their spam folder. The results will be reported to the Board in May.

5. Letter from Constance M. Adams, Chair, North Carolina Board of Licensing of Soil Scientists - Executive Director

Because of the extremely long time period for the NC Board of Licensing of Soil Scientists to respond to the Board regarding a case referred to them for disciplinary review, the Board, after discussion, decided to wait until there is another case to refer to the NC Board of Licensing of Soil Scientists and decide how to handle at that time based upon the severity of the case. If a case is sent to the Soil Scientist Board, a timetable should be established to take action if there is no response.

6. Letter from Barbara Geiger, Board Administrator, North Carolina Board of Landscape Architects - Executive Director

Mr. Ritter presented the letter from the Landscape Architects showing their Board took action in March, 2010; however, the individual was not notified until February, 2012. The Board has a Memorandum of Understanding with the Board of Landscape Architects. The Board mutually agreed that the next time the Board has a referral to the Landscape Architects, expect to have an answer in an exact period of time. Also, the board attorney should be copied if we know who the attorney is.

*The meeting recessed at 12:10 p.m. for lunch. The meeting gaveled back in at 12:50 pm.*

7. Request regarding Incidental Drainage - City of Fayetteville - Executive Director

Mr. Pond stated that he requested Mr. Ritter hold the letter to the City of Fayetteville approved by the Board at the February meeting in case the Board wanted to reconsider their position and he had notified all board members in an email based upon the Surveying Committee's dissatisfaction with the response, how the matter was handled and his conversations with the Chair of the Engineering and Surveying Committees. He stated, in the absence of another motion, the previous motion will stand; he would entertain a motion this topic be revisited.

After lengthy discussion, Mr. Joyner made a motion not to send the letter to the City of Fayetteville; to review the current Incidental Streets and Storm Sewer Systems Design Guidelines with an ad hoc committee to assist staff to update to some of the more current questions that are coming up. Ms. Riley seconded the motion. The motion from the February meeting was read. Ms. Riley made a motion to amend the motion to state the letter to the City of Fayetteville not be sent as drafted but send the letter saying that the City of Fayetteville can exceed the requirements. Ms. Thurman seconded the motion. Chair Pond clarified the Board would vote on (1) an ad hoc committee would be created (2) the letter would go out saying the municipality could be more stringent by requiring a PE and (3) the Board will get back with the municipality regarding detention basins and BMP. The Board voted and the amended motion passed. Messrs. Stewart and Ellington and Dr. Ratcliff opposed.

Chair Pond appointed Messrs. Joyner, Thompson, Ellington and himself to the ad hoc committee to have this matter resolved by the September meeting.

8. NCEES Activities – Executive Director

The NCEES Annual Meeting is August 22-25, 2012 in St. Louis. Dr. Ratcliff, Messrs. Haynes, Thompson and Pond and Ms. Thurman will be attending the Southern Zone Meeting in Alabama in April.

9. Review Committee (Stewart – 2/27/2012) - Executive Director

The Board considered the recommendations of the Review Committee – Engineering on all cases except Case No. 10 on thirteen (13) cases conducted on February 27, 2012 with Mr. Stewart. Because of a conflict Patricia Shields was counsel on one case and Mr. Tuttle was counsel on the remaining cases. Ms. Riley made a motion to accept the recommendations of the Review Committee excluding Case No. 10 and Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in five (5) closed cases; (4) cease and desist letters; one (1) reprimand, civil penalty of five thousand dollars (\$5,000) and ethics course; one (1) reprimand and civil penalty of three thousand dollars (\$3,000); one (1) suspension and course and one (1) revocation and refer case.

The Board considered the recommendation of Case No. 10 on the Review Committee – Engineering conducted on February 27, 2012 with Mr. Stewart. Chair Pond, Mr. Thompson and Ms. Riley recused themselves. Chair Pond passed the gavel to Secretary Stewart. Dr. Ratcliff made a motion to accept the recommendation of the Review Committee and Mr. Haynes seconded the motion. A vote was taken and the motion was unanimously approved. The Review Committee recommendation resulted in (one) revocation. Secretary Stewart passed the gavel back to Chair Pond.

10. Board Secretary Report - Executive Director and Board Secretary

Income through February 12 was \$151,000; \$156,000 was budgeted. On February 1, the end of the first quarter, the Board was at 101.6% of the budget. Year to date expenses are at 100.7% above the budget. Legal fees are running \$7,000 over. Legal fees for disciplinary actions are a non-budgeted item that comes out of the reserve account. Currently three cases are on appeal. The overall income is good at 101.9%.

11. Violations - Assistant Executive Director

Mr. Evans stated 18 cases have been opened this fiscal year with an additional 7 opened by approving today's consent agenda. Sixty-three (63) cases are on the open sheet; nineteen (19) of which are in the investigators' hands. Forty-two (42) cases have been taken to Review Committee this fiscal year. Proactive efforts have been ramped up.

12. Applications - Executive Director

There were no special application requests.

13. Old Business - Executive Director

- Mr. Ritter has reminded several board members that ethics training is due every 24 months.
- A hearing is scheduled for July 18.
- Dr. Ratcliff, and Messrs. Thompson and Ritter met with the AV Space Planner as a step toward going wireless. The final proposal will be presented to the Ad Hoc Committee and to the Board at the May board meeting.
- The Bahamian Board has now approved the Memorandum of Understanding and they have invited the Board Chair and Executive Director to come to the Bahamas for the signing. The Board approved the Board Chair and Executive Director going to the Bahamas for the signing provided the Bahamian Board covers their expenses.

14. New Business - Executive Director

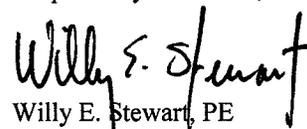
Mr. Thompson has been invited to assist the Delaware Board in training on some survey issues. The Board will pay for Mr. Thompson's trip.

15. Informational Items - Executive Director

There are no informational items.

*Mr. Thompson made a motion to adjourn. Dr. Ratcliff seconded the motion. The meeting adjourned at 2:15 p.m. The Board is next scheduled to meet on Wednesday, May 16, 2012.*

Respectfully submitted,

  
Willy E. Stewart, PE  
Secretary

Approved by the Board in Session

Date April 11, 2012

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

April 11, 2012

Raleigh, North Carolina

Board Chair David Pond called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, April 11, 2012. Board members on the conference call were:

Board Members on Teleconference Call:

David L. Pond, PE, Chair  
Gary W. Thompson, PLS, Vice Chair  
Carl M. Ellington, Jr., PE  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Teresa Helmlinger Ratcliff, PE, PhD  
Elizabeth W. Riley, Public Member  
Linda A. Thurman, Public Member

Absent:

Willy E. Stewart, PE Secretary

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director  
Shirley U. Ditt, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Mr. Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Board Chair

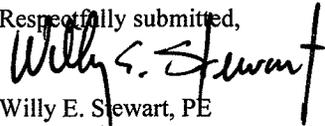
Mr. Pond presented the Consent Agenda for approval. Dr. Ratcliff made a motion to approve the consent agenda. Mr. Joyner seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; Firm Applications for 9 Professional Corporations, 8 Professional Limited Liability Companies, 4 Business Firms and 2 Chapter 87 Corporations and 2 Requests for Company Name Changes; Minutes; Review Committee Recommendations; Requests for Retired Status; and Settlement Conference Recommendations.

2. Mr. Ritter stated at this time the date of the farewell dinner for Mr. Tunstall has not been confirmed. The May meeting will begin at 11:00 a.m. on Wednesday, May 16, 2012. Committee meetings will be from 9:00 a.m. until 11:00 a.m. The CPC Committee will decide when to meet.

*Dr. Ratcliff made a motion to adjourn the conference call. Mr. Thompson seconded the motion. The Board voted unanimously to adjourn. The Board formally adjourned Wednesday, April 11, 2012 at 7:35 a.m. The Board is next scheduled to meet Wednesday, May 16, 2012.*

Respectfully submitted,

  
Willy E. Stewart, PE  
Secretary

Approved by the Board in Session

Date May 16, 2012

April 11, 2012

Board Chair David Pond gaveled the North Carolina Board of Examiners into session at 10:40 a.m. on Wednesday, March 16, 2012 to convene its regular order of business for the Board. Board members present were:

Present:

- David L. Pond, PE, Chair
- Gary W. Thompson, PLS, Vice Chair
- Willy E. Stewart, PE, Secretary
- Carl M. Ellington, Jr., PE
- J. Glenn Haynes, PLS
- Nils W. Joyner, Jr., PLS
- Teresa Helmlinger Ratcliff, PE, PhD
- Elizabeth W. Riley, Public Member
- Linda A. Thurman, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Executive Director

Chair Pond asked if everyone had reviewed the consent agenda and if anyone needed to remove an item from the consent agenda. Dr. Ratcliff made a motion to approve the consent agenda. Ms. Riley seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC Sponsor Recommendations; Firm Applications for 16 Professional Corporations, 15 Professional Limited Liability Companies, 5 Business Firms and 1 Chapter 87 Corporation; 5 Requests for company name changes, 3 Requests to Use Individual’s Name in Company Title and 3 d/b/a Requests; Minutes; Settlement Conference Committee Recommendations; and Requests for Retired Status.

3. Settlement Conferences  
Executive Director

**(Engineering – Ratcliff & Riley)**  
3/27/2012 at 10:00 a.m.

**(Engineering – Ratcliff & Riley)**  
3/27/2012 at 11:00 a.m.

The Board considered the recommendations of the Settlement Conference Committee on two cases conducted on March 27, 2012 at 10:00 a.m. and 11:00 a.m. with Dr. Ratcliff and Ms. Riley. Chair Pond and Ms. Thurman recused themselves from discussion and voting. Chair Pond passed the gavel to Vice Chair Thompson. Mr. Haynes made a motion to accept the recommendations of the Settlement Conference Committee. Mr. Stewart seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Committee recommendations resulted in two closed cases. Vice Chair Thompson passed the gavel back to Chair Pond.

4. Committee Reports

Engineering Committee: Dr. Ratcliff informed the Board of the following activities. The Committee is seeking as much research and information on fracking as possible. In addition to the research already done, Messrs. Ritter, Evans and Tuttle have been asked to further research other states and

hydraulic fracturing companies, check with geologists to see what they are doing and talk to surveyors about bundling efforts. They are to come prepared with a proposed policy or rule changes for the July meeting to address this issue. The Committee feels this is a very important issue in which the health, safety and welfare of the public must be protected.

