

The North Carolina Bulletin

The Newsletter of the North Carolina
Board of Examiners for Engineers and Surveyors

SEPTEMBER, 2000

SPECIAL EDITION



BOARD RULES AMENDED

Effective August 1, 2000, Title 21, Chapter 56 of the North Carolina Administrative Act was amended. This chapter incorporates the regulations of the North Carolina Board of Examiners that are authorized under the provisions of G.S. 89C-10.

The Board Rules supplement the North Carolina Engineering and Surveying Act (G.S. 89C) and provide specifics with respect to application requirements; definitions of terms used in the licensure process; sealing documents, etc. The sections of the Board Regulations that are most familiar to licensees are the Rules of Professional Conduct (.0701) and the Standards of Practice for Land Surveying in North Carolina (.1600).

The necessity for amendments to the Board Rules was brought about due to significant changes made to G.S. 89C during the 1998 legislative session. During that session, the North Carolina General Assembly approved a bill that provided the most wide-spread changes to the practice act since the act was amended in 1950. These changes, that had been recommended by the Board, included such items as creating a "Retired" status for licensees; enhancing the definition of surveying to incorporate changes in technology; changing terms such as "Engineer in Training" and "Surveyor in Training" to "Engineer Intern" and "Surveyor Intern" and "Registration" to "Licensure"; and the ability for the Board to assess a fee to license Sponsors of continuing education activities.

The process to amend the rules began in late 1999 when the Board developed a package of proposed changes. These proposed changes were published in the North Carolina Register and a copy was also provided to the North Carolina professional societies for engineers and surveyors. A public hearing was conducted in February and the Board received comments concerning the proposed changes and modified some of the provisions based upon these remarks. The Board then formally adopted the proposed rule amendments which were evaluated by the North Carolina Rules Review Commission and later passed on by the North Carolina General Assembly.

This Special Edition of the *North Carolina Bulletin* is intended to more fully describe those changes to the Board Rules and to highlight the changes that will have an immediate impact on the practice of both engineers and surveyors. A complete version of the amended rules can be found on the Board's web site at ncbels.org or may be obtained by contacting the Board office.

THE NORTH CAROLINA BULLETIN

Published to provide news and information regarding statutory and regulatory changes, and to promote a better understanding of the practices of engineering and land surveying in the State of North Carolina.

Board Office

310 W Millbrook Road
Raleigh, North Carolina 27609

Telephone

(919) 841-4000

Facsimile

(919) 841-4012

Web Site

www.ncbels.org

James B. Hunt, Jr.
Governor

BOARD MEMBERS

David L. Peeler, PE
Chairman

George E. Freeman, PE, PLS
Vice-Chairman

Doris M. Rodgers, Public Member
Secretary

Henry V. Liles, Jr., PE

Dr. Joseph Monroe, Public Member

William C. Owen, PLS

Kenneth D. Suttles, PLS

M. Frank Tyndall, PE

C. Phil Wagoner, PLS

Jerry T. Carter
Executive Director
Editor in Chief

Lou Ann Buck
Associate Editor

LICENSEES REMINDED OF BID RESTRICTIONS

An amendment to the Rules of Professional Conduct reminds licensees of the existing requirements concerning offering bids for professional services for public projects. Under revised section .0701(f), licensees shall solicit work or accept work on the basis of qualifications and "Shall, with regard to fee bidding on public projects, comply with the provisions of G. S. 143-64.31 and shall not knowingly cooperate in a violation of any provision of G. S. 143-64.31." This revision was effective August 1, 2000.

In 1987, the North Carolina General Assembly passed the "Mini Brooks Act" which declared that it was the policy of the State for all state agencies and local governmental units "to announce all requirements for architectural, engineering, and surveying services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for architectural, engineering, or surveying services at a fair and reasonable fee with the best qualified firm."

The act provides for exceptions for projects with a professional fee of less than thirty thousand dollars (\$30,000.00) and also provides for exceptions "in the sole discretion of the Department of Transportation or the unit of local government." In both instances, the governmental entity must exempt the project in writing and must provide reasons or circumstances concerning the exemption.

