

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 8, 2017

Raleigh, North Carolina

Board Chair Richard M. Benton called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, February 8, 2017. Board members on the conference call were:

Board Members on Teleconference Call:

Richard M. Benton, PLS, Chair
Linda A. Thurman, Public Member, Vice Chair
Stacey A. Smith, PE, Secretary
Carl M. Ellington, Jr., PE
John M. Logsdon, PLS
Bobbie Shields, PE
Andrew G. Zoutewelle, PLS

Absent:

David L. Pond, PE
Jonathan S. Care, Public Member

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. Benton 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

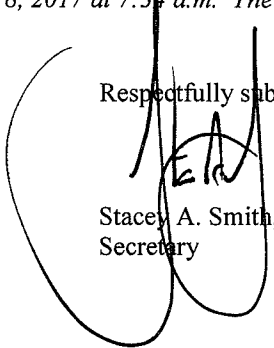
Mr. Logsdon stated that that under Item 4 of the minutes regarding the declaratory ruling that a change is needed to add that the Board also went into closed session after the vote to consult with counsel. Mr. Ellington made a motion to approve the consent agenda with the aforementioned change to the minutes. Mr. Shields seconded the motion. The consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC; Request for Firm Applications for 16 Professional Corporations, 14 Professional Limited Liability Companies, 3 Business Firms and 1 Chapter 87 Corporations; 1 Name Change Request and 1 Request to Use Individual's Name in Company Title; Minutes; Requests for Retired Status; a Review Committee and a Settlement Conference.

Mr. Smith made a motion to adjourn. Ms. Thurman seconded the motion.

The Board formally adjourned Wednesday, February 8, 2017 at 7:34 a.m. The Board is next scheduled to meet Wednesday, March 8, 2017.

Respectfully submitted,



Stacey A. Smith, PE
Secretary

Approved by the Board in Session

Date March 8, 2017

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 11, 2017

Raleigh, North Carolina

Board Chair Richard M. Benton gaveled the North Carolina Board of Examiners into session at 10:45 a.m. on Wednesday, January 11, 2017 to convene its regular order of business for the Board. Board members present were:

Present:

Richard M. Benton, PLS, Chair
Linda A. Thurman, Public Member, Vice Chair
Stacey A. Smith, PE, Secretary
Jonathan S. Care, Public Member
Carl M. Ellington, Jr., PE
John M. Logsdon, PLS
David L. Pond, PE
Bobbie Shields, PE
Andrew G. Zoutewelle, PLS

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Benton 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. Ms. Thurman stated she would recuse herself as she has previously done when the Comfort Engineers matter is discussed and voted on. No other conflicts or appearance of conflicts were noted.

2. Consent Agenda – Executive Director

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

The consent agenda included: Firm Applications for 7 Professional Corporations, 7 Professional Limited Liability Companies and 2 Chapter 87 Corporations, 1 Company Name Change Request and 1 Request to Use Individual's Name in Company Title; Minutes; Requests for Retired Status; and a Review Committee.

3. Notice of Reappointment – Carl Ellington

Mr. Ritter presented to the Board the reappointment letter from Governor McCrory for Carl Ellington for a second five year term. Mr. Benton thanked Mr. Ellington for serving as Chair.

4. Declaratory Ruling — Comfort Engineers and Mechanical Services, Inc.

Mr. Brent Sigmon, PE, and Mr. Alan Williams, PE, appeared before the Board for a declaratory hearing to request a Declaratory Ruling for Mr. Sigmon's request that was denied to allow Comfort Mechanical Contractors, Inc. to use the name Comfort Engineers and Mechanical Services, Inc. After presenting their case, Mr. Pond made a motion to allow the use of the name Comfort Engineers and Mechanical Services, Inc. The motion failed. After discussion, Mr. Shields made a motion to deny the request. Mr. Smith seconded the motion. At 2:40: p.m. Chair Benton requested that the Board go into closed session to consult with counsel; the Board reconvened in open session at 2:55 p.m. After discussion, the Board voted in favor of the motion to deny the request. Messrs. Shields, Smith, Ellington and Care voted in favor of the motion to deny and Messrs. Pond, Zoutewelle and Logsdon opposed. Ms. Thurman did not participate in any discussion or voting on this matter. Mr. Care made a motion for the Board to go into closed session to consult with counsel at 3:25 p.m. Mr. Smith seconded the motion. The Board was called back into session at 3:35 p.m.

5. NCEES Activities

Executive Director

- Mr. Ritter briefed board members about the upcoming NCEES Southern Zone meeting and placed in the board book an additional nomination for Southern Zone Vice President.

