

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 14, 2015

Raleigh, North Carolina

Board Chair Nils Joyner, Jr. called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, January 14, 2015. Board members on the conference call were:

Board Members on Teleconference Call:

Nils W. Joyner, Jr., PLS, Chair
Carl M. Ellington, Jr., PE, Vice Chair
Richard M. Benton, PLS, Secretary
Teresa Helmlinger Ratcliff, PE, PhD
David L. Pond, PE
Linda A. Thurman, Public Member
Andrew G. Zoutewelle, PLS
Stacey A. Smith, PE

Absent:

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. Joyner read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. Mr. Ritter stated that Mr. Smith has a conflict and that item will be removed from the consent agenda. Mr. Joyner welcomed Mr. Smith to the Board.

2. Consent Agenda – Chair

Mr. Ritter stated that Item 3 under the Board Authorized Case Openings of the Consent Agenda was removed. Mr. Benton made a motion to approve the consent agenda as presented. Mr. Pond seconded the motion. The consent agenda was approved. (Dr. Ratcliff was not on the call for this agenda item.)

The consent agenda included: Requests for Board Authorized Case Openings (items 1, 2 and 4); Comity Applications; CPC; Firm Applications for 5 Professional Corporations, 8 Professional Limited Liability Companies and 1 Chapter 87 Corporation request, 1 Name Change Request, 1 Request to Use Individual's Name in Company Title and 2 d/b/a Requests; Minutes; Requests for Retired Status; and Settlement Conferences.

3. Dr. Ratcliff joined the call. Ms. Thurman made a motion to approve Item 3 of the Board Authorized Case Openings (that was removed from the Consent Agenda). Mr. Benton seconded the motion. Mr. Smith recused himself from voting; there was no discussion. The Board voted and the motion was unanimously approved.

4. Mr. Joyner appointed committees as follows:

CPC Committee

Linda A. Thurman, Chair
(Mr. Pond will be Chair if Ms. Thurman is not reappointed to the Board.)
Richard M. Benton, PLS
Stacey A. Smith, PE

Engineering Committee

Carl M. Ellington, Jr., PE, Chair
David L. Pond, PE
Teresa Helmlinger Ratcliff, PE, PhD
Stacey A. Smith, PE
Linda A. Thurman, Public Member

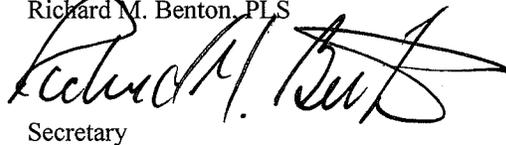
Surveying Committee

Andrew G. Zoutewelle, PLS, Chair
Richard M. Benton, PLS
Nils W. Joyner, Jr., PLS
(and Public Member yet to be appointed)

Dr. Ratcliff made a motion to adjourn. Ms. Thurman seconded the motion.

The Board formally adjourned Wednesday, January 14, 2015 at 7:35 a.m. The Board is next scheduled to meet Wednesday, February 11, 2015.

Respectfully submitted,
Richard M. Benton, PLS



Secretary

Approved by the Board in Session
Date February 11, 2015

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 11, 2015

Raleigh, North Carolina

Board Chair Nils W. Joyner, Jr. gaveled the North Carolina Board of Examiners into session at 10:30 a.m. on Wednesday, February 11, 2015 to convene its regular order of business for the Board. Board members present were:

Present:

Nils W. Joyner, Jr., PLS, Chair
Carl M. Ellington, Jr., PE, Vice Chair
Richard M. Benton, PLS, Secretary
Teresa Helmlinger Ratcliff, PE, PhD
David L. Pond, PE
Linda A. Thurman, Public Member
Andrew G. Zoutewelle, PLS
Stacey A. Smith, PE

Absent:

Chair Joyner welcomed Stacy A. Smith, PE who was recently appointed to the Board.

Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Joyner 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

Mr. Zoutewelle made a motion to approve the consent agenda as presented. 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; Firm Applications for 11 Professional Corporations, 22 Professional Limited Liability Companies and 2 Business Firms and, 4 Company Name Change Requests, and 3 Summary of d/b/a Requests; Minutes; and Requests for Retired Status.

3. Administrative Conference for Danny Ray Taylor – Chair

An administrative conference was held before the full Board to review the request of Danny Ray Taylor for the reinstatement of his PE license.

The Board went into closed session to deliberate at 11:25 a.m. The meeting gaveled back in at 11:50 a.m.

4. Board Member Appointments - Executive Director

- Mr. Ritter officially welcomed Mr. Smith. For the record, Mr. Ritter furnished Mr. Smith's Notice of Appointment by the Governor and his Statement of Economic Interest.
- Mr. Ritter stated Ms. Thurman was reappointed to the Board and furnished her Notice of Reappointment by the Governor.

5. Committee Reports

Engineering Committee – Chair (Mr. Ellington)

- The Committee was asked to review SPCC (Spill Prevention, Control, and Countermeasure Plans put out by EPA (US Environmental Protection Agency). The Committee determined that no changes needed to be made from a 2010 policy letter.
- The Committee reviewed applications and gave direction to staff.
- Mr. Ritter stated DENR (NC Department of Environment and Natural Resources) is required by the General Assembly to 1) list the processes involved for permit review in the Water Resources and Land Resources Divisions, 2) review the processes with the Engineering Board to determine

what, if any practices are engineering. 3) After response by the Board, DENR will respond to the General Assembly with final revised processes. The concern was that non-engineers in review roles at DENR were practicing engineering by overstepping their bounds. Land Resources compiled a list that is within their review process. Three of the items listed were questionable by PENC (Professional Engineers of NC). Water Resources just sent in their list, both with a March 1 deadline. After review, it was determined the main issue was “what does the word review mean and in that context, are they overstepping their grounds”? Mr. Pond and the Committee constructed a paragraph defining what “review” means in the engineering world; if an individual goes outside the definition, one is starting to practice engineering. Mr. Tuttle will craft a letter using this paragraph for the Committee’s review after which it will be sent to DENR to incorporate in their report and make any changes before giving their final report to the General Assembly.

- Mr. Benton requested staff follow up again with Water Quality regarding drawings being submitted for permitting purposes without being signed or sealed.
- Messrs. Pond and Ellington formed a subcommittee of a couple of their employees to answer some questions from the Division of Aviation for the April meeting.
- Mr. Tuttle is giving comments to the Board of Architecture for the Architect-Engineer Seal Brochure. The language is not yet ready for review by the Board.
- Meetings are being scheduled with NCDOT (NC Department of Transportation), Building Code Council, ACEC/NC (American Council of Engineering Companies Meeting / NC) and PENC Meeting.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- Mr. Zoutewelle made a motion to approve the Conservation Easements Policy. The Board voted and the motion was unanimously approved.
- Mr. Zoutewelle made a motion to approve the Wetland Mapping Policy (this makes the revision for the purpose of removing the existing conservation easement language). The Board voted and the motion was unanimously approved.
- The Committee is working on the request of Mr. Gary Thompson, Emeritus Board Member, that the Committee determine if the positional accuracy stated in G.S. 47-30 is consistent with the positional accuracy requirements in the Standards of Practice.
- A firm asked if the Board could have a special license for geospatial. The Committee responded no.
- The Standards of Practice Committee of NCSS (NC Society of Surveyors) is working on a rewrite of G.S. 47-30 & 39. They are asking for a change which will be submitted to the General Assembly. Mr. Benton is serving as liaison to the NCSS Practices Committee.
- The Committee will ask Charlie Brown with NC DOT to talk with the Committee about making maps more understandable to surveyors by putting coordinates of right of way corners on surveys.
- The question came up, “should preliminary plot plans be sealed when submitted for review?”

THE FOLLOWING QUESTIONS WERE CONSIDERED BY BOTH THE ENGINEERING AND SURVEYING COMMITTEES in committee meetings and discussed at the full board meeting to reach mutual responses satisfactory to both committees as follows:

- The Board was asked if a PLS or PE are required to do forensic surveys. The Board determined that forensic surveys are not a licensed activity by a PLS unless the survey states a certain level of accuracy or if a substantial conclusion is drawn or it is used for an authoritative purpose. Also the stand alone statement, “For informational purposes only” on a forensic survey may be used by an individual who is collecting evidence for a crime or accident scene as long as there are none of the aforementioned factors. A traffic engineer (PE) may collect data incidental to what the PE normally does as an engineering survey. Mr. Tuttle will respond to the question.
- The Board reviewed a sample drawing provided by Utilis Engineering, PA with the request to determine whether the work falls within the practice of engineering so as to avoid the company being required to use a Professional Land Surveyor. The Board determined that the work went beyond that allowed to be done by a PE in support of the engineering design, by providing information to be relied upon by the contractor and others, including locating a right of way line. Board Members requested that engineering surveys be placed on the Planning Session agenda.

CPC Committee – Chair (Ms. Thurman)

- Ms. Thurman stated she and Mr. Benton introduced Mr. Smith to how CPC is set up.
- Audits have been met.
- Messrs. Evans and Ritter have been getting pricing for an online seminar for the Rules of Professional Conduct. The UNC School of Government was not interested in this project, but they are continuing following up on some leads. There will be more information in the next couple of months to determine if this is something the Board wants to pursue.

The meeting recessed at 12:55 pm for lunch. The meeting gaveled back in at 1:33 pm.

6. NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director
 - Dr. Ratcliff and Mr. Smith will be the funded delegates for the Southern Zone Conference. The meeting is Friday, May 14 through Saturday, May 16. Reservations will be made for Thursday, May 13 through Sunday, May 17. Board members can get conference rates for Wednesday, May 12; however, the Board will not pay for Wednesday night.
 - Mr. Ritter presented materials in the board books for the following NCEES candidates:
 1. NCEES President – Daniel S. Turner, PhD, PE, PLS
 2. Southern Zone Vice President – Theresa Hilliard Hodge, PE
 3. Southern Zone Assistance Vice President – James R. Riney, PE, PS
 4. NCEES Treasurer – Gary W. Thompson, PLS

Mr. Ritter asked, on behalf of Mr. Thompson, the endorsement of the North Carolina Board for Mr. Thompson as NCEES Treasurer. Mr. Thompson will then seek the Southern Zone’s endorsement for Treasurer. Mr. Zoutewelle made a motion to endorse Mr. Thompson for NCEES Treasurer. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved.
7. Board Secretary Report - Executive Director and Board Secretary
 - Mr. Benton and Mr. Ritter reported on the November and December finances of the Board.
 - Mr. Benton made a motion to open up the NC State Specific Exam, parts B and C, to in state as well as out of state applicants four times a year on a first come, first serve basis (until the seats are full). Mr. Zoutewelle seconded the motion. The motion unanimously passed.
8. Violations Activity - Assistant Executive Director
 - Mr. Evans stated 28 cases have been opened this fiscal year; thirty-nine (39) are against non-licensees. Eighty (80) cases are on the open sheet; 43 are in the investigators’ hands. Twenty-five (25) cases are pending March review committees. Of the 28 new cases, 10 respondents have had prior cases. Six of the 28 respondents have had a total of 16 prior actions. Twenty-three (23) cases have been closed this fiscal year.

The Board recessed at 4:05 p.m. for a ten minute break; back in session at 4:15 p.m.

9. Applications
 1. K & P Engineers, LLP, a South Carolina LLP, is requesting licensure with the Board. The initials of the firm represent the two founders, Charles F. Knobloch, PE and David L. Padgett, Jr. As an LLP, they entity is not subject to the requirements of N.C.G.S. 55B, which dictates specific ownership by licensees and restricts the services offered to the professional service and ancillary services. Does the Board consider the use of the initial of a non-licensee in the firm name misleading?

Dr. Ratcliff made a motion to approve, as they are already doing work in South Carolina and specify that they must use initials only in their logos and in their correspondence. Mr. Pond seconded the motion. Messrs. Pond, Ellington and Benton, Dr. Ratcliff and Ms. Thurman voted in favor of the motion; Messrs. Zoutewelle and Smith opposed. The motion passed. Mr. Pond requested that firms be placed on the planning session list.
 2. John Labib Structural Engineers, LLP, a CA LLP, is requesting licensure with the Board. The owner of the firm is Youhanna T. Labib, PE. The firm is registered in CA as John Labib Structural Engineers, LLP. Does the Board consider the use of “John Labib” in the firm name versus the

legal name of the individual, Youhanna T. Labib” misleading? His Seal in CA is Youhanna Labib. Dr. Ratcliff made a motion to approve. Mr. Benton seconded the motion. The Board voted and the motion was unanimously approved.

3. Zapata-LJB, PLLC is requesting licensure with the Board using the names of individuals that have never been part of the firm (LJB stands for Lockwood, Jones, and Beals). The attorney for the firm provided a letter below as to why this would not be misleading per the Board Rule, .0902, companies, partnerships, corporations, limited liability companies or any other business organization providing professional engineering or land surveying services in North Carolina shall not practice under a name that is misleading”. Mr. Pond recused himself from discussion and voting. Mr. Benton made a motion to approve. Dr. Ratcliff seconded the motion. The Board voted and the motion was unanimously approved.
4. CB Engineering, Inc. a Missouri corporation is requesting licensure with the Board. In addition, they are requesting to be permitted to use the d/b/a “Cochran.” Per the principal of the firm, CB Engineering, Inc. acquired the firm of Cochran in 1998 and took the name of Cochran as a d/b/a for name recognition purposes. Mr. Cochran was never part of this current firm. Use of the d/b/a does not meet the Board Rule and the firm is requesting an exception. Mr. Pond made a motion to approve. Dr. Ratcliff seconded the motion. The Board voted and the motion was unanimously approved.

Board members asked Mr. Mazanek to document the specific Rules that continue to have questions that may need review.

10. Old Business - Executive Director

- The Board has now licensed three Japanese engineers as a result of the Memorandum of Understanding with Japan.
- Prior to the meeting, Chair Joyner approved writing a support letter for the Geomatics Program at NC A&T University as the Board has done in the past. Mr. Ritter presented the letter in the board books.
- Mr. Ritter presented a list of the civil penalties collected for the fiscal year 2014. These penalties go to the general fund of the State of North Carolina and are then routed to the public school system.

11. New Business - Executive Director

- Mr. Ritter informed board members that mileage remains at 57.5 cents per mile.

12. Informational Items – Executive Director

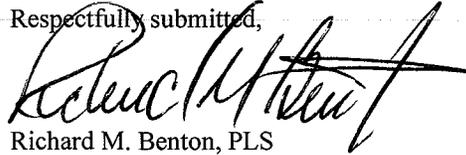
- The Ad Hoc Electronic Seals Task Force met in Charlotte; below is the update.
 1. To the question, as to use of a facsimile signature; the consensus was to leave as is. Mr. Tuttle will write a further explanation of what that means.
 2. To the question, why do agencies, i.e. DOT need an electronic deliverable, the Task Force will meet with the NC DOT and Charlie Brown, Board Liaison with NCDOT, on March 11 to demonstrate and discuss DocuSign and will report back to the Board in April.
 3. According to the rules, anytime a professional opinion is offered, it should be signed and sealed; one could argue every time an email is sent a professional opinion is rendered. It may suffice to include in the electronic email the licensee name and number. Mr. Tuttle and staff are to think about how to put this into play.
- Mr. Ritter gave an overview of the “Final Report to the Joint Legislative Program Evaluation Oversight Committee” Report Number 2014-15 to Board members. The findings were:
 1. Elimination of 12 Boards;
 2. Fifteen Boards be merged;
 3. Twenty-eight Boards unaffected (including this Board) and

4. Appointment of an Occupational Licensing Board Commission, funded by the Licensing Boards and
 5. Legislative Commission be appointed first and let them read and decide what to do with this report; will be two to four years.
- David Tuttle and Mr. Zoutewelle both gave presentations at the NCSS Convention.
 - Mr. Ritter and Dr. Ratcliff reported on the Board President's Assembly. Dr. Ratcliff recommended that when the Board has some available time that the Board either Skype or video in a presentation by Nina Norris, Director of Marketing who spoke on geocaching at the conference. Her theme is license promotion. Mr. Ritter will contact her.
 - Mr. Ritter stated no public member has been appointed yet and the Board has a settlement conference in which Ms. Thurman is recused. As a public member has not been appointed, the Board could appoint an individual to sit for a temporary time. Board members may consider names of individuals who would be well suited for the position and might want to be a public member or borrow a public member from another board for a specific task.
 - Mr. Pond made a motion to decouple. Mr. Benton seconded the motion. Mr. Pond amended his motion to decouple to allow applicants to take the PE exam whenever they want to after graduation; whether the individual has an engineering or engineering technology degree (experience requirements remain the same to be licensed). After discussion, the Board voted. Messrs. Pond, Zoutewelle and Benton, Dr. Ratcliff and Ms. Thurman voted yes. Messrs. Ellington and Smith voted no. The motion carried.

Staff will craft legislation for the Board's review for the April meeting to also include items previously discussed. Mr. Ritter will send draft legislation to PENC, ACEC and NCSS for information.

Mr. Benton made a motion to adjourn. Dr. Ratcliff seconded. The Board adjourned at 4:40 p.m. The Board is next scheduled to meet on Wednesday, April 8, 2015.

Respectfully submitted,



Richard M. Benton, PLS
Secretary

Approved by the Board in Session

Date March 11, 2015

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

March 11, 2015

Raleigh, North Carolina

Board Chair Nils Joyner, Jr. called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, March 11, 2015. Board members on the conference call were:

Board Members on Teleconference Call:

Nils W. Joyner, Jr., PLS, Chair
Carl M. Ellington, Jr., PE, Vice Chair
Richard M. Benton, PLS, Secretary
David L. Pond, PE
Teresa Helmlinger Ratcliff, PE, PhD
Stacey A. Smith, PE
Linda A. Thurman, Public Member
Andrew G. Zoutewelle, PLS

Absent:

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. Joyner 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. None were noted.

2. Consent Agenda – Chair

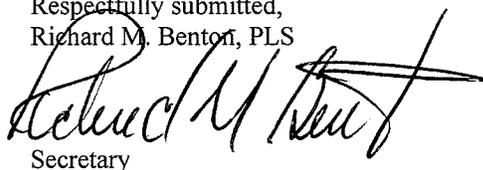
Dr. Ratcliff made a motion to approve the consent agenda as presented. Mr. Benton seconded the motion. The consent agenda was approved.

The consent agenda included: Requests for Board Authorized Case Openings, Comity Applications; CPC; Firm Applications for 7 Professional Corporations, 12 Professional Limited Liability Companies, 3 Business Firms and 2 Chapter 87 Corporation requests, 1 Name Change Request, 1 Request to be Resident for Multiple Companies, 1 Request to Use Individual's Name in Company Title and 3 d/b/a Requests; Minutes; Requests for Retired Status; Review Committees and Settlement Conferences.

Dr. Ratcliff made a motion to adjourn. Mr. Benton seconded the motion.

The Board formally adjourned Wednesday, March 11, 2015 at 7:32 a.m. The Board is next scheduled to meet Wednesday, April 8, 2015.

Respectfully submitted,
Richard M. Benton, PLS



Secretary

Approved by the Board in Session
Date April 8, 2015

Board Chair Nils W. Joyner, Jr. gaveled the North Carolina Board of Examiners into session at 10:08 a.m. on Wednesday, April 8, 2015 to convene its regular order of business for the Board. Board members present were:

Present:

Nils W. Joyner, Jr., PLS, Chair
Richard M. Benton, PLS, Secretary
Teresa Helmlinger Ratcliff, PE, PhD
David L. Pond, PE
Linda A. Thurman, Public Member
Andrew G. Zoutewelle, PLS
Stacey A. Smith, PE

Absent:

Carl M. Ellington, Jr., PE, Vice Chair

Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Joyner read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. Mr. Zoutewelle stated one his projects may be the topic of one of the presentations on the agenda and he may need to recuse himself.