The Committee has requested that Mr. Tuttle furnish his recommendation for possible language change or clarification of a very long sentence in the statute for the Industrial Exemption [§ 89C-25(7)]. Dr. Ratcliff stated that in order to handle hydraulic fracturing, the industrial exemption language needs to assure that hydraulic fracturing is covered without being part of the industrial exemption.

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

- Mr. Joyner made a motion to approve a technical change in the revised Survey Ties Guidelines. The Board voted and the motion was unanimously approved.
- The Committee responded to a letter from Kevin Baucom, PLS concerning easements.
- After the discussion continued regarding fracking, Mr. Ritter suggested the Board write letters to several of the important officials to include Senator Bob Rucho and DENR that as the Rules are being developed in the next 24 months the Board feels some of the issues are health, safety and welfare of the public issues. The Board would like to assist in the Rule making development as needed for engineering and surveying matters. The process needs to require that engineering and surveying matters be done by licensed professionals. Dr. Ratcliff made a motion to charge the Chair to work with staff to develop a letter that captures the aforementioned conversation and give the Chair the authority to sign on behalf of the Board as expeditiously as possible. Mr. Joyner seconded the motion. The Board voted and the motion was unanimously passed.
- A question was asked about as-built surveys. There is no policy for as-built surveys. This topic has been addressed in other policies and letters. Letters that have been written will be placed on the web site by July 1, 2012 in searchable format. Staff will write an article for the newsletter sometime over the next year.
- The surveying article was published by the Real Estate Commission.

CPC Committee: Ms. Thurman informed the Board of the following activities.

- The Committee decided to table the CPC quiz and monitor the readership of the newsletter. Further decisions will be made following the fall newsletter.
- All updates are finished on the CPC website.
- Mr. Evans reported 366 random audits will be done for NC licensees (227 have been done to date). Audits are done for all licensees renewing after April 1 (100 for 2012). Fifteen sponsor audits are being done.

5. NCEES Activities – Executive Director

- Mr. Haynes will be the funded delegate for the NCEES Annual Meeting in St. Louis. NCEES will pay for Mr. Ellington as a first time attendee. Mr. Thompson is funded by NCEES. Mr. Ritter will confirm whether Dr. Ratcliff is funded by NCEES. All board members will be attending except Ms. Riley.
- Mr. Ritter presented a letter from Tim Miller with NCEES regarding (1) the timetable of Computer Based Testing (CBT), (2) conversion of the surveying exam from opened book to closed book in April, 2013, (3) software engineering exam will go online in April, 2013 and (4) exam specifications are changing for PE Industrial and PE Civil.

6. Board Secretary Report - Executive Director and Board Secretary

- Mr. Stewart stated the Board is tracking well financially through April. The income for December through April is 2.2 million. The budget is 2.16 million. The budget for the year is 2.7 million. Expenses are \$888,000 for this time period with \$964,000 being budgeted. NCEES exam fees of \$90,000 have not been posted and legal fees are \$30,000 over budget. A certain amount is budgeted for legal fees and money is set aside in a reserve account for legal fees. Mr. Ritter responded there are sufficient legal reserves to cover legal fees projected through the end of the year.

- Mr. Ritter stated the auditor will have a full report for the July meeting of the audit just completed. The auditor recommended the Board increase the threshold for items going on the fixed asset list from \$500 to \$1,000. Dr. Ratcliff made a motion to increase the fixed asset inventory list from \$500 to \$1,000. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.
- The Ad Hoc Committee, Dr. Ratcliff, Mr. Thompson and Mr. Ritter presented the proposal requested by the Board for continuing the Board's quest to convert the Board to paperless - the wireless connection. After visiting four other boards and working to refine the vendor's bid, committee members explained their proposal for new board room recording and visual capability with changes to the large and small conference rooms. The price of the final proposal was \$140,000. The large conference room would be equipped for video conferencing. The small conference room would be equipped with power and internet connections. The floors would have to be re-drilled for wiring which is not included in the proposal and will have to be coordinated through building management.

After discussion, Mr. Haynes made a motion to spend up to \$100,000 just in the board room. Ms. Thurman seconded the motion. After discussion, Mr. Joyner suggested a friendly amendment to the motion to approve \$140,000 in two phases with the stipulation that up to \$100,000 be spent on the board room and whatever accessories and additional wiring it would take to have the large and small conference rooms done in the second phase. Mr. Haynes and Ms. Thurman accepted the friendly amendment. Mr. Pond summarized the motion that the Board approve the entire budget (\$140,000) to be split over two years. The first year up to \$100,000 can be spent with emphasis on the board room. It is the discretion of the Ad Hoc Committee and staff to work with the vendor to get as much done as they can in the board room. A vote was taken and the motion was approved unanimously. Dr. Ratcliff was absent for the vote.

7. **Violations Activity - Assistant Executive Director**

Mr. Evans stated 38 cases have been opened for 2012 with four additional cases being opened today. Turnaround time is dramatically improved. The number of cases against non-licensees is down from last year. Forty-seven (47) cases have been closed this year. Twenty-five (25) cases are pending Review Committees which are scheduled for May 22 and 23. Eighty-eight (88) proactive contacts have been made this year. Twenty-eight noncompliant firms have been handled this year.

Mr. Evans stated Mr. Tuttle has been exceptionally busy doing presentations. Seven presentations have been given by staff since March. Mr. Pond requested that board members be given an itinerary of upcoming presentations so that board members may attend as their schedules permit.

8. **Applications**

Special Agenda Items for Board Approval

- A. **J. Rufaro Redmond, PE Architectural Engineer** requests permission to obtain licensure as a Non-Exempt Proprietorship using the name of "J Rufaro Redmond, PE Architectural Engineer". The Board needs to determine if the use of the word "architecture" in the firm name is misleading.

Mr. Stewart made a motion to deny the request as being misleading. Ms. Riley seconded the motion. After discussion a vote was taken and the motion was approved unanimously to deny the request.

- B. Mr. Rich Lemert is requesting the Board allow him to file Articles with the NC Secretary of State to form a non-profit organization called **Southeast Raleigh Magnet High School Engineering Academy Advisory Board**. The Board needs to determine if this entity is offering/providing services that fall within the definition of engineering. Secondly, the Board needs to determine if the use of the entity name would be misleading to the public. Staff recommendation is to approve.

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

- C. **Joseph Lawrence and Company, LLC** is requesting licensure with this Board as a Professional Limited Liability Company. Per Mr. Blake Lawrence Suddeth, PE, the firm name is the two middle names of himself and his partner, Mr. Adam Joseph Barney, PE. The Board needs to determine if per the Board Rule this is misleading or not.

Dr. Ratcliff made a motion to approve the request. Mr. Joyner seconded the motion. After discussion, a vote was taken. There were no votes to approve the motion. The motion was not approved.

Engineering Committee  
Land Surveying Committee

9. Old Business – Executive Director

- Chair Pond and Mr. Ritter reported on the signing of the Memorandum of Understanding with the Professional Engineers Board of the Commonwealth of the Bahamas and presented to the Board pictures and press releases regarding the signing. Mr. Ritter stated The Bahamas Board wants to develop a licensure system and this is the beginning of a relationship to train them how the NC Board functions.
- A staff generated survey for surveyors and engineers confirmed there are no particular reasons people are not attending the certificate ceremonies. The response of surveyors was of particular interest as their attendance at the ceremonies has been exceptionally low.
- Mr. Thompson requested that the Board pay his expenses to attend the Survey Summit, a part of the ACSM Annual Conference as the Board representative as he has the past several years. Dr. Ratcliff made a motion to approve paying Mr. Thompson's expenses to the Survey Summit. Ms. Thurman seconded the motion. A vote was taken and the motion was approved unanimously.

*Meeting recessed at 12:10 p.m. for lunch. Meeting gaveled back in at 12:25 p.m.*

10. New Business - Executive Director

- Dr. Ratcliff, Chair Pond and Mr. Ritter will attend the PENC Annual Meeting.
- Mr. Ritter informed the Board that Denise Stanford resigned from Bailey Dixon and will be moving to the Attorney General's office. Carson Carmichael with Bailey Dixon will counsel the Board for the July hearing. The July hearing will begin July 18 and conclude July 19.

*Meeting recessed at 12:50 p.m. for break. Meeting gaveled back in at 1:00 p.m.*

- The newsletter was emailed in E-Reader format with requests for feedback. The total newsletters emailed was 24,384 of which 9,700 opened the email and saw it was the newsletter and 5,700 continued to open the newsletter. The newsletter will continue to be sent in the E-Reader format along with a PDF. Future newsletters will be sent to Engineering Interns and Surveying Interns with no additional costs.

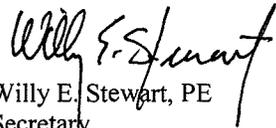
11. Informational Items - Executive Director

- Mr. Ritter asked Mr. Tuttle to report on his presentation to the Real Property Section Meeting of the North Carolina Bar Association as this was such great exposure for the Board. Mr. Tuttle stated he lead a panel on surveying issues and served on two other panels regarding condominiums, as well as tax mapping and land parcel management. There were over 300 real property attorneys attending the meeting.
- Mr. Ritter gave a presentation to the Asheville Chapter of PENC. The Industrial Exemption and accepting foreign experience were hot issues.
- Messrs. Ritter, Tuttle and Mazanek did a very successful webinar to 155 out of state engineers licensed in North Carolina that was sponsored by PENC. The topics included Mini Brooks, federal project issues and policies (by Mr. Tuttle), firms (by Mr. Mazanek), CPC and about the Board (by Mr. Ritter).

- Dr. Ratcliff has been promoted to Interim Vice Provost effective July 1 while maintaining her present responsibilities as Executive Director of the Industrial Extension Service.

