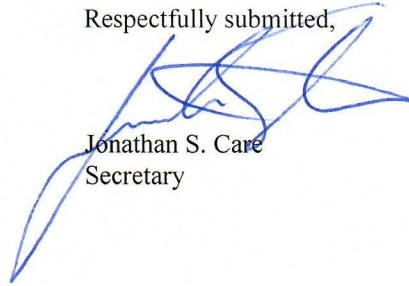


- Mr. Ritter was the lunch speaker for the NCSS Annual Convention. Messrs. Benton and Evans gave a four-hour presentation on ethics with case studies. Mr. Benton stated NCSS was interested in doing a video of the presentation. Mr. Ritter will contact Christy Davis, Executive Director to ask additional questions and bring back to the Board.
- Mr. Benton reported the NCSS Annual Convention had three seminars running simultaneously and the Board's presentation was the big hit. Mr. Benton received lots of questions regarding drones. Mr. Zoutewelle gave a mini-session on recertifying old surveys.
- Mr. Benton was asked to make a presentation to the Durham Engineer's Club on drones.
- Dr. Teresa Ratcliff invited Messrs. Ritter, Smith and Care to tour the Campbell engineering facilities and they hosted a panel discussion for student night.
- Mr. Ritter reported that he sent out a new opt-out of paper correspondence email to over 20,000 licensees. Out of the 20,000 emails sent, 487 PEs elected to opt out. The new total number of engineers opted out is 6,029 and 3 surveyors opted out.

Mr. Shields made a motion to adjourn. Mr. Benton seconded the motion. The Board adjourned at 3:10 p.m. The Board is next scheduled to meet May 23, 2018.

Respectfully submitted,



Jonathan S. Care
Secretary

Approved by the Board in Session
Date MAY 23, 2018

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

February 21, 2018

Raleigh, North Carolina

Board Chair Linda A. Thurman called the *teleconference call* meeting of the North Carolina Board of Examiners into session at 7:30 a.m. on Wednesday, February 21, 2018. Board members on the conference call were:

Board Members on Teleconference Call:

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

Absent:

Richard M. Benton, PLS

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, Ms. Thurman 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 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

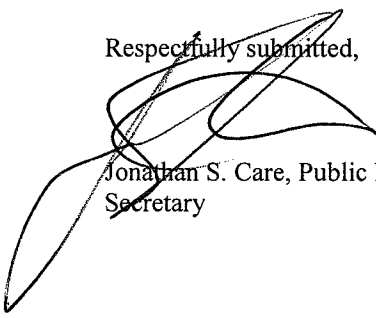
Mr. Shields made a motion to approve the consent agenda. Mr. Smith seconded the motion. The consent agenda was unanimously approved.

The consent agenda included: Board Authorized Case Openings; Comity Applications; CPC sponsor applications; Firm Applications for 9 Professional Corporations, 8 Professional Limited Liability Companies and 1 Business Firm; 2 Name Change Requests; 1 Request to Use Individual's Name in Company Title and 1 d/b/a Request; Minutes; Requests for Retired Status; Review Committees; and Settlement Conferences.

Mr. Shields made a motion to adjourn. Mr. Smith seconded the motion.

The Board formally adjourned Wednesday, February 21, 2018 at 7:33 a.m. The Board is next scheduled to meet Wednesday, March 21, 2018.

Respectfully submitted,


Jonathan S. Care, Public Member
Secretary

Approved by the Board in Session

Date March 21, 2018

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

January 24, 2018

Raleigh, North Carolina

Board Chair Linda A. Thurman gaveled the North Carolina Board of Examiners into session at 10:00 a.m. on Wednesday, January 24, 2018 to convene its regular order of business for the Board. Board members present were:

Present:

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

Absent:

1. Ethics Awareness and Conflict of Interest Reminder - Chair

Chair Thurman 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.

Ms. Thurman presented a gift to Mr. Benton in appreciation for his service and leadership as Chair last year.

2. Consent Agenda – Executive Director

Mr. Shields 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 sponsor applications; Firm Applications for 9 Professional Corporations, 12 Professional Limited Liability Companies, 2 Business Firms, and 1 Chapter 87 Corporation; 2 Name Change Requests; 1 Request to Use Individual’s Name in Company Title; 2 Summary of d/b/a Requests; Minutes; Requests for Retired Status; and Review Committees. Mr. Shields made a motion to approve the consent agenda as presented. Mr. Benton seconded the motion. The Board voted and the motion was unanimously approved.

3. Administrative Hearing-- Eric Medaugh, EI

After completing item 7 of the agenda, an administrative hearing was held at 11:00 before the full Board to determine whether Mr. Medaugh meets the experience requirement to receive a Professional Engineer’s Certificate of Licensure.

The Board went into closed session at 12:15 pm to deliberate the Administrative Hearing. The meeting gaveled back into session at 2:45p.m. to continue at item 8 of the agenda.