2. Consent Agenda – Chair

Mr. Pond made a motion to approve the consent agenda as presented. Mr. Benton seconded the motion. The Board voted and the consent agenda was unanimously approved. Dr. Ratcliff was out of the room and did not vote.

The consent agenda included: Board Authorized Case Openings, Comity Applications; CPC, Firm Applications for 8 Professional Corporations, 12 Professional Limited Liability Companies, 1 Business Firm and 2 Chapter 87 Corporations and, 2 Requests to Use Individual’s Name in Company Title; Minutes; and Requests for Retired Status.

3. Kyle Snyder Director Next Generation Air Transportation Center at North Carolina State University Update on Drone regulation and use in North Carolina

Executive Director

Mr. Snyder gave board members an overview of unmanned aircraft systems (UASs).

The meeting recessed at 11:20 a.m. for a five (5) minute break; back in session at 11:25 a.m.

4. Committee Reports

Engineering Committee –

- Mr. Pond stated the Committee does not have a report. The items they discussed are items on the agenda for the full Board to be discussed later in the meeting.
- Mr. Pond reported the Electronic Seal Task Force consisting of Messrs. Pond, Ellington and Zoutewelle along with Mr. Smith met with NC DOT regarding electronic delivery. NC DOT demonstrated how they use DocuSign validation software. Discussion ensued regarding the issues and NC DOT’s response to board suggestions.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- Mr. Zoutewelle stated the last paper and pencil Professional Surveying (PS) exams will be in April, 2016. Beginning July 2016, all PS exams will be computer based.

- The Committee confirmed Mr. Tuttle's response to a licensee that a Report of Survey may be recorded, but it is not required.
- The Committee decided it is not within the Standards of Practice to require a SUE contractor to visit the site and locate electric, phone and cable easements onsite if the easement documents do not contain a sketch and do not have a specific location, but onsite there is a specific location based on the facilities installed by the utility company.
- The Committee was asked if the same right of way needs to be resurveyed if the right of way was recorded a few years ago to dedicate the right of way to a municipality and the same right of way is now being dedicated to NC Department of Transportation (NC DOT). The Committee responded it is up the judgment of the PLS to determine what methods need to be implemented to accomplish the survey; any time a PLS certifies the survey, the PLS is responsible for the survey on that particular day and the conditions that are showing on that survey.
- The Committee met with Charlie Brown, Board Liaison, Tom Childrey, Right of Way Unit Manager and others with NC DOT to discuss issues of concern.

CPC Committee – Chair (Ms. Thurman)

- Ms. Thurman stated the return on investment for a Rules online video or education for free CPC education was not very good based on research by Mr. Evans; the Committee requested feedback from the Board. Mr. Evans reported on the costs for creating a seminar using Adobe Connect for which licensees would receive 1 PDH. Dr. Ratcliff requested that the formal proposal be kept.

After discussion, Mr. Benton suggested adding 10 questions about the Board Rules that would be required for the renewal process every year. Mr. Pond asked staff to (1) review the board rules to verify if a quiz can be required for a licensee to renew; (2) what can the Board do, if a licensee fails the quiz required for the renewal process, and (3) see if other states are doing something similar.

Meeting recessed at 12:15 p.m. for lunch. Meeting gaveled back in at 12:45 p.m.

5. NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director
 - Mr. Smith is automatically funded as a new board member to the NCEES Annual Meeting in Williamsburg. Dr. Ratcliff and Mr. Ritter agreed to be funded delegates.
 - At this time Emeritus Member Gary Thompson is unopposed for a second term for NCEES Treasurer Elect. If someone opposes him, he will ask board members to campaign on his behalf.
 - Southern Zone candidates running unopposed are:
 - A. Daniels S. Turner, PhD, PE, PLS for President;
 - B. Theresa Hilliard Hodge, PE for Vice President and
 - C. James R. Riney, PE, PS, Assistant Vice-President.
6. Legislative Update – Executive Director
 - Mr. Ritter presented the US Supreme Court Ruling against the NC Dental Board. The Dental Board accused the non-dentists offering teeth-whitening services of practicing without a license per their statute which was not the primary issue; however, the ruling stated the Board does not have the right to issue a cease and desist order. This Board has been handling properly by not issuing an order. The question was asked if G.S. 150B should be changed to bring non-licensees under the jurisdiction of this Board. This decision will probably be on hold depending on (1) whether Senate Bill 361 (Occupational Licensing Reform Study) passes and (2) if it passes, the Legislative Research Commission to study reforms to the operation and oversight of Occupational Licensing Boards in NC is not yet established. Senate Bill 469 is an act to modernize and improve reporting requirements for boards. Most likely either Senate Bill 361 or 469 will pass, not both.
 - Senate DRS45188-LR-90B is an act to enrich the state's workforce by requiring occupational licensing boards to license military-trained veterans who pass a proficiency examination offered by the occupations licensing board. The military exam has to be at or above that offered by the licensing board. Military personnel will have to pass the PE or PLS exam as applicable.
 - Mr. Ritter presented the official report, The PRCS Wastewater Collection System Permitting Program Pilot Study S.L. 2014-120, Section 29(f) Report that DENR had to issue to the General Assembly which the Board assisted DENR with. This would prevent DENR employees from practicing engineering while reviewing plan documents.

- House Bill 482, Page 5, lines 10-28 states if a licensee holder of an occupational licensing board is found to have engaged in employee misclassification, the licensing board may revoke the license. This is being done for child support cases now.

Dr. Ratcliff left the meeting.

- The Board recommended that inundation maps for high hazard dams need to be prepared by a licensed professional engineer; however, Senate Bill 14 reads as follows: “A downstream inundation map prepared pursuant to this section does not require preparation by a licensed profession engineer or a person under the responsible charge of a licensed professional engineer unless the dam is associated with a coal combustion residuals surface impoundment, as defined by G.S. 130A-309.201.”
- The plan was to have draft legislation language for the Board to approve at this meeting regarding decoupling, the reference issue for EIs, increasing the civil penalty for surveyors from \$2,000 to \$5,000 to be the same as engineers and getting rid of the twenty year waiver. The deadline for submission has always been in May; however, the deadline was moved up six weeks earlier than ever before with a one day notice. The Board had not approved draft legislation. The General Assembly extended the deadline by 2 weeks. Messrs Ritter and Tuttle worked with bill drafter on legislation to enable decoupling. Just as soon as Mr. Ritter receives a draft of the legislation, he will forward to board members for their comments. Representative Arp’s feedback as bill sponsor is as follows: did not want to ask for more fine money (increased civil penalty); it is questionable about the 20 year waiver – no one usually passes the test; unlicensed practice – let the committees that are reviewing regulatory reform flush this matter out and revisit at a later date; Representative Arp feels requiring references for the EI application are important and wants to keep as is.

7. Board Secretary Report - Executive Director and Board Secretary

- Mr. Benton stated he has reviewed the numbers and as always Mr. Ritter does a great job. The numbers are right in line.
- Mr. Ritter stated with the current fiscal policy, the Board had to invest in zero risk instruments which are CDs or money market. Mr. Ritter worked with Joe Bryan of Wells Fargo, the Board’s Financial Advisor, to create a new Policy Statement/Procedure for board investments that has been approved by the auditor. Mr. Benton made a motion to adopt the Investment Policy as presented. The Board voted and the motion was unanimously approved.

8. Violations Activity - Assistant Executive Director

- Mr. Evans stated 49 cases have been opened this fiscal year, which are the most cases opened in 6 or 7 years. Eighty-four (84) cases are on the open sheet, 39 of which are in the investigators’ hands. Twenty-three (23) cases are pending review. Of the 49 new cases that have been opened, 14 of the respondents have prior cases for a total of 33 prior cases. Six (6) of the 49 respondents had a total of 16 prior disciplinary actions. For this fiscal year, 40 cases have been closed and 25 cases have been taken to Review Committee. Twenty-two (22) proactive enforcement visits have been made. Mark Mazanek has made 132 informal inquiries of licensed companies and non-licensees. Mr. Tuttle has done two presentations since the last board meeting and Mr. Evans has done one.

9. Applications

- 1) **Express Oil Change/Tire Engineers** – the attorney representing this firm has requested the Board to review information in the board books and determine whether the name violates GS 89C-23 or if it does not, issue a non-objection so they may file with the NC Secretary of State.

Messrs. Pond and Zoutewelle recused themselves from discussion and voting. Mr. Benton made a motion to deny the request. Dr. Ratcliff seconded the motion. The Board voted and the motion was unanimously approved.

- 2) **Fosdick & Hilmer, Inc.** requests licensure using the names of an individual (Fosdick) who was not part of the 1973 Ohio Incorporated firm. Per the firm’s President, Mr. Pretz, Mr. Fosdick & Mr. Hilmer were both Ohio licensed engineers. They started working as Fosdick & Hilmer in 1922. Mr. Fosdick retired in the 1960s and Mr. Hilmer passed away in 1954. Mr. Hilmer’s son, also an engineer did work for the 1973 corporation until retiring in 1990.

Dr. Ratcliff made a motion to approve the request. Mr. Benton seconded the motion. The Board voted and the motion was unanimously approved.

- 3) **Velocitel Engineering, PLLC (P-1390)** is requesting to change their name to FDH Velocitel Engineering, PLLC.

Velocitel, Inc. (D-0335) is requesting to change their name FDH Velocitel, Inc.

These two entities are associated. Per attorney, Grayson Hale, FDH Engineering, Inc., a separate company unrelated to the Velocitel entities was formed in 2000 with founders, John S. Fisher, Robert A. Douglas and J. Darrin Holt, thus making up the FDH of FDH Engineering, Inc.