*Mr. Thompson made a motion to adjourn. Ms. Riley seconded the motion. The meeting adjourned at 2:00 p.m. The Board is next scheduled to meet on Thursday, July 19, 2012.*

Respectfully submitted,

  
Willy E. Stewart, PE  
Secretary

Approved by the Board in Session

Date June 13, 2012

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 13, 2012

Raleigh, North Carolina

Board Chair David Pond called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, June 13, 2012. Board members on the conference call were:

Board Members on Teleconference Call:

David L. Pond, PE, Chair  
Gary W. Thompson, PLS, Vice Chair  
Carl M. Ellington, Jr., PE  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Teresa Helmlinger Ratcliff, PE, PhD  
Willy E. Stewart, PE Secretary

Absent:

Elizabeth W. Riley, Public Member  
Linda A. Thurman, Public Member

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director  
David S. Tuttle, Board Counsel  
Shirley U. Ditt, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Mr. Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Board Chair

Mr. Pond presented the Consent Agenda for approval. Mr. Haynes made a motion to approve the consent agenda. Mr. Joyner seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC Recommendations, Firm Applications for 18 Professional Corporations, 10 Professional Limited Liability Companies, 1 Business Firm and 3 Chapter 87 Corporations; 4 Requests for Company Name Changes and 1 Request to Use Individual's Name in Company Title; Minutes; Review Committee Recommendations and a Settlement Conference Recommendation.

3. Review Committees

Executive Director

Land Surveying – Joyner by phone)  
5/23/2012 at 3:00 p.m.

(Engineering – Ratcliff)  
5/29/2012 at 3:30 p.m

The Board considered the recommendations of the Land Surveying Review Committee on two cases with Mr. Joyner on May 23, 2012 at 3:00 p.m. Mr. Thompson recused himself from discussion and voting. Mr. Joyner made a motion to accept the recommendation of the Review Committee. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in one reprimand and one closed case.

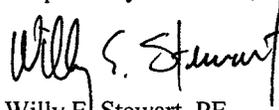
The Board considered the recommendations of the Engineering Review Committee on two cases with Dr. Ratcliff on May 29, 2012 at 3:30 p.m. Chair Pond recused himself from discussion and voting. He passed the gavel to Mr. Thompson. Mr. Joyner made a motion to accept the recommendations of the Review Committee. Mr. Stewart seconded the motion. A vote was taken and the motion was approved

unanimously. The Review Committee Recommendations resulted in two closed cases. Mr. Thompson passed the gavel back to Mr. Pond.

Mr. Ritter stated that the hearing scheduled for July 18 has been cancelled and the board meeting will be held on Wednesday, July 18. Plans are being made for a dinner for Mr. Tunstall on Tuesday, July 17.

*Mr. Thompson made a motion to adjourn the conference call. Mr. Stewart seconded the motion. The Board voted unanimously to adjourn. The Board formally adjourned Wednesday, June 13, 2012 at 7:35 a.m. The Board is next scheduled to meet Wednesday, July 18, 2012.*

Respectfully submitted,



Willy E. Stewart, PE  
Secretary

Approved by the Board in Session

Date July 18, 2012

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 18, 2012

Raleigh, North Carolina

Board Chair David Pond gaveled the North Carolina Board of Examiners into session at 10:35 a.m. on Wednesday, July 18, 2012 to convene its regular order of business for the Board. Board members present were:

Present:

David L. Pond, PE, Chair  
Gary W. Thompson, PLS, Vice Chair  
Carl M. Ellington, Jr., PE  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Teresa Helmlinger Ratcliff, PE, PhD  
Elizabeth W. Riley, Public Member  
Linda A. Thurman, Public Member

Absent:

Willy E. Stewart, PE, Secretary

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Executive Director

Chair Pond asked if everyone had reviewed the consent agenda and if anyone needed to remove an item from the consent agenda. Dr. Ratcliff made a motion to approve the consent agenda. Mr. Thompson seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC Sponsor Recommendations; Firm Applications for 11 Professional Corporations, 16 Professional Limited Liability Companies, 2 Business Firms and 1 Chapter 87 Corporation; 1 Request to be Resident for Multiple Companies, 7 Requests to Use Individual's Name in Company Title and 1 d/b/a Request; Minutes; Settlement Conference Committee Recommendations; and Request for Retired Status.

3. Request from George Retschle, PE, regarding the release of hard copies of digitally signed documents.  
Executive Director

Mr. Retschle expressed questions regarding the board rules and the digital signature procedure - how to go from an electronic digital signature to a hard copy that could be presented to someone that would be as official as one that is hand signed. With concerns about the digital signature procedure, Mr. Pond appointed Messrs. Thompson, Stewart and Tuttle to a Task Force to research all the issues, evaluate the existing board rule and report back to the Board by the end of the year.

4. Request from Doug Suttles, PLS, regarding requiring licensees to carry professional liability insurance and a requirement that a written and signed contract be in place before the commencement of work on a project.

Executive Director

Dr. Ratcliff made a motion that the Board respond to Mr. Suttles on Item 1 of the letter (require licensees to carry professional liability insurance) that the Board does not see the need to promulgate this specific requirement as to how firms run their business. Mr. Haynes seconded the motion. The Board voted and the motion was unanimously approved.

Dr. Ratcliff made a motion that the same response be offered to Mr. Suttles for Item 2 of the letter (to require that a written and signed contract be in place before the commencement of work on a project). Ms. Thurman seconded the motion.

Discussion ensued. Ms. Riley stated that she would decline to implement restraint in the way people practice business so far as requiring written contracts, professional liability insurance and proof of financial responsibility. Dr. Ratcliff made a motion to amend her motion to modify the wording to accept the friendly amendment of Ms. Riley and that Messrs Tuttle and Ritter wordsmith the response to Mr. Suttles. Ms. Thurman accepted the friendly amendment to the motion. The Board voted and the motion was unanimously approved.

Dr. Ratcliff made a motion to modify the first motion (response to Item 1 of the Suttles letter) to reflect the friendly amendment imposed in the aforesaid paragraph. Ms. Riley seconded the motion. The Board voted and the motion was unanimously approved.

Dr. Ratcliff made a motion that the Board respond to Item 3 of the Suttles letter (require professionals provide documentation of financial responsibility) in the same manner as the response for Items 1 and 2. Ms. Riley seconded the motion. The Board voted and the motion was unanimously approved.

Staff has responded to Item 4 of the letter regarding CPC.

5. Settlement Conferences (Engineering –Stewart - Thurman)  
Executive Director 6/5/2012

The Board considered the recommendations of the Settlement Conference Committee on one case conducted on June 5, 2012 at 10:00 a.m. with Mr. Stewart and Ms. Thurman. Chair Pond, Mr. Thompson and Ms. Riley recused themselves from discussion and voting. Chair Pond passed the gavel to Dr. Ratcliff. Mr. Joyner made a motion to accept the recommendations of the Settlement Conference Committee. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Committee recommendations resulted in a reprimand and civil penalty of \$5,000. Dr. Ratcliff passed the gavel back to Chair Pond.

6. Committee Reports

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

- Mr. Larry Nixon, Emeritus Member of the Board reported back to the committee regarding the Committee's request to review a letter from Mr. Pedigrew in which the Board was asked to make a judgment regarding the design of alarm systems with life safety issues for large facilities. After the Committee's consideration, Mr. Pedigrew was referred back to the policy without further descriptive language. The Committee decided against defining life safety systems as the more restrictive the language is, the more vulnerable the policy would be in excluding something that should be included.

The issue for Mr. Pedigrew is that the university system is specifying another certification for the installation of these systems. The Committee will communicate its position with the State Construction Office to disseminate to appropriate parties throughout the state.

- The NC Department of Insurance (DOI) sent a standard that they are recommending to the Board for review. They requested the Board send a letter to all design professionals saying this is a new requirement. Messrs. Tuttle and Evans made appropriate changes that the Engineering Committee approved. The Committee will thank DOI for asking the Committee to review and recommend that they coordinate communications with the professional societies.
- The Committee had a lively discussion regarding fracking and what this Board should do about fracking. The Committee recognizes that fracking is here and regulation is a current issue. The Committee recommended that a Task Force be set up. Chair Pond appointed Dr. Ratcliff, Mr. Joyner, Ms. Thurman and three staff liaisons, Messrs Ritter, Tuttle and Evans. Ms. Thurman will chair the committee.

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

- The Committee discussed overlaps and gaps and decided to wait on a response to NCSS as a guest from NCSS has been invited to discuss the letter in September.
- A FTP site will be used in the future to archive information that comes out of the committee.
- Mr. Ritter will send dates for a meeting with the Corps of Engineers.
- Applications were reviewed.

CPC Committee: Ms. Thurman informed the Board there was no report. All items of business were on the consent agenda.

7. NCEES Activities – Executive Director

- Mr. Ritter stated that letters have been sent to NC State, NC A&T, UNC Charlotte and Western Carolina announcing the Software Engineering PE Software Exam in 2013. Dr. Ratcliff stated letters should also be sent to UNC, Appalachian and private institutions.
- Mr. Ritter stated the Western Zone has proposed to have a joint meeting with the Southern Zone in Alaska May 14-16, 2015. The meeting is currently scheduled for Arkansas April 9-11. A vote will be taken at the Southern Zone meeting.
- Exam Results from NCEES and North Carolina were available in board books for information.
- NCEES sent a press release to boards regarding the differences in computer-based testing (CBT) and pen and paper exams. Information for the future FE and FS exams is also available. Ms. Thurman will prepare a list of what information is needed specifically from the university level for Dr. Ratcliff to furnish the Implementation Team, of which she is a member, to assure these items are included in the process.
- Mr. Ritter has reviewed the conference reports and action items for the Annual Meeting and discussed with the Board Chair. There are no items from the voting action items that need the Board's attention. Chair Pond requested board members brainstorm discussion items for the forums. Engineering members should send ideas to Dr. Ratcliff and surveying members should send their ideas to Mr. Joyner. Ms. Riley has been appointed to the UPLG Committee. Dr. Ratcliff, Messrs. Haynes, Thompson and Ritter are members of committees.

8. Board Secretary Report - Executive Director and Board Secretary

Mr. Ritter stated that Mr. Stewart requested that the Secretary and Audit Reports be held until September. Mr. Stewart and Ms. Riley met with the auditors.

9. Violations Activity - Assistant Executive Director

Mr. Evans stated investigations are in great shape. Fifty-eight (58) cases have been opened this year; fifty-four (54) cases are open. Sixteen (16) cases are in the investigator's hands. Seventy (70) cases have been closed this year.

Sixty-two (62) Register of Deeds visits were made. Fifty-five (55) county inspection departments and thirty-one (31) other agency visits were made. Chair Pond suggested that visits to the DENR offices be made.