4. NCEES Activities (National Council of Examiners for Engineering and Surveying)

Executive Director

- Mr. Ritter updated board members on the upcoming Southern Zone conference. Messrs. Zoutewelle, Logsdon and Ritter will go as funded delegates. Mr. Benton will need to register for the conference possibly prior to knowing whether he has been reappointed to the Board. Mr. Care made a motion that if Mr. Benton is not reappointed to the Board, that the Board would pay his expenses as an Emeritus member. Mr. Logsdon seconded the motion. The Board voted and the motion was unanimously approved.

5. Committee Reports

Engineering Committee – Chair (Mr. Pond)

- For informational purposes, Mr. Pond reported on the timing of the red-light camera matter previously discussed. A lawsuit was filed in Wilmington against the traffic engineer saying he was in error for not modifying the formula for the yellow light. The complainant is continuing to pursue the issue. This is not a matter that requires further Board consideration at this point.
- The Committee reviewed a Guidance paper regarding doing inspections for the NC Department of Insurance (DOI). The question was “can an engineer replace the building inspector on a project to do all the inspections?” A determination was issued confirming the policy that DOI has of doing inspections of elements and components of buildings versus systems or a whole certification. The Guidance document will be placed on the board website.
- A NC DEQ (NC Department of Environmental Quality) regulator in a regional office was sending out Duke Energy Design Guidelines for dry stack walls to be used around non-Duke lakes. A letter will be sent to the DEQ regional office that someone other than a Professional Engineer should not make design recommendations, including sending out design recommendations using the Duke Power guidelines. To the question, “is the design of dry stack walls engineering”, the Committee stated that a Professional Engineer should be consulted for retaining wall design if required by the North Carolina Building Code.
- Duke Energy (Duke) asked, “in the situation of a dam design, if there is an inspector, does the inspector have to be the inspector who did the original design?” Duke was advocating they be allowed to inspect their own dams of construction even if they have not done the design. In this situation NC DEQ Dam Safety is requiring Duke to accept full responsibility for the design of the dam. It is permissible under the Board Rules for a competent Professional Engineer (PE), other than the original design engineer, to be in responsible charge of the inspections and provide the dam safety certification that the “the dam and all appurtenances have been built, repaired, altered, or removed in conformance with the plans, specifications, and drawings approved by the Director and that the dam is “safe” to satisfy North Carolina dam safety regulations (15A NCAC 02K.0216) administered by the Dam Safety Program in the Department of Environment Quality. Provided further that that function does not make them the designer of the dam. If any changes are made that person would have to take design responsibility for any changes made. The Board will respond back to Duke.
- Mr. Pond made a motion to accept the edit to the Stream Restoration Policy. The Board voted, and the motion was unanimously approved.
- The Committee requested the Executive Director set up meetings with CAMA, Public Water Supply, Building Code Council and Air Quality.

Land Surveying Committee – Chair (Mr. Logsdon)

- The Committee met with the GICC Working Group to continue the review of examples of cases that GIS professionals are doing to determine if a licensed PLS is required to do the work.
- The Committee wants to raise the awareness of people offering UAS services to emphasize that a licensed professional surveyor (or engineer) needs to be in responsible charge so far as gathering the information. Mr. Tuttle is going to prepare a draft of guidelines. The Board will have a full board discussion on responsible charge in March.
- Mr. Logsdon stated the application for licensing requires the map of an actual survey. All work must be done by the applicant. Many of the maps the Board is receiving are imaginary maps which are not the result of an actual survey which indicates the applicant has not read the rule. The Board needs to better communicate the requirements.
- The Town of Cary Utilities Department is requiring a statement on the map when the developer puts in a sewer line. The surveyor surveys the sewer line and puts it on his map. The map is an offering of dedication to the Town which the Town can then accept the sewer line based upon the location shown on the map. The Town of Cary is asking the surveyor to show on his map, in addition to showing where the easement is, a statement saying something like “notwithstanding that I have shown this to be the location, the actual location of the easement is five (5) feet on both sides of the centerline of the sewer as constructed.” This creates an ambiguity in the map. The surveyor cannot locate the easement, then disclaim it. A response letter to the Town of Cary will be done.

- The Committee has received numerous requests from the professional organizations for Board presentations for one half day to a full day. The Committee would like to continue with the informal policy that we will give presentations relating to issues where the Board is a good source of information, but limit the time to two hours.
- Previously shell fish leases had to be defined based upon a survey (out in the ocean). The statute was modified about three years ago that the NC Marine Fisheries Commission can adopt rules for the location of these leases and the description of the leases must comply with the Commission's rules. A surveyor questioned you have one statute that says defining the area falls within the practice of surveying and you have another statute that says as to shell fish leases you have to comply with rules adopted by the NC Marine Fisheries Commission. The Committee's decision was this is not a Board issue and that is better addressed with the legislature to address any conflicts or confusion.
- The question has come up, "does a surveyor have an intellectual property right in their products?" Can surveyors place on the map a statement saying, "this map is copyrighted and any subsequent use of this can only be done with the permission of the surveyor. The Committee will consider later.