The amendment to the Rules of Professional Conduct emphasizes that, when licensees are requested to offer bids for professional services for public projects, it is incumbent that the licensee determine that the governmental entity has exempted itself from the requirements of the Mini Brooks Act before providing any bid information. A licensee who offers bid information on a public project, when the governmental agency has not exempted itself from this act in writing, will be in violation of the Rules of Professional Conduct and subject to sanctions by the Board. The Board intends to meet with representatives of the North Carolina Department of Transportation, the North Carolina Association of County Commissioners, the League of Municipalities and other stakeholders to insure the dissemination of this information to appropriate officials within State and local governments.

This amended language does not limit licensees from providing bid information on public projects that have been exempted or any private projects. The Board does encourage all licensees to strive to compete for employment based upon qualifications and competence to perform the services needed.



AMENDMENTS TO BOARD RULES

Although a number of changes were made to the Board rules, many were non-technical in nature and considered “house-cleaning” issues. These changes impact Board processes and nomenclature used in the administration of the practice act but do not affect the current practices of licensees.

The following represents a recital of the amendments to Board rules that pose an immediate impact to an applicant or licensee and which must be put into practice immediately. A full copy of the Board Rules are available on the Board web site at www.ncbels.org or can be obtained by contacting the Board office.

.0400 RECORDS AND REPORTS OF BOARD: RETENTION AND DISPOSITION

.0402 RECORDS OF APPLICATIONS

All records of applications... ..

Inactive applications will be destroyed after one year after giving 30 days notice to the last known address of the applicant, upon approval of the Department of Cultural Resources.

.0500 PROFESSIONAL ENGINEER

.0501 REQUIREMENTS FOR LICENSING

(a) Education

(3) Equivalent Education Satisfactory to the Board

(A) A graduate degree in Engineering from an institution in which the same discipline undergraduate engineering curriculum has been accredited by ABET shall be considered equivalent to an engineering curriculum of four or more years approved by the Board.

(b) Experience

(2) Required Experience. In evaluating the work experience required, the Board may consider the total experience record and the progressive nature of the record. (Not less than half of required engineering experience shall be of a professional grade and character, and shall be performed under the responsible charge of a licensed Professional Engineer, or if not, a written explanation shall be submitted showing why the experience should be considered acceptable and the Board may approve if satisfied of the grade and character of the progressive experience.

**(Similar language was inserted in rule .0601 concerning progressive surveying experience)*

(4) Specific Credit for Experience. In evaluation progressive engineering... ..
The Board, however, shall not accept combinations, restricted only to the categories noted above, as fulfilling all the necessary statutory experience requirements. Every applicant for licensure as a Professional Engineer, as part of the total experience requirement, shall show a minimum of one year experience of a progressive engineering nature in industry, or government, or under a licensed Professional Engineer offering service to the public.

Full time engineering faculty members who teach in approved engineering curriculum offering a four year or more degree approved by the Board, may request waiver of the minimum one year experience in industry, government, or private practice if they demonstrate consulting or research work of a least one year's duration, which was pursued to fruition, and which is of a progressive engineering nature. The faculty applicant shall document the work and demonstrate that the work meets the Board requirement.

(Continued on page 4)

(continued from page 3)

.0502. APPLICATION PROCEDURE: INDIVIDUAL

(c) Applicable Forms:

(1) Engineering Intern Form. This form requires the applicant to set forth personal history, educational background, provide character references, and furnish a photograph for identification purposes. The form is for use by those graduating, or those having graduated, from an engineering curriculum approved by the Board as follows:

(A) Students graduating within two semesters, or the equivalent, of the semester in which the fundamentals of engineering examination is administered.

(f) Model Law Engineer. The term "Model Law Engineer" refers to a person who meets the requirements of this Section by meeting the requirements of NCEES and has a current NCEES record on file and is designated as a "Model Law Engineer." A "Model Law Engineer" application is administratively approved by the Executive Director based upon the designation, without waiting for the next regular meeting of the Board at which time the action is reported to the Board for final approval.