Messrs. Tuttle and Thompson have been crisscrossing the State doing Land Record Workshops with Tom Morgan with the Office of the Secretary of State.

10. Applications

Engineering Committee has done applications.  
Land Surveying Committee has done applications.

11. Old Business – Executive Director

- Mr. Ritter had emailed board members about a pro military bill that the General Assembly was running. Subsequent to this on the MBA list serve 15 other states had the same question this Board has about a license being issued to military professionals based on the fact that they were military engineers and surveyors in service. Messrs. Ritter and Tuttle met with Representative

Greer Martin, who was running the bill, to point out that it would give these military professionals licenses without taking the test. After discussion, "with testing" was added and the bill was quickly passed. Betsy Bailey's assistance was huge in getting the bill pulled until Messrs. Ritter and Tuttle were available to participate and setting up the appointment with Representative Martin.

- The Court of Appeals has denied the appeal of Randy Carpenter. There is still a window of time in which Mr. Carpenter can appeal the case to the Supreme Court. Mr. Carpenter did not renew his license and his stay ran out so he is not practicing. In March, Mr. Carpenter was indicted on four huge federal charges and he has been arrested. He has been granted bail.

*Meeting recessed at 12:00 noon for lunch. Meeting gaveled back in at 12:35 p.m.*

- Chair Pond, Dr. Ratcliff and Mr. Ritter attended the PENC Annual Meeting at Wrightsville Beach. Mr. Ritter placed in the board books the report that he presented at his presentation. Mr. Ritter stated that Betsy Bailey put together a great CPC program.

Dr. Ratcliff reported that she and Chair Pond were on a panel; Chair Ratcliff moderated. The topic "how to avoid having engineering treated as a commodity in a market driven economy" included new delivery systems, the industrial exemption and a wide array of content. Nancy Kirk, an astronaut who is on professional sabbatical and is a visiting professor at NC State added a diversity of topics of great interest to the panel. Dr. Ratcliff congratulated Mr. Ritter on the best presentation she had ever heard him do in making the presentation about the Board and highlighting the issues the Board is dealing with.

Chair Pond reported there were three or four sessions on fracking.

- Chair Pond, Dr. Ratcliff and Mr. Ritter will be attending the ACEC meeting.
- Mr. Thompson is in charge of planning the retreat for November. Greensboro, Asheville or Pinehurst are location options. November 14 and 15 should be blocked out for the meeting.
- A motion passed at the last meeting "that the Board increase the fixed asset inventory list from \$500 to \$1,000". The motion should have included \$500 to \$1,000 retroactive to the beginning of the board fiscal year of December 1, 2011. Ms. Riley made a motion to clarify the previous motion that the Board increase the threshold for items going on the fixed asset list from \$500 to \$1,000 retroactive to December 1, 2011. Mr. Thompson seconded the motion. A vote was taken and the motion was approved unanimously.
- Mr. Joyner made a motion that the Board request that the Department of Transportation recreate a Surveying Liaison between the Department of Transportation and the Board. Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.
- The Laws and Rules Book will be finished for the September meeting.

12. New Business - Executive Director

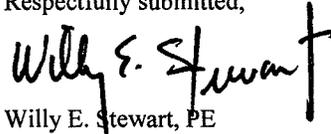
- Mr. Ritter presented a new case for authorization by the Board that did not meet the time frame for the consent agenda. Dr. Ratcliff made a motion to open the case. Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously.
- The consensus of out of town board members was to change to the Embassy Suites for future board stays effective for the September meeting.

13. Informational Items - Executive Director

None

*The meeting adjourned at 1:10 p.m. The Board is next regularly scheduled to meet on Thursday, September 20, 2012.*

Respectfully submitted,

A handwritten signature in black ink that reads "Willy E. Stewart". The signature is written in a cursive style with a large, prominent "S" at the end.

Willy E. Stewart, PE  
Secretary

Approved by the Board in Session

Date August 15, 2012

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

August 15, 2012

Raleigh, North Carolina

Board Chair David Pond called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, August 15, 2012. Board members on the conference call were:

Board Members on Teleconference Call:

David L. Pond, PE, Chair  
Gary W. Thompson, PLS, Vice Chair  
Willy E. Stewart, PE Secretary  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Teresa Helmlinger Ratcliff, PE, PhD  
Elizabeth W. Riley, Public Member  
Linda A. Thurman, Public Member

Absent:

Carl M. Ellington, Jr., PE

Staff on Teleconference Call:

Andrew L. Ritter, Executive Director  
David S. Tuttle, Board Counsel  
Shirley U. Ditt, Assistant

1. Ethics Awareness and Conflict of Interest Reminder – Board Chair

To initiate the meeting, Mr. Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Board Chair

Mr. Pond presented the Consent Agenda for approval. Mr. Thompson made a motion to approve the consent agenda. Mr. Joyner seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; a CPC Recommendation; Firm Applications for 6 Professional Corporations, 8 Professional Limited Liability Companies, and 3 Business Firms; 2 Requests for Company Name Changes, 2 Requests to Use Individual's Name in Company Title and 1 d/b/a Request; Minutes; and Review Committee Recommendations.

3. Review Committee

Executive Director

Engineering – Ratcliff  
8/1/2012

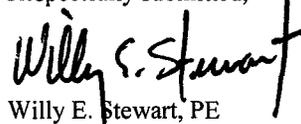
The Board considered the recommendations of the Engineering Review Committee on eleven cases with Dr. Ratcliff on August 1, 2012 at 10:0 a.m. Chair Pond recused himself from discussion and voting. He passed the gavel to Mr. Thompson. Dr. Ratcliff made a motion to accept the recommendations of the Review Committee. Mr. Stewart seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee Recommendations resulted in three (3) Reprimands, one (1) Revocation, one (1) Reprimand with Civil Penalty of \$5,000, one (1) Reprimand with Civil Penalty of \$2,500, two (2) Reprimands with Civil Penalty of \$1,000, two (2) closed cases and one (1) continued investigation. Mr. Thompson passed the gavel back to Mr. Pond.

4. New Business – Chair

A Request for Board Authorized Case Opening was presented. Mr. Joyner recused himself from voting and discussion. Dr. Ratcliff made a motion to approve the case opening. Ms. Thurman seconded the motion. A vote was taken and the motion was approved unanimously.

*The Board formally adjourned Wednesday, August 15, 2012 at 7:37 a.m. The Board is next scheduled to meet Thursday, September 20, 2012.*

Respectfully submitted,



Willy E. Stewart, PE  
Secretary

Approved by the Board in Session

Date September 20, 2012

Board Chair David Pond gavelled the North Carolina Board of Examiners into session at 10:45 a.m. on Thursday, September 20, 2012 to convene its regular order of business for the Board. Board members present were:

Present:

David L. Pond, PE, Chair  
Gary W. Thompson, PLS, Vice Chair  
Willy E. Stewart, PE, Secretary  
Carl M. Ellington, Jr., PE  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Teresa Helmlinger Ratcliff, PE, PhD  
Elizabeth W. Riley, Public Member  
Linda A. Thurman, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts other than Mr. Stewart mentioned that there is an item coming before the Board that he will recuse himself on.

2. Consent Agenda – Chair

Chair Pond asked if everyone had reviewed the consent agenda and if anyone needed to remove an item from the consent agenda. Dr. Ratcliff made a motion to approve the consent agenda. Ms. Riley seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; a CPC Sponsor Recommendation; Firm Applications for 13 Professional Corporations, 12 Professional Limited Liability Companies, 4 Business Firms and 1 Chapter 87 Corporation; 6 Requests for company name changes, 2 Requests to be Resident for Multiple Companies, 1 Requests to Use Individual’s Name in Company Title and 2 d/b/a Requests; Minutes; a Review Committee Recommendation, Settlement Conference Committee Recommendations; and Requests for Retired Status.

Mr. Ritter announced that Sara Kousan resigned as Executive Director of the North Carolina Surveying Society (NCSS) effective the end of the month and he introduced Christy Davis, who will be the new Executive Director. He also introduced Joel Johnson, President Elect of NCSS and Randy Rambeau, Secretary/Treasurer of NCSS.

3. Committee Reports

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

- Dr. Ratcliff stated one new item has come before the Engineering and Surveying Committees. Jackson County Department of Health has a set of guidelines about sewer systems that is more restrictive than the Board’s. The Board is being asked if that is overreaching and can they do this. The Committee said this is not overreaching and the Jackson County Department of Health has the prerogative to do so. The Engineering Committee is interested in what the Surveying Committee decided about their matter.
- Dr. Ratcliff requested that Mr. Tuttle put on more of a front for the Industrial Exemption as it relates to the outcome of the Task Force on the Industrial Exemption for NCEES. Also, although the Industrial Exemption item is being refreshed as a result of the Fracking Task Force, the

Committee is very interested, independent of fracking, to have some verbiage in the new statute that starts to diminish the Industrial Exemption. Fracking may be a good motivator.

- The Committee has tasked themselves with reviewing the Commissioning policies at the next Engineering Committee meeting.
- The Committee made no changes on three truss policies that they reviewed.
- Dr. Ratcliff stated about 18 months ago a question came up about light weight air craft and the FAA was asked for feedback. After numerous attempts, FAA has not responded. Since there have been no responses from either party, the Committee is removing this item from the agenda.
- Dr. Ratcliff stated two young engineers from the PENC Leadership Institute gave a great presentation at the PENC Conference on the word “engineer” and what it implies or what is inferred. They recommended that the regulations, policy and law be strengthened and that the word “engineer” should not be used unless a person is licensed. Those members attending were very impressed with their work. Dr. Ratcliff recommended these two engineers be invited to speak to the full Board for the October meeting. They will definitely be invited to present to the Engineering Committee for the October meeting, if not to the full Board.

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

- Mr. Joyner stated the Committee met with members of NCSS to discuss their concerns over line weights, overlaps and gaps. More discussion needs to occur from the Surveying Committee. A letter will be drafted and sent that may help with their concerns.
- Mr. Thompson stated an important topic from the NCEES Annual Meeting was the big impact of CBT (Computer Based Testing) on state specific exams - how to incorporate 50 different state surveying exams into the computer based testing module without charging each state a standalone separate amount. Two task forces are looking at this.
- Mr. Ritter shared the letter from NC Department of Transportation that Charlie Brown, State Location and Surveys Engineer was appointed an Official Liaison to the Board. Mr. Brown can now speak officially on behalf of DOT. The Surveying Committee would like Mr. Ritter to set up a meeting with Mr. Brown regarding the recordation and verification of right of way plans within the next 30 days.
- Mr. Pond suggested revisiting the Jackson County Department of Health issue now. He stated, to the engineering question can Jackson County be more restrictive, the answer is yes they can.