Dr. Ratcliff made a motion to approve the request. Mr. Benton seconded the motion. The Board voted and the motion was unanimously approved.

10. Jim Bartl-Director of Code Enforcement Mecklenburg County, NC
Update on Pilot Study regarding AE seal requirements and BIM-IPD

Mr. Bartl stated problems are solved in a virtual state before the project is built resulting in fewer change orders because of lack of coordination. Preconstruction meetings are critical. The conclusions to date regarding proposed Board Rules are as follow:

- Define BIM-IPD projects and provide a different set of seal use criteria, including the following.
- Digital seal/signature used on BIM-IPD documents confirming project development (phase completion sets), affixed only to the work for which the licensee is responsible.
- Digital signature only used on other benchmark documents.
- Collaboration with other members of the project team (other licensed PEs, Architects, contractors, et al) encouraged.
- Professional review of other (non-PE) documents treated as shop drawings, review for conformance with “sealed” information sets.
- Construction changes; licensee allowed to rely on others’ information in the model.

Mr. Michael Moore with Carolinas Medical explained how collaboration with all the parties, full checks and validation prior to the shop drawing stage are critical. The need to substitute materials or processes is brought forward thereby saving in costs, time, materials and risk which often results in a better design. Mr. Tim Ledgerwood discussed the concerns that Professional Engineers have of violating the Board Rules in this BIM collaborative environment. He stated the contract methods are in place, digital seals are good and the technology is there to support BIM.

Mr. Ritter was tasked by the Board to construct a review of what progress other states have made with BIM and find out if there is anything similar to what the Board needs to be looking at to bring back to the Board for consideration at the June meeting. The Board requested Mr. Tuttle’s input to make sure what is being proposed is allowable. Mr. Bartl and his colleagues will meet with the Board of Architecture May 8. Dr. Ratcliff suggested a quasi demonstration of how BIM works at a later date. Mr. Ledgerwood suggested step 1 would be to seal electronically a two dimensional design and step 2 would be to seal a three dimension design.

The meeting recessed at 2:00 p.m. for a ten (10) minute break; back in session at 2:10 p.m.

11. Old Business - Executive Director

None

12. New Business - Executive Director

- Mr. Benton has been the board representative and would like to continue to go to Colonial States. The meeting is in Hershey, PA. There are some meetings at Colonial States that Mr. Zoutewelle is interested in his role on an NCEES committee. Ms. Thurman made a motion to fund Mr. Zoutewelle to attend Colonial States paid for by the Board.

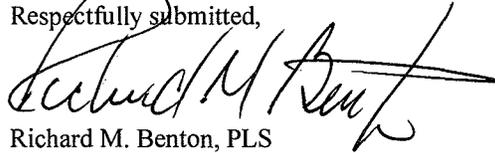
- Mr. Ritter informed board members that mileage remains at 57.5 cents per mile.

13. Informational Items – Executive Director.

- There has been a proposal to G.S. 55B to remove the engineer ownership requirement for firms that do engineering. The only affected group was engineers. The bill has been assigned to committee.
- Mr. Ritter will update board members in June on the database update.
- A hearing is scheduled for June and there is no public member to sit on the panel. After discussion, Mr. Ritter will contact the Pharmacy Board (or one of the Boards this Board does not refer cases to) to see if one of their public members would be available for the hearing and for one settlement conference. Another option may be Larry Barnett, former public member of this Board. Mr. Ritter will get a name that fits one of these categories and it can be voted on the May 6th conference call. The hearing will be Wednesday, June 10th

Mr. Benton made a motion to adjourn. Ms. Thurman seconded. The Board adjourned at 3:15 p.m. The Board is next scheduled to meet on Wednesday, June 10, 2015 and Thursday, June 11, 2015.

Respectfully submitted,



Richard M. Benton, PLS
Secretary

Approved by the Board in Session

Date May 6, 2015

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

May 6, 2015

Raleigh, North Carolina

Board Chair Nils Joyner, Jr. called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, March 11, 2015. Board members on the conference call were:

Board Members on Teleconference Call:

Nils W. Joyner, Jr., PLS, Chair
Carl M. Ellington, Jr., PE, Vice Chair
Richard M. Benton, PLS, Secretary
David L. Pond, PE
Teresa Helmlinger Ratcliff, PE, PhD
Stacey A. Smith, PE
Linda A. Thurman, Public Member
Andrew G. Zoutewelle, PLS
Jonathan S. Care, Public Member

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. Joyner 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. None were noted.

2. Consent Agenda – Chair

Mr. Joyner presented the consent agenda. Mr. Benton had a question regarding two firms, K2M Design, Inc. and Precision Engineering PC. Dr. Ratcliff made a motion to approve the consent agenda modified to remove the two aforementioned firms. Ms. Thurman seconded the motion. The consent agenda was unanimously approved. The two firms removed from the consent agenda will be placed on the agenda for the June meeting.

The consent agenda included: Requests for Board Authorized Case Openings, Comity Applications; CPC; Firm Applications for 7 Professional Corporations, 8 Professional Limited Liability Companies, 3 Business Firms and 2 Chapter 87 Corporation requests and 2 Name Change Requests; Minutes and Requests for Retired Status.

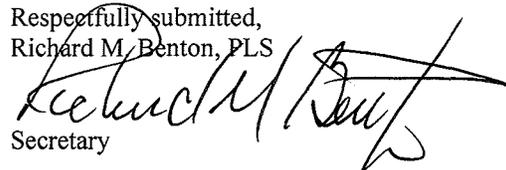
Mr. Care joined the call. Mr. Joyner welcomed Mr. Care to the Board.

Dr. Ratcliff made a motion to adjourn.

The Board formally adjourned Wednesday, May 6, 2015 at 7:38 a.m. The Board is next scheduled to meet Wednesday, June 10 and 11, 2015.

Respectfully submitted,
Richard M. Benton, PLS

Secretary



Approved by the Board in Session
Date June 10, 2015

May 6, 2015

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

June 10, 2015

Raleigh, North Carolina

Board Chair Nils W. Joyner, Jr. gaveled the North Carolina Board of Examiners into session at 10:05 a.m. on Wednesday, June 10, 2015 to convene its regular order of business for the Board. Board members present were:

Present:

Nils W. Joyner, Jr., PLS, Chair
Carl M. Ellington, Jr., PE, Vice Chair
Richard M. Benton, PLS, Secretary
Teresa Helmlinger Ratcliff, PE, PhD
David L. Pond, PE
Linda A. Thurman, Public Member
Andrew G. Zoutewelle, PLS
Stacey A. Smith, PE
Jonathan S. Care, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Joyner 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

Mr. Benton made a motion to approve the consent agenda as presented. Mr. Smith seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Comity Applications; CPC Sponsors; Firm Applications for 3 Professional Corporations, 11 Professional Limited Liability Companies, 5 Business Firms and 2 Chapter 87 Corporations and, 5 Company Name Change Requests, 1 Request to be Resident for Multiple Companies, and 2 Summary of d/b/a Requests; Minutes; and Requests for Retired Status and Review Committee.

3. Notice of Appointment - Jonathan S. Care, Public Member
Executive Director

Mr. Ritter gave the official notification of Jonathan S. Care's appointment as shown in the board books and introduced and welcomed him to the Board.

Mr. Ritter informed board members that Messrs. Pond and Zoutewelle would be included in the Hearing Request for Declaratory Ruling/Oral Hearing for Express Oil Change/Tire Engineers. In checking with the Ethics Commission and going through a checklist, it was established it was not a proper recusal for either Messrs. Pond or Zoutewelle as this was not a disciplinary matter where either had knowledge no one else had about the case and there was no personal, business or financial interest that would benefit them. Thus, with the approval of the attorney for Express Oil Change/Tire Engineers, neither gentleman would need to recuse himself. Michael Douglas, Attorney for Express Oil Change/Tire Engineers approved both gentlemen not being recused.

4. Committee Reports

Engineering Committee – Chair (Mr. Ellington)

- The Committee denied the request to use the designation, FS Engineer.
- The Committee denied the request of Mr. Brian Ceccarelli to support his request with reference to traffic signal timing.
- In response to a question from the Department of Transportation, Division of Aviation, the Committee will respond that developing an ALP (Airport Layout Plan) does constitute engineering. The Committee gave suggested language for staff to respond.

- Mr. Tuttle summarized the response that was sent to NC DOT with comments from the Board concerning electronic transmittal and signing of documents from the last meeting.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- The Committee received a referral from Gary Thompson, Emeritus Board Member to amend the Rules of Positional Accuracy to add a parts per million to the absolute precision requirement. The Committee will clarify some questions with Mr. Thompson.
- NC A&T is adding a third professor to their GIS program.
- The Committee will respond to a licensee that inspecting underground pipelines under a lake must be done by a Professional Land Surveyor as to reporting depth and horizontal measurements.
- The Committee determined that when elevation measurements are made, and a Certificate of Elevation Precision is issued, a precision statement is required on the survey.
- The Committee responded to an inquiry, by stating that if a survey is attached to a Deed, the survey must be signed and sealed by the PLS.
- Mr. Benton suggested committee members think about changing the designation, PLS (Professional Land Surveyor) to PS (Professional Surveyor) since this is Model Law and it covers GIS and photogrammetrists and for purposes of comity.
- The PS (Professional Surveyor) Exam will convert to CBT (computer based testing) in May 2016.

CPC Committee – Chair (Ms. Thurman)

- No report was needed; all items were on consent agenda.

5. NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director
 - Mr. Ritter stated the following individuals were appointed to NCEES committees:
 1. Dr. Ratcliff to the ACCA Committee
 2. Mr. Benton to Future of Surveying Task Force
 3. Mr. Zoutewelle to Examinations for Professional Surveyors
 4. Mr. Ritter to the Reserves Task Force
 - Mr. Ritter furnished a memorandum from Jerry Carter, Executive Director of NCEES that the Department of Veterans Affairs allows for the reimbursement of examination fees for all veterans. Board members requested that this notification be sent to the Veterans Affairs Office for the various universities and the societies.
6. Board Secretary Report - Executive Director and Board Secretary
 - Mr. Benton and Mr. Ritter reported on the audit for fiscal year 2014 and the May financials.
7. Violations Activity - Assistant Executive Director
 - Mr. Evans stated 70 cases have been opened year to date; 21 cases have been opened since April 1. Ninety-five cases (95) are on the open sheet. Thirty-six (36) percent of the cases have been for non-licensed individuals or firms. Eighteen (18) respondents have 42 prior cases. Forty-two (42) percent of the cases are in investigators' hands; 44% are pending review; and 6% are pending settlement conferences. Fifty (50) cases have been closed this fiscal year.
8. Applications

The following applications were on the May consent agenda and were pulled.

 - K2M Design, Inc. requested licensure as a Professional Corporation. It is a foreign (FL) entity that was licensed in North Carolina to provide architecture in September 2007 and the firm is now adding engineering to their professional services. We currently have a K2 Design Group, Inc. licensed to practice engineering. *This met the Board Policy of one substantial word different.* After clarification, Mr. Pond made a motion to approve. Dr. Ratcliff seconded the motion. A vote was taken and the motion passed. Mr. Benton opposed.
 - Precision Engineering, PC requested licensure as a Professional Corporation. This is a new NC Domestic Professional Corporation. We currently have a Precision Structural Engineering, Inc. (C-3849) licensed to practice engineering. *This met the Board Policy of one substantial word different.* Mr. Pond made a motion to approve. Dr. Ratcliff seconded the motion. A vote was taken and the motion passed. Mr. Benton opposed.
 - Board members requested that the “one substantial word different policy for approving firms” be reviewed at the Planning Session. Mr. Mazanek was told to continue handling firm requests as he has been.

Meeting recessed at 12:05 p.m. for lunch. Meeting gaveled back in at 1:20 p.m.

9. Express Oil Change/Tire Engineers – Request for Declaratory Ruling/Oral Hearing
Executive Director

A Request for Declaratory Ruling/Oral Hearing came before the full Board to review the firm request to approve Tire Engineers. Mr. Michael J. Douglas, Attorney for Express Oil Change/Tire Engineers and Ricky Brooks, CEO appeared before the Board.

The Board went into closed session to deliberate at 2:15 pm. The meeting gaveled back in at 2:40 p.m. Mr. Zoutewelle made a motion to approve Tire Engineers. Mr. Benton seconded the motion. A vote was taken. The motion passed. Dr. Ratcliff voted nay.

10. Old Business - Executive Director

- Mr. Ritter placed in the board books the American Society of Civil Engineers position on decoupling.
- The hearing that was scheduled for the July meeting will be in September, making it a two day meeting. July will be a one day meeting.
- Mr. Zoutewelle made a motion for Mr. Smith to be the second authorized check signer for the Board. Dr. Ratcliff seconded the motion. The Board voted and the motion was unanimously approved.
- Messrs. Pond, Smith and Ritter met with the Solid Waste Division at DENR (N.C. Department of Environment and Natural Resources).

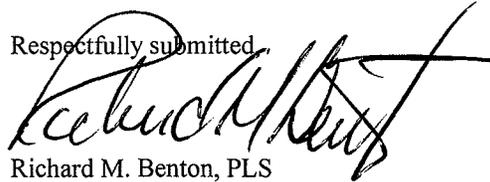
11. New Business - Executive Director

- Mr. Ritter presented Board Authorized Cases that did not make the Consent Agenda because of timing. Ms. Thurman made a motion to approve. Mr. Benton seconded the motion. The Board voted and the motion was unanimously approved.

12. Informational Items – Executive Director
(None)

The Board adjourned at 2:45 p.m. The Board is next scheduled to meet on Wednesday, July 22, 2015.

Respectfully submitted,



Richard M. Benton, PLS
Secretary

Approved by the Board in Session

Date July 22, 2015

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

July 22, 2015

Raleigh, North Carolina

Board Chair Nils W. Joyner, Jr. gavelled the North Carolina Board of Examiners into session at 11:13 a.m. on Wednesday, July 22, 2015 to convene its regular order of business for the Board. Board members present were:

Present:

Nils W. Joyner, Jr., PLS, Chair
Carl M. Ellington, Jr., PE, Vice Chair
Richard M. Benton, PLS, Secretary
Teresa Helmlinger Ratcliff, PE, PhD
David L. Pond, PE
Linda A. Thurman, Public Member
Andrew G. Zoutewelle, PLS
Stacey A. Smith, PE
Jonathan S. Care, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Joyner 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

Mr. Zoutewelle made a motion to approve the consent agenda as presented. Ms. Thurman seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity, a CPC Sponsor; Firm Applications for 20 Professional Corporations, 14 Professional Limited Liability Companies and 2 Chapter 87 Corporations and, 7 Company Name Change Requests, 1 Request to be Resident for Multiple Companies, 2 Requests to Use Individual's Name in Company Title and 1 Summary of d/b/a Requests; Minutes; a Request for Retired Status and Settlement Conferences.

3. Review Committees

| | |
|-------------|-----------------|
| Engineering | Pond (7/08/15) |
| Engineering | Smith (6/15/15) |

The Board considered the recommendation of the Engineering Review Committee on seven cases conducted July 8, 2015 at 10:00 a.m. with Mr. Pond. Ms. Thurman recused herself from discussion and voting for the entire Review Committee Agenda. Mr. Benton made a motion to accept the recommendation of the Review Committee. Mr. Smith seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in two (2) notices of non-compliance and five (5) closed cases

The Board considered the recommendation of the Engineering Review Committee on one case conducted June 15, 2015 at 2:00 p.m. with Mr. Smith. Mr. Pond recused himself from discussion and voting for the Review Committee Agenda. Mr. Benton made a motion to accept the recommendation of the Review Committee. Ms. Thurman seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee recommendation resulted in a Consent Agreement.

4. Settlement Conference

Engineering Pond & Care (6/25/15)

The Board considered the recommendation of the Settlement Conference Committee on a case conducted on June 25, 2015 at 10:00 a.m. with Messrs Pond and Care. Ms. Thurman recused herself from discussion and voting. Mr. Smith made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Zoutewelle seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Committee recommendation resulted in one closed case.

5. Committee Reports

Engineering Committee – Chair (Mr. Ellington)

- The Board received emails from J. Douglas Suttles regarding work of Soil Scientists for consideration of the Engineering and Surveying Committees. The Engineering Committee determined that based on the information provided, the Committee did not find that the work would require a PE. The Committee requests that the “On-Site Wastewater Policy” be sent to Mr. Suttles for future reference. If elevation data has been provided in the project documentation, additional review would be warranted to determine if the threshold is exceeded.
- Messrs. Neal and Taylor with the City of Chapel Hill asked if government employees are working under the industrial exemption, are they required to furnish their engineering calculations. The Committee confirmed the Rules are clear that if an individual is licensed as a PE, they must furnish their calculations just as if they were working for any other client. Also, if a government employee offers their professional opinion, the licensee must sign and seal the document. Mr. Tuttle gave this response in a conference call and will confirm in a follow-up.
- Mecklenburg County asked if float tank drawings from a designer on installation of equipment in a building of a spa type environment were engineering. The Committee determined that the drawings appear to be engineering. Mr. Tuttle will notify Mecklenburg County this is engineering and that a PE must submit. An inquiry letter to the company should also be sent.
- Mr. Tuttle is still working with the Board of Architecture on the Architecture/Engineering Seal Brochure.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- The Committee invited Gary Thompson, Emeritus Board Member to talk with the Committee regarding possible changes to the positional accuracy standard in 21 NCAC 56 .1603 to conform to Model Law to provide, in addition to the absolute precision calculation, an additional relative component of that precision depending on the size of the measurements of the survey. The Committee will continue to discuss and look at adjoining states before deciding if the precision standards should be relaxed to allow for the relative component.
- Mr. Zoutewelle stated the Committee discussed a motion proposal for the Annual Meeting stating “that the Board of Directors be authorized to implement the NCEES Professional Surveying Program of Distinction for a trial period of a five year cycle with the first award to be made prior to the 2017 Annual Meeting. The award structure will essentially conform to the recommendation of the Future of Surveying Task Force”.
- The Committee needs to review questions and generate new questions for the state specific exam. Staff recommended combining Parts B and C. The Committee is okay with that; they do want to keep drainage questions on the state specific exam. NCEES has tasked Mr. Ritter with researching the costs and logistics of doing this.
- Mr. Mazanek has been meeting with NC DOT (NC Department of Transportation) regarding improving their right of way map process to include more survey information on the right of way maps so there is less guess work associated with a surveyor retracing a right of way. This would be uniformly applied across the state
- Regarding the emails from J. Douglas Suttles regarding work of Soil Scientists that the Engineering Committee also addressed, the Committee concluded that there were elements of the practice of surveying and cited several issues. Mr. Tuttle will respond to the licensee that the Board will communicate with the firm and based upon their feedback may initiate an investigation. The Soil Scientist Board should be alerted that Soil Scientists need to be very careful and they need to hire a surveyor and reference the surveyor on their soils report. The Board will pursue the previously proposed Memorandum of Understanding with the NC Board for Licensing of Soil Scientists.

CPC Committee - Chair (Ms. Thurman)

- Committee did not meet. One sponsor was approved on the consent agenda.

6. NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director

- Mr. Ritter presented the list of Emeritus Members for the Board's review. No changes were requested to the Emeritus Member listing. As NCEES keeps Emeritus Members on their list until they are removed, no action was needed.

Meeting recessed for lunch at 12:05 p.m. Meeting gaveled back in at 12:55 p.m.