CPC Committee - Chair (Mr. Smith)

- Mr. Smith stated the committee reviewed and approved four sponsor applications. Mr. Smith stated the committee reviewed and recommends for approval two medical exemption requests. He made a motion to approve the exemption request for Ronnie Jordan and Rees M. Brody for their 2018 license; both have encountered health issues. The Board voted and the motion was unanimously approved.

6. Board Secretary Report

Executive Director and Board Secretary

- Messrs. Care and Ritter reported on the December financials. Mr. Care requested that Mr. Ritter add projections monthly to the financial report.

7. Violations Activity - Assistant Executive Director

- Mr. Evans reported that as of January 23rd, six cases have been opened for year 2018. A total of ninety-five (95) cases were open as of January 18th. Five (5) cases have been closed for year 2018.

The meeting recessed at 10:50 a.m. for a ten (10) minute break; back in session for the administrative hearing at 11:00 a.m. (Item 3)

The Board went into closed session at 12:15 pm at the close of the Administrative Hearing to deliberate the Administrative Hearing. The meeting gavelled back into session at 2:45p.m.

8. Application

- Langan Engineering, Environmental, Surveying, Landscape Architecture, and Geology, D.P.C. which will do business in North Carolina as Langan NC, Inc. is requesting licensure using the name "Langan" in its name. Mr. Langan was never part of this corporation that was formed in New York in 2012. Mr. Benton made a motion to approve allowing them to use the name. Mr. Care seconded the motion. The Board voted, and the motion was unanimously approved.

9. Old Business - Executive Director

- Mr. Pond reported the Electronic Signature Task Force is working to drive the conclusion of their task force and accomplish our goals this year. Their goals are:
 - a. Publish an article in the fall newsletter summarizing everything the task force has been working on.

- b. Mr. Tuttle has been requested to send the NCEES White Paper for the “Guidelines for Working in the BIM Environment” that were pushed out by NCBEES for input to the City of Charlotte, Mecklenburg County, City of Raleigh and any other cities working in that environment for comment of guidelines as well as ACEC or to their member firms working in that environment for comments. Upon receipt of comments, they will institutionalize that into the guideline document. The Guideline document will post and will remain until rules are written at NCEES. The Guideline will then be reviewed and the NCEES rules will be considered for possible rules revisions.
 - c. The Committee will reach out to NC DOT to see if they are having any issues with the NC DOT work flow certifications letter regarding how they operate the electronic media that was extended to June 18, 2018. If there are no issues, the sunset date can be removed.
 - d. There were questions how to deal with validating paper copies of digitally signed documents versus when one is certifying a project in a paper mode. Florida has guidelines dealing with this; the Committee is reaching out to them for feedback. It deals with the certification in paper format versus an electronic format. The Model Rules have an acceptable way to print which this Board may want to incorporate in the Board Rules.
 - e. After review, the task force concluded if emails rise to the level of an engineering report or surveying report, then they must be signed and sealed. The report would have to be an attachment to the email. No rule revision would be necessary.
 - f. When multiple seals are on documents, according the Board Rule, the licensee must be very specific about what they are doing and delineate what work they are sealing. The intent is to bring these issues to conclusion by this summer, to finalize and publish an article this fall and be finished.
- Mr. Tuttle presented a “Draft Proposed Rule Making Schedule for Rules Revisions for 2018” and draft revisions along with a schedule. Ms. Thurman requested Mr. Tuttle work with Mr. Hanna regarding a specific rule change. Mr. Care requested that the schedule be revised to move the March review of proposed rule revisions to the February phone conference meeting and that approval of rule revisions be done at the March meeting, rather than the May meeting. Board members requested all Draft Rules be placed on ShareFile for their review prior to the February conference call so approval can be done at the March meeting. The Committee Chairs should contact Messrs. Tuttle or Evans with feedback.

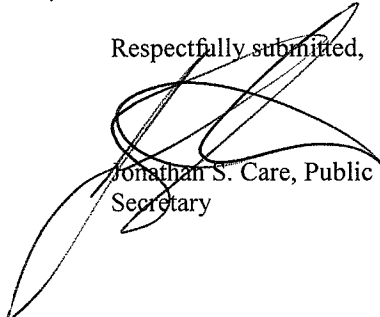
10. New Business - Executive Director

- Mr. Ritter furnished a spreadsheet showing the Board is receiving an average monthly of 228.3 NCEES Verifications per month.

11. Informational Items – Executive Director
None

Mr. Zoutewelle made a motion to adjourn. Mr. Care seconded the motion. The Board adjourned at 3:25p.m. The Board is next scheduled for a conference call on February 21, 2018.

Respectfully submitted,


Jonathan S. Care, Public Member
Secretary

Approved by the Board in Session

Date February 21, 2018