The surveying matter dealt with the flagging of septic systems. Mr. Joyner stated the engineer can do the topo, staking or location of a septic system he has designed. If a boundary is referenced or that sort of thing, it needs to be done by a surveyor.

Mr. Tuttle stated the proposed letter would include the reference to the Engineering Surveys Policy to say a PLS is required on this other than where allowed in the Engineering Survey Policy. The policy differentiates between the contours and the design of the onsite system versus doing the boundary survey. A letter will be sent to Jackson County and copy DENR. Also, provide a copy to Terry Allen.

CPC Committee: Ms. Thurman informed the Board of the following activities.

- Audits are going smoothly.
- Ms. Thurman brought before the Board the request for sponsor approval for Online Engineering Education, Inc. They use the word “engineering” in the company’s title. Staff has reviewed the website and feel there is nothing misleading nor are they holding out that would allow the public to think they are offering services; just the fact they are offering online education. Ms. Thurman made a motion to approve Online Engineering Education as a sponsor. The Board voted and the motion was unanimously approved.

Ms. Thurman made a motion to approve Mid-Atlantic Associates, Inc. as a sponsor. The Board voted and the motion was unanimously approved.

Drainage Task Force: Mr. Joyner informed the Board of the following activities.

- Mr. Joyner stated that the ad hoc committee was formed to review and update if necessary the NCBELS “Guidelines for Interpretation of Incidental Streets and Storm Sewer Systems Design” adopted June 8, 1989 latest edit November 1, 2004. The committee was made up of 2 PEs and 2

PLSs. He further stated the committee had reviewed NCGS 89C section 3(7), NC Department of Environment and Natural Resources Erosion Control Manual, the state of Georgia policy on drainage design by Professional Surveyor, Natural Resources Conservation Service (NRCS), NC Department of Environment and Natural Resources BMP Manual, NC Dam and Safety Act, South Carolina policy that provides for a PLS to perform storm sewer designs, and considered a request by Giselle Rodriguez, PE (City of Fayetteville) that NCBELS should protect the public by preventing a PLS from doing BMPs.

Based upon their findings, the Committee recommends to the Board that NCBELS "Guidelines for Interpretation of Incidental Streets and Storm Sewer Systems Design" adopted June 8, 1989 latest edit November 1, 2004 should not be changed. The ad hoc committee found that after years of being an effective "guideline" for licensees that little or no change was necessary. Mr. Joyner stated, "If the question is asked of the staff, a PLS can do BMPs that are incidental to a subdivision per the "Guidelines for Interpretation of Incidental Streets and Storm Sewer Systems Design".

Chair Pond stated since the Committee reached a conclusion without taking any action; a motion was not needed. He stated that he thought that the City of Fayetteville needed no further response, which was confirmed by Mr. Tuttle that the response that was given (to the City of Fayetteville) was consistent with the guidelines. Mr. Tuttle is to check to see if a further response is needed.

#### Fracking Task Force:

- Ms. Thurman said the Committee was not ready to report. Mr. Ritter asked Betsy Bailey, Executive Director with PENC if PENC has taken any position on fracking. Ms. Bailey said PENC did not have an official position on fracking. PENC is closely following the issue. PENC lobbied to have an engineer on the Commission; however, the engineer that was appointed is not a Professional Engineer. Ms. Thurman said the Task Force wants to prevent fracking being under the umbrella of the industrial exemption. Dr. Ratcliff stated that two states have exempted the practice of fracking from licensure. Pennsylvania, Ohio and New York know they need to address and are interested in what NC does.

Mr. Pond stated the Legislature has tasked the Fracking Commission to place regulations in place by October 2014 ready to adopt. If there are any legislative changes, they will need to be made in Session 13. Mr. Pond tasked the Task Force that if there is any tweaking to statutory changes, we need to have that developed this year to take to the legislature next year. He stated the time line is not as much as you might think. Our position is protecting the health, safety and welfare using that in the definition of engineering and therefore that trumps the exemption. The consensus was that proposed statute changes must be ready by the December meeting.

#### Electronic Signature Task Force:

- Messrs. Thompson and Stewart met with Tom Morgan and Ozzie Stallworth with the Secretary of State's Office regarding digital signatures. They learned that people are not adhering to Board Rules. It's a complicated issue, in the sense, that when engineers are working in conjunction with other organizations, such as architects, their Rules differ from what this Board is requiring. A conversation needs to take place so everyone can get on the same platform. The Task Force requested that staff arrange a meeting with the Architecture Board. A Rules change may be involved. Mr. Pond would like to have this complete to have for the Southern Zone in the spring and ready to push on a national agenda for Model Law.

#### 4. NCEES Activities – Executive Director

- Regarding the NCEES Annual Meeting: (1) Mr. Pond stated a 16 hour exam for structural engineering was being pushed. NC licensees are licensed by competence, not practice. (2) Missouri is adding language in their statute that they have jurisdiction of the health, safety and welfare of the public – going toe to toe with the Industrial Exemption. CPC Competency was discussed at the meeting. It is a nonissue in North Carolina as NC recognizes one's home state CPC requirement.
- Mr. Ritter presented the press releases of the action items from the National Meeting.

- Mr. Thompson has requested to attend the Colonial States Meeting scheduled October 29 in Tampa for a GIS\Metric Exam Writing Workshop. Dr. Ratcliff made a motion to approve this request. Mr. Haynes seconded the motion. The Board voted and the motion was unanimously approved.
- Mr. Ritter placed The Licensure Exchange in the board books.

5. Board Secretary Report - Executive Director and Board Secretary

- Mr. Stewart went over the Financial Report. To date, the Profit & Loss Statement is 2.3% above budget. Part of that is \$40,000 more in engineering renewal fees and a few thousand on late renewals. On the expense side, we are about \$39,000 above projection, about 2%. All of that is in legal fees. Overall the net income is \$22,000 over projection. The next three months we will be spending the net income as there will be very little revenue coming in. Even with the legal fees, the Board is still running net income about the budget.

Mr. Stewart stated there are no real issues with the Audit. A Management Recommendation is that the Board has a lack of financial expertise – there is no CPA in house. The Auditors always show this and we have a very knowledgeable person in house. They also recommend a system in place to track revenue reconciliation. Mr. Ritter stated the data base has no way to track the money if an applicant signs up for an exam in 2012, but is not taking the exam until 2013. The database programmer is working on this.

Financial highlights:

1. Revenue increased 20% about \$450,000, most from renewal fees;
2. Operating expenses increased \$261,000; \$155,000 is attributed to legal fees;
3. Newly hired staff that completed full year of employment;
4. One-time adjustment of \$25,800;
5. Used \$21,000 to fund special accounts for 4 part-time employees that went back to 2002 & 2009 – the IRS payment and
6. Decrease of \$18,000 when the NC A&T Geomatics program was dropped.

The year ended with a net asset of \$206,000 compared with \$20,000 the previous year - \$271,000 is in the bank compared to \$40,000 last year. We are closing in on the requirement of the audit report that we have 6 months of money. On the liability side, it shows \$108,000; \$99,000 is accrued vacation. The revenue exceeds expenses by 2.4%.

Dr. Ratcliff made a motion to accept the Audit Report. Mr. Thompson seconded the motion. The Board voted and the audit report was unanimously approved.

6. Violations Activity - Assistant Executive Director

- Mr. Evans stated eighty-four (84) cases have been opened and 84 cases have been closed this fiscal year. This is in line with the last two years. Sixty-six cases are on the open sheet, of which four are in court. Twenty-seven (27) cases are in the investigator's hands. Ninety cases have been taken to Review Committees. Numerous proactive contacts have been made to the Register of Deeds, Planning Offices, DENR and others. The number of cases against non-licensed has dropped to 13% year to date compared to 25% last year. Mr. Evans attributes the reduction to the informal work Mr. Mazanek does with noncompliant firms. Numerous presentations have been given by board staff.

7. Applications

Special Agenda Items for Board Approval

- Stewart Engineering, Inc. (C-1051) requests to use the d/b/a of Stewart. Mr. Stewart recused himself. Dr. Ratcliff made a motion to approve. Ms. Riley seconded the motion. A vote was taken and the motion was unanimously approved.

- Staff is asking for clarification of the policy that staff can administratively approve new business applications as long as the firm name has one major word different from that of the existing licensed entity. The Board receives numerous applications for firms where the name is only different from an existing licensed entity due to the use of word(s) like consulting, group, company, associates, etc. Does the Board consider these words to be a substantive word, which would allow multiple firms to obtain licensure with words that do not have a distinctively different meaning in the context of the business name?

Board members mutually agreed to leave the policy unchanged and that staff should bring applications in question to the Board for approval.

*Meeting recessed at 12:20 for lunch. Meeting gaveled back in at 1:00 p.m.*

8. Old Business – Executive Director

A request was made to fund the Trig Star program. Ms. Riley made a motion to deny the request based upon the Board must adhere to GS 89C; there's nothing in the statute that has changed. Dr. Ratcliff seconded the motion. A vote was taken and the Board voted unanimously to deny the Trig Star request.