- Mr. Ritter presented motions that would be presented at the Annual Meeting that would be of interest to board members.
 - Mr. Ritter furnished FE pass rates for NCSU (North Carolina State University).
 - Mr. Ritter stated the AAES (American Association of Engineering Societies) Engineering Competency Model has been developed that establishes the base competencies required for entry into the field of engineering as well as those competencies required during one's career.
7. Board Secretary Report - Executive Director and Board Secretary
 - Messrs. Benton and Ritter reported on the June financials.
 8. Violations Activity - Assistant Executive Director
 - Mr. Evans stated 78 cases have been opened this fiscal year, the most that have been opened in seven years at this time of the year. Of the 78 new cases, 19 respondents have prior cases for a total of 45 prior cases. Ten of these respondents had 21 prior actions. One hundred three (103) cases are on the Board's open sheet at this time, 42 of which are in the investigators' hands.
 9. Applications
 - **Kerr-Greulich Engineers, Inc. (C-2999)** has lost its ability to practice in the State of North Carolina due to the firm no longer meeting the requirements of GS 55B. Both Mr. Kerr and Mr. Greulich were part of this KY entity formed in August 1990. They formed a new KY corporation on June 26, 2015 called Kerr-Greulich Engineering Services, Inc., changed the name of the August 1990 entity and then filed an amendment on July 7, 2015, changing the name of the new entity to Kerr-Greulich Engineers, Inc. The new KY entity now called Kerr-Greulich Engineers, Inc. is requesting the Board to grant an exception to the Board Rule that prohibits the use of an individual's name in the firm title who has never been a current, former or retired member of the firm. Mr. Kerr has never been, nor will he be part of this newly formed KY entity.

Mr. Benton made a motion to approve the request. Mr. Smith seconded the motion. A vote was taken and the motion was approved. Dr. Ratcliff was not in the room for the vote.

- **Lewellyn of North Carolina PLLC** is requesting to use the name of Daryn Lewellyn who was the founder of the Indiana entity of Lewellyn Technology, LLC. The Indiana entity cannot get licensed in North Carolina due to NC Statutes so they formed Lewellyn of North Carolina, LLC to do engineering in North Carolina. The firm is requesting an exception to the Board Rule that prohibits the use of the names of individuals who were licensed engineers and who are not current, former, retired members of the firm. Mr. Lewellyn has never been part of this new NC entity nor will he be part of the entity. Mr. Lewellyn was never a licensed professional engineer at all.

Mr. Pond made a motion to deny the request. Dr. Ratcliff seconded the motion. A vote was taken and the motion passed. Messr. Pond, Ellington, Smith and Care; Dr. Ratcliff and Ms. Thurman voted in favor of the motion to deny the request; Messrs. Benton and Zoutewelle opposed.

- **Morris & Ritchie Associates of NC, PC** is requesting to use the name of Richard Morris and M. Kirk Ritchie who were the founders of the Maryland entity Morris & Ritchie Associates, Inc. The Maryland entity cannot get licensed in North Carolina due to NC Statutes so they wish to form Morris & Ritchie Associates of NC, PC to do engineering in North Carolina. The firm is requesting an exception to the Board Rule that prohibits the use of the names of individuals who are not current, former or retired members of the firm. Mr. Morris & Mr. Ritchie have never been part of this new NC entity nor will he be part of the entity. If the Board denies the firm name, as listed then they request to use MRA of NC, PC.

Mr. Benton made a motion to approve the request. Dr. Ratcliff seconded the motion. The Board voted and the motion was unanimously approved.

- Paralegal Elizabeth Chapman with Parker Poe is requesting the Board permit a new entity obtain registration with the NC Secretary of State. The name of the firm will be Engineered to Lead, LLC. The entity will coach engineers on how to be influential leaders and effective managers but will not offer/provide services that are within the definition of engineering.

Mr. Pond made a motion to approve the request. Dr. Ratcliff seconded the motion. The Board voted and the motion was unanimously approved.

10. Old Business - Executive Director

- Mr. Ritter reported that Jerry Carter, Executive Director of NCEES responded to the official request he sent on behalf of the Board for NCEES to create a national Seal Task Force, that NCEES is in the process of creating a task force on BIM.
- Mr. Pond updated the Board on the status and progress the Electronic Seal Task Force is making in working with NC DOT (North Carolina Department of Transportation) to address their electronic signature issues. He explained the document titled, "Board response to DOT follow-up to the Board". The responses are prefaced with the understanding that the Task Force will continue to study the issue and has proposed NCEES create a national task force to possibly make changes to NCEES Model Law and Model Rules. Both parties agreed that NC DOT can operate for a period of up to one year much like a pilot approach and will meet at 8:30 a.m. at the December meeting to further discuss handling CAD files, in January as a mid-year evaluation and again August 30, 2016 to determine if the process can be continued or not.
- The Board considered the written request of Jim Bartl, Director of Code Enforcement for Mecklenburg County to add three additional projects to the pilot program with Mecklenburg County for BIM-IPD projects. After discussion Mr. Pond made a motion to deny adding the three projects and to communicate that it is a high priority for this Board to address the use of BIM in the engineering/architectural environment; our goal is to come up with rule revisions or policy statements to address their concerns. Ms. Thurman seconded the motion. The motion to deny was unanimously approved. Mr. Pond recommended that board members work hard to reach a resolution on the BIM-IPD issues at the October Planning Session.
- Mr. Ritter gave a legislative update on proposed statute changes. At this point none of the proposals have become law.

11. New Business - Executive Director

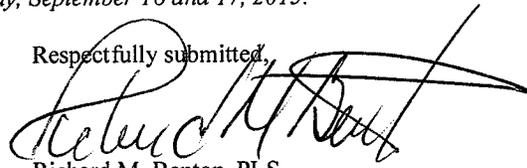
- A hearing is scheduled for September.
- Messrs. Pond and Ritter will be attending the ACEC Meeting. Mr. Ritter will be speaking. Mr. Ellington will be attending as the funded delegate.
- Mr. Ritter and Dr. Ratcliff attended the PENC Meeting. Mr. Ellington reported as the funded delegate.

12. Informational Items – Executive Director

- None

Mr. Benton made a motion to adjourn. Mr. Pond seconded the motion. The Board adjourned at 3:25 p.m. The Board is next scheduled to meet on Wednesday and Thursday, September 16 and 17, 2015.

Respectfully submitted,



Richard M. Benton, PLS
Secretary

Approved by the Board in Session
Date September 17, 2015

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

September 16 and 17, 2015

Raleigh, North Carolina

Board Vice Chair Carl M. Ellington, Jr. gaveled the North Carolina Board of Examiners into session at 9:00 a.m. on Wednesday, September 16, 2015 to conduct a Hearing in the matter of Sylvia E. Higdon, PLS – Case No. V2013-103. Board Members

Present:

Carl M. Ellington, Jr., Presiding
Richard M. Benton
Jonathan S. Care
David L. Pond
Teresa Helmlinger Ratcliff
Stacey A. Smith
Andrew G. Zoutewelle

Recused:

Nils W. Joyner, Jr.
Linda A. Thurman

Respondent's Counsel: Andrew B. Parker \ Long, Parker, Warren, Anderson & Payne, P.A.
Prosecuting Counsel: Patricia P. Shields \ Hedrick Gardner Kincheloe & Garofalo, LLP
Advisory Counsel to Board: Douglas W. Hanna \ Graebe Hanna & Sullivan

The Hearing was closed at 5:30 p.m. and the Board then deliberated on the matter.

Thursday, September 17, 2015, Board Chair Nils W. Joyner, Jr. gaveled the North Carolina Board of Examiners into session at 9:40 a.m. to convene its regular order of business for the Board. Board members present were:

Nils W. Joyner, Jr., PLS, Chair
Carl M. Ellington, Jr., PE, Vice Chair
Richard M. Benton, PLS, Secretary
Teresa Helmlinger Ratcliff, PE, PhD
David L. Pond, PE
Linda A. Thurman, Public Member
Andrew G. Zoutewelle, PLS
Stacey A. Smith, PE
Jonathan S. Care, Public Member

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Joyner 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

Dr. Ratcliff made a motion to approve the consent agenda as presented. Mr. Benton seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings, Comity Applications; CPC Sponsors; Firm Applications for 24 Professional Corporations, 21 Professional Limited Liability Companies and 4 Business Firms and, 4 Company Name Change Requests, 1 Request to be Resident for Multiple Companies, 4 Requests to Use Individual's Name in Company Name, and 1 Summary of d/b/a Requests; Minutes; Request for Retired Status; Review Committee; and Settlement Conference.

3. Committee Reports

Engineering Committee – Chair (Mr. Ellington)

- Mr. Ellington stated the Committee received additional information on yellow light timing.

- Information was submitted to the Board from NC DOT on certification changes for consideration as a board item.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- Mr. Zoutewelle stated Charles W. (Charlie) Brown, PE, PLS and Joel R. Gullede, PE, PLS with NCDOT met with the Committee to discuss a new certification for an interim work product to be used for condemnations to allow NCDOT to outsource surveying services to private firms to allow private firms to take responsibility for specific portions of the calculations related to right of way takings. Mr. Tuttle will draft a letter notifying NCDOT that the Board is okay with the certification.
- The Committee looked at Express Maps published by a title insurance company. Express Maps are not surveys, but they look like a survey and conclusions are drawn that may be the practice of surveying, i.e. contiguity and area calculations. The in-house counsel for the company may want to come before the full Board in December.

CPC Committee – Chair (Ms. Thurman)

- Ms. Thurman stated all CPC items were on the consent agenda.

4. Review Committees Engineering Ellington (8/6/15)
Engineering Smith (8/25/15)

The Board considered the recommendation of the Engineering Review Committee on 13 cases conducted on August 6, 2015 at 10:00 a.m. with Mr. Ellington. Chair Joyner and Mr. Smith recused themselves from the discussion and voting for the entire Review Committee Agenda. Chair Joyner passed the gavel to Mr. Ellington. Mr. Pond made a motion to accept the recommendation of the Review Committee. Ms. Thurman seconded the motion. A vote was taken and the motion was approved unanimously. Mr. Ellington returned the gavel to Mr. Joyner. The Review Committee resulted in four (4) Revocations, eight (8) closed cases and one (1) Reprimand and restrict practice.