6. Committee Reports

Engineering Committee – Chair (Mr. Shields)

- Mr. Shields stated the committee received a request for audits by the Board from the On-site Water Protection, Environmental Health Section, Division of Public Health Department of Health and Human Services. The Committee stated that the Board cannot do audits, nor regulate the insurance that engineers carry. The compliance of documents that were presented may be in the engineer's purview. If there is a problem, there is already a process to report to the Board. The response to the State should be the Board cannot comply with their request – it is outside engineering purview of the Board.
- The Committee was presented with a surveying report whereby engineers are using their data to regulate water meters. A new firm proposed to do GIS activity and provided an example of what they want to do. The firm can do the example that was cited, since it is on the exclusions list. The PE was advised he could not analyze anything on the inclusion list, as it would have to be done by a PLS.
- A request was received to allow energy raters to be a qualified profession. Support for adding certified energy raters (residential only) that should be qualified to do this service would be included as a fourth category in the NC Energy Code. The Committee did not constitute this as engineering so it would not have to be restricted to Professional Engineers.
- The Engineering Committee was presented with a question regarding wetland delineation by Professional Engineers for design. The Engineering Committee stated that Professional Engineers can delineate wetlands by flagging in the field; if a map product is involved, it must be done by a PLS.

Ad Hoc Committee

Mr. Pond reported that the Committee will continue their discussion regarding removing the 20-year waiver that does not require taking the FE exam before taking the PE exam.

Land Surveying Committee – Chair (Mr. Zoutewelle)

- Mr. Zoutewelle stated the Committee met with NCSS (NC Society of Surveyors) to discuss pursuing a proposed law change requiring a four-year degree to be licensed as a surveyor.
- Consultants may be needed to assist with requirements for sample plats submitted for applicants taking the Mapping Science Exam.
- The Committee discussed changing “PLS” to “PS” and “GIS Surveyor” to “Mapping Science Surveyor”.
- Mr. Zoutewelle stated the Surveying Committee is in agreement with the Engineering Committee regarding wetland delineation by Professional Engineers for design. Messrs. Pond and Shields stated, if an engineer is taking two existing layers and comparing, that is okay. If an engineer is going further, the GIS inclusions and exclusions must be reviewed. Location of water lines and city boundaries are inclusions and must be done by a PLS. In this case, it appears that the determination is one of billing or clearly made based on the GIS data and location data is not being created or modified. Board members requested to advise that if he is not manipulating data to caution him that he is on the line.

Ad Hoc Task Force:

- The Task Force consisting of Messrs. Benton, Pond and Zoutewelle, Emeritus Member, Gary Thompson and two PEs working with Mr. Pond met to discuss the role of engineers and surveyors relating to “floodplain mapping services”. After discussion, board members agreed that it is accepted nationally and in North Carolina for engineers to sign FEMA Flood Insurance Studies and flood maps; thus, it is best not to make changes to this process with the notation that engineers need to reference the PLS who did the survey work on the FEMA map. The response back to the PE, is the PE can provide the service but cannot do flood plain mapping.

CPC Committee - Chair (Mr. Care)

- Mr. Care stated the Committee would like to craft and design some educational offerings for the spring newsletter that this Board needs or would like to have that may be used as course requirements for licensees at settlement conferences. Areas of concentration that are needed will be requested from staff.
- Mr. Care made a motion to approve two CPC exemption requests which the Committee had reviewed and approved for Jennifer L. Baker, PE and Richard O. Rafanovic, PE. The Board voted and the motion was unanimously approved.

7. Board Secretary Report and 2017 Budget
Executive Director and Board Secretary

- Mr. Smith reported on the fiscal year end 2016 budget and thanked Mr. Zoutewelle for his service as Secretary for 2016.

8. Violations Activity - Assistant Executive Director

- Mr. Evans stated eleven (11) cases have been opened this fiscal year. Ninety-five cases (95) are on the open sheet. Over one-half the cases are in the investigators' hands. Fourteen (14) cases have been closed this fiscal year.

9. Applications

None

10. Old Business - Executive Director

- Mr. Ritter stated the UNC Certificate Ceremony will be January 18th. As a result of decoupling, this will be the last certificate ceremony. The Board requested that the decoupling article be run in the newsletter again.
- Ms. Patricia Shields outlined possible changes to the review committee process when no formal receipt is received from the public with mark ups of the rule changes required if the new process is approved.

Mr. Care made a motion for the Board to go into closed session to discuss a personnel issue at 3:25 p.m. Mr. Smith seconded the motion. The Board was called back into session at 3:35 p.m.

11. New Business - Executive Director

None

12. Informational Items – Executive Director
None

Mr. Zoutewelle made a motion to adjourn. Ms. Thurman seconded the motion. The Board adjourned at 4:00p.m. The Board is next scheduled to meet on March 8, 2017.

Respectfully submitted,

Stacey A. Smith, PE
Secretary

Approved by the Board in Session

Date March 8, 2017