9. New Business - Executive Director

- Mr. Ritter presented the proposed 2013 Board Calendar in draft form for members to review. He requested board members to notify Vice Chair Thompson or Mr. Ritter of any scheduling conflicts for consideration and the calendar will be brought back in October for adoption. There are seven board meetings and five conference calls on the calendar.
- Mr. Ritter presented a letter from David Peterson with a brochure entitled, "Raise the Bar for Engineering" for information. Mr. Peterson requested to give a presentation. This is an ASCE driven program. Board members decided to invite Mr. Peterson to the December board meeting for a presentation.
- Mr. Ritter stated that for the exam cycle just finished there were 604 FE candidates and 359 PE candidates both up slightly over 1% from last year; 70 FS candidates (137 last year); and 40 PS candidates (30 last year).
- Mr. Ritter stated Chair Pond requested that he remind board members that board elections will be in October. Mr. Pond stated that Mr. Stewart and the new Secretary will be working on the new budget the end of year.
- The new Laws and Rules Books are printed and available for purchase. The email was sent to 30,000 individuals and 100 books have been purchased to date. The cost of the book is \$12.50 that includes \$2 for mailing costs. A setup fee of \$7,500 was paid. Five thousand [Actually 850] books were printed.
- Mr. Ritter stated the Board is getting away from mailing renewals to save money on postage. Licensees can go to the web site and opt out of getting paper renewals. Currently, 1,850 have opted out. Several reminders will be sent to remind licensees of this option. Over time this will save a large amount of money.
- Mr. Pond and Dr. Ratcliff attended the ACEC Meeting. As the funded delegate, Dr. Ratcliff reported on the meeting. Dr. Ratcliff stated Mr. Ritter did his usual good presentation and was well received. Also of interest, two engineers running for office, one of which is running unopposed, one PE in the House, and a non-licensed mechanical engineer (who has a strong belief in licensure) want to form an Engineering Caucus. Board members suggested they contact Mitch Gillespie.
- Mr. Ritter reported on the AV Project. Some design changes had to be made, permission from the building was recently received and there is a three week window to order equipment so the work will begin the week following the October board meeting to be completed for the December board meeting.
- Mr. Thompson has decided to hold the Planning Session at the Grandover in Greensboro. The meeting will begin at noon on November 14 and will be over at noon on November 15. NC A&T will be invited. The Board enumerated topics for discussion at the meeting. Mr. Thompson requested staff get background information about the legal requirements of foundation (education)

creation. Chair Pond requested that staff be asked about possible 89C changes. As a starting point, he requested that changes be pulled from the last list of proposed legislative changes.

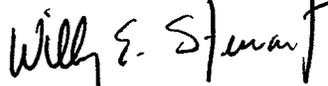
10. Informational Items - Executive Director

- Mr. Ritter noted a thank you card received from the Northwest Chapter of NCSS for a presentation he gave at their July meeting.
- Mr. Ritter stated he is working to lock in the dates for the certificate ceremonies.
- Mr. Thompson gave a Survey Summit Report on the trip the Board funded to California. GIS professionals and PLSs reached the consensus that the Model Rules are the Guide. Other states are adopting the inclusion and exclusion that North Carolina has already adopted. Also, there was discussion that what NC has done in photogrammetry and GIS should be done in other states.

Mr. Pond stated the Board may want to bring licensed GIS professionals under the Board as PLSs to practice in their area of competence. Board members agreed to create a task force (of internal members, external members and staff) to put together strategy and legislation to grandfather in GIS professionals using photogrammetry as the model. Chair Pond appointed Mr. Thompson Chair of the Task Force and Messrs. Joyner and Ellington as members of the Task Force. Mr. Thompson will select the external members. Mr. Pond stated this should be done in the long legislative session next year.

*Mr. Stewart made a motion to adjourn. Dr. Ratcliff seconded the motion. The meeting adjourned at 1:50 p.m. The Board is next regularly scheduled to meet on Wednesday, October 17, 2012.*

Respectfully submitted,



Willy E. Stewart, PE  
Secretary

Approved by the Board in Session

Date October 17, 2012

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 17, 2012

Raleigh, North Carolina

Board Chair David Pond gaveled the North Carolina Board of Examiners into session at 11:40 p.m. on Wednesday, October 17, 2012 to convene its regular order of business for the Board. Board members present were:

Present:

David L. Pond, PE, Chair  
Gary W. Thompson, PLS, Vice Chair  
Willy E. Stewart, PE, Secretary  
Carl M. Ellington, Jr., PE  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Teresa Helmlinger Ratcliff, PE, PhD  
Elizabeth W. Riley, Public Member

Absent:

Linda A. Thurman, Public Member

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Chair

Chair Pond asked if everyone had reviewed the consent agenda and if anyone needed to remove an item from the consent agenda. Dr. Ratcliff made a motion to approve the consent agenda. Ms. Riley seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC Sponsor Recommendation; Firm Applications for 12 Professional Corporations, 6 Professional Limited Liability Companies and 2 Business Firms; 4 Requests for Name Changes; 1 Request to Use Individual's Name in Company Title and 2 d/b/a Requests; Minutes; Settlement Conference Committee Recommendation; and Request for Retired Status.

3. Settlement Conference (Surveying – Thompson, Riley)  
Executive Director 10/16/2012

Dr. Ratcliff made a motion to approve the recommendation of the Settlement Conference Committee with a recommended action of a Reprimand. Mr. Haynes seconded the motion. The Board voted and the motion was unanimously approved. The settlement conference resulted in a reprimand.

4. NCEES Activities - Executive Director

- The 2015 Joint Southern /Western Zone Interim Meeting will be held in Arizona with Arkansas as co-host.
- Mr. Ritter presented an email from NCEES. He stated that when CBT examinations are implemented for FE and FS candidates, exam fees will have to be paid directly to NCEES. In 2014, an applicant will sign up for the test with NCEES and tell them where they want their score sent. When the applicant receives notice that he/she has passed, they will make application to the Board for the EI or SI certificate. NCEES asked if this Board would consider implementing this same process for the P&Ps (Principles and Practice professional exam). Board members agreed that the Board should take steps to move forward with the NCEES recommended process. Mr. Ritter stated staff will have to make changes. He doesn't know when it would be implemented.

- Miller L. Love has announced his candidacy for NCEES Southern Zone Vice President beginning in 2013. Dr. Ratcliff announced some time ago her intention to run for Southern Zone Vice President.

5. Board Secretary Report - Executive Director and Board Secretary

Mr. Stewart stated the Board is within 99.7% of the budget – within \$2,500 of where we said we would be. The Board is on track to place \$325,000 in reserves. Expenses higher than anticipated include the legal expenses for the Suttles case and the printing of the *Rules and Laws* booklet. Mr. Stewart said the Board is tracking right where it should be and he expressed his appreciation for what the staff is doing.

Mr. Ritter gave as a reference point that the legal fees for one case going through Superior Court was about \$6,000. The Suttles case is now being appealed to the Court of Appeals. The Carpenter case was denied review by the Supreme Court; the case is officially over. Chair Pond asked Mr. Ritter to update the Board at the next board meeting on the total legal fees paid for the Suttles and Carpenter cases to assist the Board in setting the legal fees for restrictive reserves.

Mr. Ritter will meet with the new secretary and current Secretary to produce a budget to be presented for approval at the November board meeting.

6. Committee Reports

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

- The Committee reviewed and agreed the Commissioning in Pharmaceutical Validations Board Policy should remain as is with no changes.
- A company from Georgia doing “bypass pumping” asked Mark Mazanek if they were doing engineering work and if they should be licensed as an engineering firm. After review of their website, the Engineering Committee decided to send the company a letter explaining this is engineering work. In addition, the Committee is concerned the Company may be exceeding tolerances that may have never been established. The Committee may need to take a proactive approach on this much like they have done regarding cranes and zip lines.
- The Committee discussed spills and spill prevention plans. They addressed the question, “whether or not a change in EPA would require a change in what the Board said we deemed as appropriate language for spill prevention plans 2010”. The Committee decided no change is necessary.
- The Committee decided to ask staff to attend a DENR meeting as they are looking at changing the regulatory processes.
- Dr. Ratcliff stated she had met a gentleman stating he had an industrial engineering degree from Western Carolina University. He stated a team of engineering professors brought students out and designed a complete boiler replacement in the entire steam system. Dr. Ratcliff stated some actions will be taken not only regarding this particular situation, but from the approach here is an example of some things you need to be aware of that are engineering and require licensure; there is no education exemption here – particularly because they are not really engineers.
- Dr. Ratcliff stated Mr. Tuttle has a really interesting approach with various scenarios regarding the industrial exemption. Mr. Tuttle stated the surveyors should also review. This is on the agenda for the Planning Session.

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

- Mr. Joyner said most of the committee time was spent reviewing part of PLS Exam.
- An improvement was made to the sample plat for the web site.
- The Committee needs the assistance of Charlie Brown of DOT, Board Liaison on three areas (recording of right of way plats, changing legal descriptions from a station offset to a metes and bounds and posting coordinates on the web). Mr. Ritter will set up the meeting. Mr. Mazanek will create an agenda for the meeting.

CPC Committee: There was no report.

GIS Task Force: Mr. Thompson informed the Board of the following activities:

- Mr. Thompson stated the GIS Task Force will have a meeting prior to the Planning Session. The GIS attendees have been identified.

Fracking Task Force: Committee had nothing to report.

Electronic Signature Task Force: Mr. Thompson informed the Board of the following activities:

- Mr. Thompson stated that Mr. Ritter is arranging a meeting with the Board of Architecture. Mr. Ritter reported that the Board of Architecture will have two Board members and their Counsel attend and he will set up the meeting.

7. Violations Activity - Assistant Executive Director

- Mr. Evans announced that Audrey Thomas, after almost 30 years has announced her retirement. Ms. Thomas works in Violations Support and will work through February.
- Mr. Evans stated 88 cases have been opened year to date. Fifty-eight cases are on the open sheet, 24 of which are in the investigators' hands. Four new cases have been opened since the last meeting. Ninety-six cases have been closed; 90 have gone to Review Committees.
- Messrs. Tuttle and Evans have done numerous presentations.

8. 2013 Board Calendar - Executive Director

- Ms. Riley made a motion to approve the 2013 calendar. Mr. Stewart seconded the motion. The Board voted and the motion was unanimously approved. Mr. Stewart requested that since two days are blocked on the calendar for the meetings that staff release the dates that the Board will not meet as soon as possible.

9. Applications

Special Agenda Item for Board Approval

- After review of the letter provided in the board books from Michael R. Burton of Burton & Davis, LLP representing Oneida Total Integrated Enterprises, LLC and feedback from David Tuttle, Board Counsel, Dr. Ratcliff made a motion as Mr. Tuttle mentioned to exempt the company from the requirements of the Professional Corporation Statute and the Board will license them as an LLC- a firm licensure. Mr. Thompson seconded the motion. The Board voted and the motion was unanimously approved.