The Board considered the recommendation of the Engineering Review Committee on two cases conducted on August 25, 2015 at 10:00 a.m. with Mr. Smith. Mr. Ellington recused himself from discussion and voting for the entire Review Committee. Dr. Ratcliff made a motion to accept the recommendation of the Review Committee. Mr. Benton seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee resulted in two (2) closed cases with referral to NC Board of Architecture.

5. NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director
- Mr. Ritter commented on matters from the National Meeting. Board members discussed new technologies that need attention on a national level.
6. Violations Activity - Assistant Executive Director
- Mr. Evans stated 92 cases have been opened this year; 30% of the cases are board authorized. Licensed firm, non-licensed firm and individual cases are all up over the past two years. This year surveying cases are 17% of the case load; whereas the last two years they made up 32 and 31 per cent of the case load. PE cases to date are 27%; the last two years they made up 34 and 36 per cent of the case load. A higher number of surveyors have prior cases and prior actions for repeat offenders than engineers. There are 105 cases on the open sheet. Sixty-two cases have been closed this year.
7. Applications
- Mr. Andrew Kramer, PE is requesting to obtain licensure of a firm called SMW Engineering Group, N.C., PLLC. (See board books for details.) Mr. Benton made a motion to approve. Dr. Ratcliff seconded the motion. A vote was taken and the motion was approved unanimously.
8. Board Secretary Report - Executive Director and Board Secretary
- Mr. Benton reported on the July financials.
9. Old Business - Executive Director

- Mr. Ritter stated 351 PE applications were approved for the fall 2015 exam; 347 PE applications were approved in 2014. Twenty-three PLS applications were approved for 2015; 38 PLS applications were approved in 2014.
- Mr. Ritter gave a legislative update. Mr. Zoutewelle voiced concern about a provision in the budget to make it easier for companies to harvest shell fish by what may be interpreted as removing the survey requirement from defining the lease areas. This is not consistent with G.S. 89C. Protecting the public would be of concern if a case came up whereby a non-licensee used GPS coordinates. It may be appropriate at that time to request an advisory opinion from the Attorney General's office.
- The 2016 budget will be discussed at the planning session. Board members were updated regarding the planning session and requested to place items for discussion on a Backpack page that will be set up. Dr. Ratcliff will facilitate the meeting.
- Messrs. Ritter and Ellington attended the ACEC Annual Meeting. Mr. Ritter gave a board report.
- Board members expressed suggestions for improving the efficiency of hearings.
- Mr. Ritter presented the NC Board of Architecture Position Statement on Professional Seals on Building Imaging Modeling/Integrated Project Delivery (BIM/IPD) Projects. Mr. Pond recommended the Task Force will evaluate the position statement and review rule changes that that Jim Bartl, Director of Code Enforcement for Mecklenburg County is recommending and will report back to the Board at the December meeting.

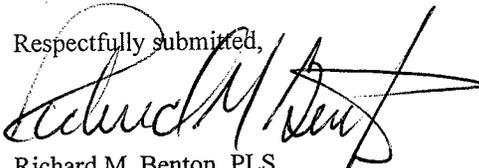
The NCEES President appointed a task force to evaluate the BIM issue as had been requested by this Board. Gary Thompson, Emeritus Member of this Board is liaison to the Committee.

10. New Business - Executive Director

- Mr. Ritter presented Board Authorized Cases. Chair Joyner recused himself from discussion and voting. Chair Joyner passed the gavel to Vice Chair Ellington. Dr. Ratcliff made a motion to approve. Mr. Benton seconded the motion. The Board voted and the motion was unanimously approved. Vice Chair Ellington returned the gavel to Chair Joyner.

11. Informational Items – Executive Director
(None)

The Board adjourned at 11:35 p.m. The Board is next scheduled to meet on Wednesday and Thursday, October 21 and 22, 2015.

Respectfully submitted,

 Richard M. Benton, PLS
 Secretary

Approved by the Board in Session

Date October 21, 2015

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

October 21 and 22, 2015

Pinehurst, North Carolina

Board Chair Nils W. Joyner, Jr. gavelled the North Carolina Board of Examiners into session at 1:00 p.m. on Wednesday, October 21, 2015 to convene its regular order of business for the Board. Board members present were:

Present:

Nils W. Joyner, Jr., PLS, Chair
Carl M. Ellington, Jr., PE, Vice Chair
Richard M. Benton, PLS, Secretary
Teresa Helminger Ratcliff, PE, PhD
David L. Pond, PE
Linda A. Thurman, Public Member
Andrew G. Zoutewelle, PLS
Stacey A. Smith, PE
Jonathan S. Care, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

To initiate the meeting, Chair Joyner 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 Joyner presented the Consent Agenda for approval. Mr. Benton 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 Requests for Board Authorized Case Openings; Comity Applications; a CPC Sponsor Application; Firm Applications for 7 Professional Corporations, 8 Professional Limited Liability Companies, 4 Business Firms and 2 Chapter 87 Corporations; 2 Requests for company name changes, 1 Request to Use Individual's Name in Company Title and 2 d/b/a Requests; Minutes; Requests for Retired Status; and a Settlement Conference.

3. J. Randy Herron Order and Appeal
Executive Director

Mr. Ritter presented the Order Reversing Agency Decision, Remanding the Matter for Appointment and Hearing Before Administrative Law Judge and the Notice of Appeal filed by the Board regarding the J. Randy Herron case.

4. Electronic Seal Task Force Report
Task Force Chair

- Mr. Pond furnished two letters from the Board to NC DOT that were agreed upon by the full Board at the July meeting. The first letter addresses the Board's response to NC DOT's proposed procedures for handling electronic documents with their proposed procedures. The second letter addresses workflow certification changes, specifically regarding deliverable CAD drawings and other CADD files (DSN, DRN, UTL, etc.) This plan of action will enable NCDOT to work under this approach and meet the intent of the Board Rules. The task force will meet with

representatives of NC DOT in December to discuss how things are going and for them to answer why they need open CADD files. This approach will be acceptable until September, 2016, when the issues will be revisited.

- The Board requested, and the National Council of Examiners for Engineering and Surveying (NCEES) appointed a task force regarding electronic signatures. The Board will use information and any Model Rule revisions from the task force, in conjunction with the Board's task force to put into place standards that will serve future projects.
- Mr. Pond presented a draft for BIM guidelines and made a motion to approve the document titled, "Signing and Sealing Building Imaging Modeling/Integrated Project Delivery (BIM/IPD Projects Guidelines)" with a sunset date of October 31, 2016. Mr. Benton stated the first paragraph of the document stated "building imaging modeling". After discussion, Mr. Pond amended his motion to include one change in the document to show "building information modeling". The Board voted and the motion was unanimously approved.

5. Board Secretary Report - Board Secretary

Mr. Benton reported on the September finances of the Board. Mr. Benton and the incoming Secretary will work with the Executive Director to prepare the 2016 budget for the December meeting.

6. Adoption of 2016 Board Calendar - Executive Director

Mr. Ritter presented the proposed 2016 Board calendar. Board members agreed to change the October Board Meeting \ Planning Session to October 19th. Mr. Benton made a motion to approve the proposed 2016 Board calendar with the change. Ms. Thurman seconded the motion. The Board voted and the motion was unanimously approved.

7. New Business
Executive Director

Mr. Ritter and Emeritus Member Gary Thompson have been invited to speak to the Oklahoma Board the first week of November.

Mr. Ritter briefed the board on possible lease options for the board office when the existing lease expires.

8. Old Business
Executive Director

None

9, Election of Officers:

Ms. Thurman nominated the following board members for 2016 officers: Mr. Ellington as Chair; Mr. Benton as Vice Chair and Mr. Zoutewelle as Secretary. Hearing no discussion, the Board voted. The motion passed by acclamation.

Chair Joyner passed the gavel to Dr. Teresa Ratcliff to lead the Planning Session at 2:30 p.m.

10. Planning Session

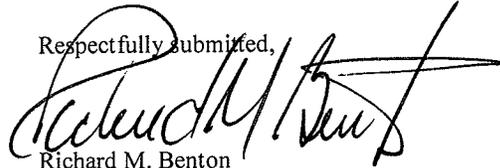
- The following topics were discussed:
 - a. Firm Names;
 - b. Board website and disciplinary postings;

- c. FAQs and Board News page on Website;
 - d. Articles in Newsletter
 - e. Rule changes / Future Statute Changes to consider;
 - f. 2016 Goals for Executive Director Outlined;
 - g. UAVs;
 - h. E\SI Designation changes to do in 2016 and
 - i. Future format of planning sessions
- The following topics will be deferred to a later date (Parking Lot topics):
 - a. State Specific Surveying Exams implementation after April and CBT opportunities;
 - b. Physical Presence;
 - c. SE (Structural Engineer) designation;
 - d. UAVs (unlicensed practice and air safety);
 - e. Multiple seals on documents and
 - f. Change PLS to PS

The Board adjourned Wednesday, October 21, 2015 at 5:00 p.m. and reopened Thursday, October 22, 2014 at 8:00 a.m. The Board resumed the Planning Session.

The Board formally adjourned on Thursday, October 22, 2015 at 12:15 p.m. The Board is next scheduled to meet on Wednesday, December 9, 2015.