Engineering Committee  
Land Surveying Committee

10. Old Business - Executive Director

- Mr. Ritter stated the A/V project will be completed by the December board meeting and the staff will be trained. After discussion, board members decided to bore holes and put grommets for cable in the board table if the price is reasonable. Dr. Ratcliff requested the Board get someone who is thoughtful about other's concerns about computer equipment to look at the Board's wireless system to make certain the Board is doing everything to optimize the wireless system.
- Mr. Ritter informed the Board of a response from a professor and faculty in opposition to giving the Software Engineering PE Exam. Mr. Ritter will respond.
- Mr. Ritter stated that Mr. Thompson would like to explore using a facilitator for the November Planning Session to run the meeting so that all nine board members can fully participate. Mr. Thompson stated that the facilitator would run the meeting and facilitate the planning session and

do nothing more than that. Board members mentioned possible names for a facilitator. Mr. Pond requested that the list of agenda items be published.

11. New Business – Executive Director

- The Charlotte Certificate Ceremony is scheduled for January 24, 2013.

12. Informational Items - Executive Director

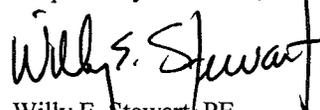
- Mr. Ritter placed in the board books for the record the Evaluation of Statement of Economic Interest for each board member. He also mentioned that two members are due for their ethics training.
- The newsletter will be going out right away.
- Mr. Pond suggested adding to the Planning Session list, what things the Board can do to keep Emeritus Members engaged.

13. 2012 Board Elections - Chair

- Mr. Haynes nominated Mr. Thompson for Chair. Dr. Ratcliff seconded the motion. A vote was taken and Mr. Thompson was unanimously elected as Board Chair.
- Dr. Ratcliff nominated Mr. Stewart as Vice Chair. Ms. Riley seconded the motion. A vote was taken and Mr. Stewart was unanimously elected as Vice Chair.
- Mr. Stewart nominated Dr. Ratcliff as Secretary. Ms. Riley seconded the motion. A vote was taken and Dr. Ratcliff was unanimously elected as Secretary.

*The meeting adjourned at 11:55 a.m. The Board is next regularly scheduled to meet on November 13 and 14, 2012.*

Respectfully submitted,



Willy E. Stewart, PE  
Secretary

Approved by the Board in Session

Date November 14, 2012

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

November 14 and 15, 2012

Raleigh, North Carolina

Board Chair David Pond gavelled the North Carolina Board of Examiners into session at 8:00 a.m. on Wednesday, November 14, 2012 to convene its regular order of business for the Board. Board members present were:

Present:

David L. Pond, PE, Chair  
Gary W. Thompson, PLS, Vice Chair  
Willy E. Stewart, PE, Secretary  
Carl M. Ellington, Jr., PE  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Teresa Helmlinger Ratcliff, PE, PhD  
Elizabeth W. Riley, Public Member  
Linda A. Thurman, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Executive Director

Chair Pond presented the Consent Agenda for approval. Chair Pond asked if there was a motion to approve the consent agenda. Mr. Stewart made a motion to approve the consent agenda. Mr. Haynes seconded the motion. The Board voted and the consent agenda was unanimously approved. The Consent Agenda included Comity Applications; a CPC Sponsor Recommendation; Firm Applications for 13 Professional Corporations, 15 Professional Limited Liability Companies, 2 Business Firms and 1 Chapter 87 Corporation; 1 Requests for company name change, 1 Requests to Use Individual’s Name in Company Title and 1 d/b/a Request; Minutes; Review Committee Recommendations, a Settlement Conference Committee Recommendation; and Requests for Retired Status.

3. Review Committee (Engineering – Ellington)  
Executive Director 10/23/2012

The Board considered the recommendation of the Review Committee – Engineering on ten (10) cases conducted on October 23, 2012 with Mr. Ellington. Messrs. Thompson and Joyner recused themselves from discussion and voting. Ms. Riley made a motion to accept the recommendation of the Review Committee. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendations resulted in one (1) reprimand, civil penalty of \$2,500 and ethics course; one (1) reprimand, civil penalty of \$5,000 and ethics course; one (1) reprimand and civil penalty of \$5,000; one (1) reprimand, civil penalty of \$4,000 and ethics course; three (3) cases continued and three (3) cases closed.

4. Settlement Conferences (Engineering – Ratcliff, Riley)  
11/07/2012 at 9:30 a.m.  
11/07/2012 at 10:30 a.m.

The Board considered the recommendations of the Settlement Conference Committee on two cases conducted on November 7, 2012 at 9:30 a.m. and 10:30 a.m. with Dr. Ratcliff and Ms. Riley. Chair Pond

and Ms. Thurman recused themselves. Chair Pond passed the gavel to Mr. Thompson. Mr. Stewart made a motion to approve the recommendation of the Settlement Conference Committee on both cases. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Committee recommendations resulted in one closed case and one (1) reprimand and civil penalty of \$2,500. Mr. Thompson passed the gavel back to Chair Pond.

5. **Approval of 2013 Budget**  
Executive Director & Board Secretary

Before presenting the budget, Mr. Ritter stated that the assumption had been that NCEES would fund Mr. Thompson as a committee chair to the NCEES Board President's Assembly and the Board had voted for Dr. Ratcliff be the replacement for the Board funding for Mr. Thompson. NCEES will not be funding Mr. Thompson. Mr. Joyner made a motion for the Board to fund Dr. Ratcliff attending the President's Assembly. Ms. Riley seconded the motion. A vote was taken and the motion was approved unanimously.

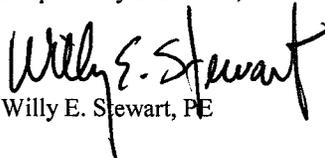
After review and discussion of the 2013 budget, board members decided to increase the line item for Professional Development Training by \$10,000, taking \$5,000 from Board Travel and \$5,000 from revenue after expenses. Dr. Ratcliff made a motion to approve the 2013 budget with the aforementioned modifications. Mr. Stewart seconded the motion. A vote was taken and the budget with aforementioned modifications was unanimously approved.

6. **Planning Session**

Dr. Ratcliff made a motion to establish a policy to make the Director of NC Geodetic Survey or his designee a liaison position to the Board. The policy should be ready for the December meeting. Mr. Haynes seconded the motion. A vote was taken and the motion was approved unanimously.

*The Board formally adjourned on Thursday, November 15, 2012 at 11:30 a.m. The Board is next scheduled to meet on Wednesday, December 12, 2012.*

Respectfully submitted,

  
Willy E. Stewart, PE

Approved by the Board in Session

Date December 12, 2012

## PLANNING SESSION OBJECTIVES

November 14 and 15, 2012

- Shirley Ditt to prepare a “TO DO” list for Communication Plan on CBT from Planning Session discussion.
- Andrew Ritter will put together a communication plan for CBT:
  1. Ask NCEES when we will get answers to the many questions; answers are needed by January.
  2. Address what all universities need to be doing and who needs to know what is forthcoming.
  3. Every newsletter needs some component about the changes.
  4. Get Betsy Bailey and Kathryn Sawyer Westcott involved.
  5. Communication plan – host our own webinars – 3 or 4 in the spring, invite all the stakeholders of the universities; identify the stakeholders by January and plan for required legislative changes. Bring a list of the stakeholders to the February meeting. Record and place webinars on the NCBELS website.
  6. Convene a meeting for Ms. Thurman to assist Mr. Ritter in identifying contacts for the university system; Mr. Thompson will help with the community college system. Contacts should include Review Course Instructors, under graduate coordinators and department chairs;
  7. Place a link to the virtual tour of a test center of what the applicant is allowed to take into the exam. Information should be provided regarding if there will be a practice area, a mock testing center and sample tests.
- Ask David Tuttle to write a policy to make the Director of NC Geodetic Survey a liaison position to the Board (in the document use “or his designee” (for the December meeting). Devise a list of other departments to be included in the policy i.e. Division of Water Quality, Environmental Section of DENR and Executive Directors of the State Societies to better communicate with these groups. Revisit the policy every year as a way to force contact with the agencies and set up an annual meeting.
- Prepare an introductory letter to the Chair of the NC Mining and Energy Commission with a copy to Tracy Davis, PE (DENR) stating that as you are developing the Rules and Regulations, NCBELS would like to be kept involved. This Board believes that some areas of fracking constitute engineering or surveying. The definition of engineering should be included in the letter. Ms. Thurman will email Mr. Tuttle & ask him to prepare a draft.
- Regarding legislation:

Board members agreed to move forward with the following legislation:

CBT

Language cleanup and

Unlicensed practice – obtain data and build a story i.e.

- a) Do a survey of licensing and regulatory Boards in NC; present Mitch Gillespie with data of other Boards that regulate unlicensed practice;
- b) Get specific number of cases against unlicensed individuals
- c) Site specific examples of how the public has been harmed.

Increasing penalties for surveyors and others is a yes/no answer. Ask the individual sponsoring the above bills if it is the right time to *increase penalties for surveyors and others*. Build a case by stating specific data collected from existing violation cases showing the little guy is doing bad things with potential harm to the public and the penalty should fit the crime. With more options, a higher Civil Penalty could be imposed versus suspending a licensee that may in turn affect the company’s employees. At the present there is little flexibility in the amount of the penalty.

*GIS professionals – pending additional feedback.*

*Industrial Exemption:* The Board decided on option 1 of Mr. Tuttle's example – to remove "not". Dr. Ratcliff will work with Mr. Ritter & Mr. Tuttle. Mr. Stewart will talk to Gene Conti. This is pending additional feedback.

Ask Mitch Gillespie if he would like to run the legislation, or if he would prefer to have a colleague run the bill?

- Create an FE corner in the newsletter. Dr. Ratcliff & Ms. Thurman will construct an ecosystem of engineering programs to aid in creating a list that the newsletter should be sent to.

Mr. Haynes suggested a human interest story be included in newsletters. Members decided as a member goes off the Board, he/she will write an article for the newsletter.

- Board members requested that the old phone system be replaced with a new system.
- Board members stated the NCEES website needs work. Mr. Ritter will email Jerry Carter, Executive Director regarding concerns.
- NC A&T requested a student application coming out of a four year surveying program more in line with the Engineering Intern Application that is 2 pages. The Board agreed to revise the Surveying Student Application for those in four year programs.
- After conversation with NC A&T, and to be more in line with CBT, the Board will remove the map requirement from the student application. This will require a Rule change.