Respectfully submitted,



Richard M. Benton
Secretary

Approved by the Board in Session

Date 12/09/15

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

December 9, 2015

Raleigh, North Carolina

Board Chair Nils W. Joyner, Jr. gavelled the North Carolina Board of Examiners into session at 10:10 a.m. on Wednesday, December 9, 2015 to convene its regular order of business for the Board. Board members present were:

Present:

Nils W. Joyner, Jr., PLS, Chair
Carl M. Ellington, Jr., PE, Vice Chair
Richard M. Benton, PLS, Secretary
Teresa Helmlinger Ratcliff, PE, PhD
David L. Pond, PE
Linda A. Thurman, Public Member
Andrew G. Zoutewelle, PLS
Stacey A. Smith, PE
Jonathan S. Care, Public Member

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Joyner read the ETHICS AWARENESS & CONFLICT OF INTEREST REMINDER and asked if any member of the Board had any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting. The Chair advised that if any board member had such a conflict, that member should identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved. Mr. Zoutewelle stated he was involved in the Review Committee relating to ExpressMap on today's agenda. Mr. Ritter stated this was not rendering judgement on ExpressMap but the Board is discussing services they provide; he stated Mr. Zoutewelle is fully legally able to sit in on the discussion.

2. Consent Agenda – Executive Director

Mr. Ritter stated one firm was removed from the consent agenda at the request of Mr. Benton and added to the meeting agenda. Dr. Ratcliff made a motion to approve the consent agenda as presented. Mr. Smith seconded the motion. The Board voted and the consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity, a CPC Sponsor; Firm Applications for 23 Professional Corporations, 18 Professional Limited Liability Companies, 4 Business Firms and 3 Chapter 87 Corporations and, 1 Company Name Change Request, 1 Request to be Resident for Multiple Companies, 3 Requests to Use Individual's Name in Company Title and 3 Summary of d/b/a Requests; Minutes; Review Committees, Request for Retired Status and a Settlement Conference.

3. Committee Reports

Engineering Committee – Chair (Mr. Ellington)

- The Board received a request for a determination regarding the design and installation of petroleum storage tanks that do not require an engineer to certify the design. Additional information is needed. Mr. Smith will research and report back to the Committee in January.
- Scott Hinesley, PE spoke with the Committee concerning protecting the public regarding roof and roof replacements (specifically like-kind) regarding schools in North Carolina. The Committee discussed additional clarification and/or adjustments regarding roofing repair and replacement that may be needed. Mr. Tuttle was requested to poll other states and draft guidelines with possible revisions to the existing policy that the Committee will revisit in January.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- The Committee would like to include a parts per million component in the positional accuracy certification that would require a change to Rule 21 NCAC 56.1602. This would bring the parts per million in alignment with the ALTA (American Land Title Association) standards.
- There are concerns that the unlicensed practice of surveying is occurring with the proliferation of the use of GIS and innovative scanning technologies and the public is not being protected. There

are many GIS technicians. The Board would like to raise the level of what these technicians are doing to a professional level by encouraging these individuals to become licensed surveyors. There is a six hour Mapping Science Exam geared toward GIS that could be used for licensing. The Committee requested that Mr. Ritter reach out to the NC Property Mappers Association to assist in educating them regarding the licensure process.

- Both the Engineering and Surveying Committees discussed in their committee meetings if a Professional Land Surveyor could make impervious calculations to certify nitrogen and phosphorus loads or if this is only within the practice of engineering.

After Committee reports on this matter, it was decided that Mr. Ellington would talk with Messrs. Zoutewelle and Tuttle and report back to the Engineering Committee in January for further discussion.

CPC Committee - Chair (Ms. Thurman)

- Ms. Thurman reported 15 audits have been completed.

4. Express Map (First American Title Insurance Company) - Joseph DeSalvo Vice –President and Senior Operations Counsel

Mr. DeSalvo and Kevin R. Frank appeared before the Board to address concerns regarding the First American ExpressMap product. Mr. DeSalvo on behalf of First American agreed to some specific changes for North Carolina. First American will send a letter to the Board with proposed changes to ExpressMap for the Board to evaluate at the January meeting.

5. **Review Committee** (Ratcliff, 10/28/15)
Executive Director

The Board considered the recommendation of the Engineering Review Committee on 3 cases conducted on October 28, 2015 at 3:00 p.m. with Dr. Ratcliff. Messrs. Pond, Smith and Ellington recused themselves from the discussion and voting for the entire Review Committee Agenda. Mr. Benton made a motion to accept the recommendation of the Review Committee. Ms. Thurman seconded the motion. A vote was taken and the motion was approved unanimously. The Review Committee resulted in one (1) close case, one (1) reprimand and civil penalty of \$2,000 and one (1) notice of evidence of non-compliance.

6. NCEES (National Council of Examiners for Engineering and Surveying) Activities - Executive Director

- Mr. Ritter presented an email from Mr. Jerry Carter, NCEES Executive Director regarding upcoming proposed ABET changes.
- The 2016 Southern Zone Meeting will be held April 7-9 in Nashville.

7. Board Secretary Report - Executive Director and Board Secretary

- Messrs. Benton and Ritter reported on the October financials.
- The Financial Committee, Messrs. Benton, Zoutewelle and Ritter, met to review the 2016 NCBELS Draft Budget and submitted for review to the Board. Ms. Thurman made a motion to approve the 2016 NCBELS Draft Budget. Mr. Smith seconded the motion. The motion was unanimously approved.
- Mr. Ritter stated the three year contract with the auditor expired last month. Three proposals were obtained. The Financial Committee recommends staying with the current auditor, Bernard Robinson & Company. Their proposal was submitted to the Board. After discussion, Ms. Thurman made a motion to accept the firm submitted, Bernard Robinson & Company. Dr. Ratcliff seconded the motion. The Board unanimously approved the motion. This decision will be re-evaluated in three years.

8. Violations Activity - Assistant Executive Director

Mr. Evans stated 113 cases were opened for the fiscal year 2015. Non-licensed individuals and firm cases this year composed 32.7% of the case load which was up over the 10 year average of 23%. Surveying cases have averaged 30% of the case load in the past; this year they made up

17.7%. In the past, PE cases have averaged 30 to 35%; this year they were 30%. There are 100 cases on the open sheet. Of the 113 new cases that were opened, 29 of the respondents had a total of 64 prior cases.

9. Applications

- **GAI Consultants - N C, Inc. (F-0269)** is requesting the Board to allow the firm to use the dba GAI Consultants. Mr. Joyner recused himself from discussion and voting and passed the gavel to Mr. Ellington. Dr. Ratcliff made a motion to approve the request. Mr. Benton seconded the motion. The Board voted and all opposed. Dr. Ratcliff made a motion to deny the request. Mr. Benton seconded the motion. The motion to deny the request was unanimously approved. Mr. Ellington passed the gavel back to Mr. Joyner.

- **National Engineering Institute, LLC** is requesting to be allowed to file with the NC Secretary of State. Per Mr. Joseph Tamillo:

The company will be geared to providing training and research for various building materials and installation methods for use in regard to accurately assessing insurance claims. The training programs we have been developing are currently for roof inspectors, insurance adjusters, and licensed engineers who provide storm damage and related damages assessments. This will be an educational company based on engineering research, codes, and related sciences. We will be providing advanced and in-depth training for the previously mentioned clients and assisting them in developing their personal careers. Again, we will not be providing any engineering services, design, or consultation and we will not be marketing ourselves as engineers (although I am personally licensed).

Dr. Ratcliff made a motion to approve. Mr. Pond seconded the motion. The Board voted and the motion was unanimously approved.

- **Carolina Specialty Engineering, P.C.** has applied for licensure with this Board. The corporation was formed as *Jensen Hughes Engineering, P.C.* in Maryland for the purpose of getting licensed in North Carolina to provide engineering due to the fact that Maryland entity Jensen Hughes, Inc. cannot obtain licensure due to NC licensing laws. Neither Jensen nor Hughes have ever been part of Jensen Hughes Engineering, P.C and the corporation has initially applied using an assumed name of Carolina Specialty Engineering, P.C. but is requesting the Board to allow them to use the corporate name of Jensen Hughes Engineering, P.C.

Mr. Ellington recused himself from discussion and voting. Mr. Pond made a motion to deny the request. Ms. Thurman seconded the motion. The Board voted and the motion to deny was unanimously approved.

- **Malcolm Pirnie, Inc. (F-0299)** requested to change their name to Arcadis CE, Inc. Ms. Thurman made a motion to approve the request. Mr. Smith seconded the motion. The Board voted and the request was unanimously approved.

10. Old Business - Executive Director

- Mr. Ritter furnished board members the updated 2016 Board calendar

11. New Business - Executive Director

- The Board considered the recommendation of the Settlement Conference Committee on one case conducted on December 1, 2015 at 11:30 a.m. with Mr. Ellington and Ms. Thurman. Mr. Smith recused himself from discussion and voting. Dr. Ratcliff made a motion to accept the recommendation of the Settlement Conference Committee. Mr. Benton seconded the motion. A vote was taken and the motion was approved unanimously. The Settlement Conference Committee recommendation resulted in one closed case, one reprimand and civil penalty of \$2,000 and a firm notice of evidence of non-compliance.

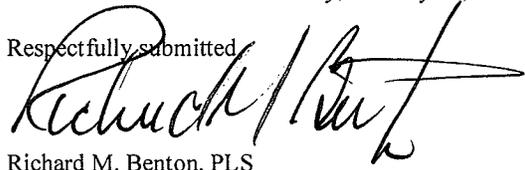
12. Informational Items – Executive Director

- Mr. Ritter furnished the results of the state exam for surveying. PE results will be in soon.
- Mr. Zoutewelle's article in the newsletter has received several compliments.

- The Charlotte Certificate Ceremony will be January 27th.
- Gary Thompson, Emeritus Member and Mr. Ritter gave a GIS presentation in Oklahoma.

Ms. Thurman made a motion to go into closed session at 2:05 p.m. for a personnel matter. Mr. Smith seconded the motion. The Board adjourned at 3:50 p.m. The Board is next scheduled to meet on Wednesday, January 13, 2016.

Respectfully submitted,



Richard M. Benton, PLS
Secretary

Approved by the Board in Session
Date January 13, 2016