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 12, 2012

Raleigh, North Carolina

Board Chair David Pond gavelled the North Carolina Board of Examiners into session at 10:00 a.m. on Wednesday, December 12, 2012 to convene its regular order of business for the Board. Board members present were:

Present:

David L. Pond, PE, Chair  
Gary W. Thompson, PLS, Vice Chair  
Willy E. Stewart, PE, Secretary  
Carl M. Ellington, Jr., PE  
J. Glenn Haynes, PLS  
Nils W. Joyner, Jr., PLS  
Teresa Helmlinger Ratcliff, PE, PhD  
Elizabeth W. Riley, Public Member  
Linda A. Thurman, Public Member

Absent:

Chair Pond informed board members that the boardroom changes (Phase 1 of the new AV equipment) are complete and detailed how it works. He thanked Mr. Thompson and Dr. Ratcliff for their work on the project.

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Pond read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. No conflicts or appearance of conflicts were noted.

2. Consent Agenda – Chair

Chair Pond asked if everyone had reviewed the consent agenda and if anyone needed to remove an item from the consent agenda. Dr. Ratcliff made a motion to approve the consent agenda. Ms. Riley seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC Sponsor Recommendation; Firm Applications for 10 Professional Corporations, 9 Professional Limited Liability Companies, 1 Business Firm and 2 Chapter 87 Corporations; 1 Request to Use Individual's Name in Company Title and 3 d/b/a Requests; Minutes; Review Committee Recommendations; Settlement Conference Committee Recommendation; and Requests for Retired Status.

Chair Pond stated today is Mr. Haynes' last meeting on the Board and recognized and thanked him for his years of service as a board member. Mr. Haynes stated he has enjoyed being on the board and he has met a lot of people and made many friends. He expressed his appreciation to board members and staff.

3. PENC Leadership Institute - Presentation by Ian Jewell and Neil Perry, PE

- After their presentation, Ian Jewell and Neil Perry, PE were asked if they would be interested in going to Biloxi in the spring to present at the Southern Zone Conference. The matter was left in the hands of the Engineering Committee (and discussed later in the meeting under Board Secretary Report).

4. Raise the Bar for Engineering: A new future for Engineering license - Presentation by David Peterson, PE

5. Governor Perdue Notice of Board Member Appointment - Executive Director

Mr. Ritter presented the Notice of Appointment of Richard M. (Mike) Benton, PLS as the new board member effective January 1, 2013 replacing Mr. Haynes. Mr. Benton's orientation will be January 4, 2013.

6. NCEES Activities - Executive Director

- Mr. Ritter presented exam statistics. One thousand eighty (1,080) applicants were scheduled to take the exam; one thousand thirty (1,030) were present for the exam. There are 22 newly licensed surveyors. Four hundred sixty-nine applicants took the FE exam with a 78% pass rate.
- Mr. Ritter received an email from Laura Daniel in search of judges for a special award that will be given as part of the 2013 regional Future City competitions in January 2013. Mr. Thompson and Mr. Haynes are already involved with this project.
- Mr. Ritter placed information in the board books regarding the 2013 Board Presidents' Assembly. Mr. Thompson is a funded delegate and Mr. Ritter is the MBA funded delegate. The Board previously approved Dr. Ratcliff to attend.
- Dr. Ratcliff will run for Vice President of the Southern Zone. Mr. Thompson made a motion to endorse Dr. Ratcliff for Vice President of the Southern Zone. Ms. Riley seconded the motion. A vote was taken and the Board voted unanimously to endorse Dr. Ratcliff's candidacy for Southern Zone Vice President.
- Mr. Thompson announced that he will run for NCEES Treasurer. The election will be in August. Mr. Stewart made a motion to endorse Mr. Thompson for NCEES Treasurer. Mr. Haynes seconded the motion. A vote was taken and the Board voted unanimously to endorse Mr. Thompson's candidacy for NCEES Treasurer. Mr. Ritter was tasked with getting letters out for Dr. Ratcliff and Mr. Thompson in January.

7. Board Secretary Report - Executive Director and Board Secretary

- Mr. Stewart stated the bank statement has not come in so there is no Board Secretary Report.
- In view of possible expenditures after the Jewell / Perry presentation, Board members discussed and decided to get feedback from Bob Zahl (VP Chair of Southern Zone who handles programming) about Mr. Jewell and Mr. Perry possibly presenting to NCEES (with no presentation at the Zone level). The Engineering Committee will make a decision on this matter.

*Meeting recessed at 12:00 for lunch. Meeting gaveled back in at 12:40 p.m..*

8. Committee Reports

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

- The Committee reviewed the Audio Visual System Design Policy and made no changes. Dr. Ratcliff made a motion to accept the policy moving forward with no changes. The Board voted, with unanimous approval.
- After lengthy discussion on the Offshore Drilling and Nuclear Power Policy, the Committee decided to remain with the NCEES Policy.
- The Committee had a long discussion about a 1969 company, Systems Engineering, Inc. that has nothing to do with engineering.
- Betsy Bailey, Executive Director of PENC made a presentation on a new product, the PENC Engineering Directory.
- The Committee requested additional information on a comity application they reviewed.
- The Committee requested staff send out a letter from the Board to NC AWWA-WEA on bypass pumping.

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

- Mr. Joyner stated the Committee is working on the rule change for horizontal and vertical standards. The Committee has invited comments from other professionals.
- Mr. Thompson updated the Board on the GIS meeting the previous day. The group discussed what is and is not surveying. This was a good opportunity for everyone to give feedback. The GIS attendees will take what they learned back to their groups for discussion; they will meet in February. Mr. Thompson is putting together a one page fact sheet for their use.

Board members agreed to (1) send the information sheet prepared by Mr. Thompson, (2) draft and send grandfather photogrammetry language and (3) tell them a response is needed by the February 13 board meeting.

Mr. Ritter stated staff will send Mr. Thompson the photogrammetry statute language; Mr. Thompson will prepare the proposed statute changes with staff input. Staff will handle the draft for Rules with input from the Surveying Committee. Statute changes will need to be at the legislature no later than March. The wording will need to be ready in January. Draft Rule changes will also need to be ready for review.

CPC Committee: There was no report.

GIS Task Force: Mr. Thompson updated the Board under the Surveying Committee Report.

Fracking Task Force:

- Ms. Thurman stated Mr. Tuttle will draft a letter to send as an introduction to the Chair of the Fracking Committee the first of the year.

Electronic Signature Task Force:

- Mr. Thompson informed the Board that the Board of Architecture requested that the meeting be rescheduled.

9. Violations Activity - Assistant Executive Director

- The Board opened 110 cases in fiscal year 2012. The Board closed 109 cases. At the present 67 cases are open, 31 of which are in the investigators' hands. Turnaround time has been cut in half from fiscal year 2011. Ninety cases were presented to the Review Committee for the fiscal year. Over 200 proactive enforcement visits were made. The number of disciplinary actions taken against engineers is consistent with previous years. In 2012, 57% of the surveying cases resulted in disciplinary action, which is up from 41% in 2011. Half of the firms were disciplined on the cases closed in 2012; 29% were disciplined in 2011. Several presentations were given by Mr. Evans and Mr. Tuttle.

10. Applications

Special Agenda Item for Board Approval

1. Mr. Scott Stone, PE is requesting approval to change the name of his existing firm from American Engineering Associates – Southeast, P.A. to American Engineering Associates, P.A. Currently the Board has a firm licensed using a similar name of American Engineer Consultants, Inc.

Ms. Riley made a motion to deny the request. Mr. Thompson seconded the motion. Mr. Ellington recused himself from discussion and voting. The Board voted and the motion passed to deny the request.

2. Attorney J. Scott Dillon is requesting on behalf of his client, Systems Engineering, Incorporated that the Board issue a Non-Objection Certificate allowing the firm to keep its name with engineering in the firm title. This firm has been registered with the Secretary of State since August 26, 1969 but was recently notified by the Secretary of State of the title "engineering" being protected unless approved by the Engineering & Land Surveying Board.

Dr. Ratcliff made a motion to approve sending a non objection certificate. Mr. Stewart seconded the motion. After much discussion, a vote was taken; the motion was defeated.

11. Old Business - Executive Director

- Mr. Ritter stated that AB Tech (Asheville Buncombe Technical Community College) has discontinued their surveying and engineering programs. Mr. Ritter presented a letter from the Board that Mr. Thompson carried to a meeting at AB Tech. The surveying and engineering programs were dropped right before 30 students started the program.

12. New Business – Executive Director

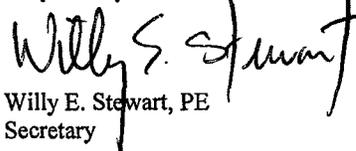
- Mr. Ritter furnished the Board a status report after the first week of renewals.
- Mr. Tuttle stated that as a result of the legislative session, the statute on temporary permits was repealed. Mr. Tuttle requested that the Board adopt language in the Rules repealing the temporary permit language. Dr. Ratcliff made a motion to adopt the new language repealing all of the temporary permit language in the Rules. Mr. Joyner seconded the motion. A vote was taken and the motion passed unanimously.
- Mr. Ritter stated that the farewell dinner for Mr. Haynes will be Tuesday, February 12, 2013.
- The Charlotte Certificate Ceremony will be January 24, 2013. February 5, 2013 is the tentative date for the Raleigh Certificate Ceremony, to be confirmed at a later date.
- Mr. Ritter met with the new Executive Director of the NC Surveying Society. The NCSS Convention is scheduled for February 21 – 23, 2013. Mr. Joyner will notify Mr. Ritter if he wants to be the funded delegate to the NCSS Convention.

13. Informational Items - Executive Director

- The “To Do List” from the planning session was attached to the minutes. Mr. Ritter will periodically update the Board as items are checked off the “to do list”.
- Mr. Thompson stated that Mr. Ellington will be Chair of the Engineering Committee and Ms. Thurman will be the Public Member; Ms. Thurman will be Chair of the CPC Committee and Mr. Benton will be on the CPC Committee and Mr. Joyner will be Chair of the Surveying Committee and Ms. Riley will be the Public Member.

*Ms. Riley made a motion to go into closed session for personnel reasons. Mr. Thompson seconded the motion. The Board voted unanimously to go into closed session. The meeting went into closed session at 2:00 p.m. to discuss a personnel matter. The Board adjourned the meeting at 2:50 p.m. The Board is next scheduled to meet on Wednesday, February 13, 2013.*

Respectfully submitted,

  
Willy E. Stewart, PE  
Secretary

Approved by the Board in Session

Date January 16, 2013