.0505 EXPIRATIONS AND RENEWALS OF CERTIFICATES

(a) Professional Engineer licensure. An annual renewal fee of forty dollars (\$40.00) for certificates of licensure for Professional Engineers shall be payable to the Board. A late fee is applied in accordance with G.S. 89C-17. The Board shall send to each licensed Professional Engineer a form which requires the licensee to provide the Board with both the business and residential addresses, and the professional development hours (PDH) obtained during the previous year. The licensee shall give notice to the Board of a change of business or residential address within 30 days of the change.

(b) Engineering Intern Certificate. The Engineering Intern certificate does not expire and, therefore, does not have to be renewed.

**(Similar language was included in rule .0606 concerning the renewal of surveying licenses)*

.0700 STANDARDS OF PROFESSIONAL CONDUCT

.0701 RULES OF PROFESSIONAL CONDUCT

(d) The licensee shall issue public statements only in an objective and truthful manner and:

(4) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. Indiscriminate criticism includes statements without valid basis or cause or that are not objective and truthful or that fail to include all relevant and pertinent information. If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the North Carolina Board of Examiners.

(f) The licensee shall solicit or accept work only on the basis of qualifications and :

(3) Shall, with regard to fee bidding on public projects, comply with the provisions of G.S. 143-64.31, and shall not knowingly cooperate in a violation of any provision of G.S. 143-64.31.

(4) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall only report educational qualifications when a degree or certificate was awarded, unless it is clearly stated that no degree or certificate was awarded. The licensee shall not misrepresent degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing qualifications and work.

(continued on page 5)

(continued from page 4)

.800 FIRM REGISTRATION

.0802. PROCEDURE

- (b) Business Firms and Chapter 87 Corporations
- (1) Request. A request for an application for licensure as a business firm or Chapter 87 corporation [as defined in G.S. 55B-15(a)(2)] engaged in the practice of engineering or land surveying may be made at the Board address. A sole proprietorship owned and operated by the individual licensee in the licensee's name as reflected in the Board's records is exempt from firm licensure.

.1100 SEAL

.1103 STANDARD CERTIFICATION REQUIREMENTS

- (a) Certification. The seal of a licensee on a map, drawing, plan, specification, plat, document, or report shall signify that it is the final work of the licensee unless the work is stamped or clearly marked as follows, in which case certification is optional:
- (1) "Preliminary – Do not use for construction";
 - (2) "Progress Drawings – Do not use for construction";
 - (3) "Preliminary Plat – Not for recordation, conveyances, or sales";
 - (4) "Final Drawing – Not released for construction";
 - (5) "Final Drawing – For Review Purposes Only";
- (b) Certification of Final Drawings. Drawings or maps not conforming to paragraph (a) of this subsection shall conform to the following:
- (1) Certification is required on reproduces or original drawings;
 - (2) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other facsimile that becomes a permanent addition to a plan sheet or map;
 - (3) The licensee's written signature must be placed over, or near, the seal on the original document. A facsimile signature is not acceptable;
 - (4) The date of signing must be annotated on the original document;
 - (5) All sheets of engineering and surveying drawings must be sealed; and
 - (6) The name and address of the licensee's firm shall be included on each sheet of engineering drawings. For surveys, the licensee's name and address shall be included on the first sheet of the survey or title sheet.
- (c) Certification of Specifications and Reports. All specifications, reports, or other documents, including letter reports and calculations, not conforming to paragraph (a) of this subsection shall conform to the following:
- (1) Certification is required on original specifications, reports, or other documents, including letter reports and calculations;
 - (2) The seal may be a rubber stamp, or other facsimile;
 - (3) The licensee's written signature must be placed over, or near, the seal on the original document. A facsimile signature is not acceptable;
 - (4) The date of signing must be annotated on the original document; and
 - (5) The title sheet of engineering specifications or other reports must be sealed and bear the name and address of the licensee's firm. The title sheet of any survey report or written description of property shall include the name and address of the Professional Land Surveyor.
- (d) Electronically transmitted drawings. Drawings that are transmitted electronically to a client or a governmental agency shall have the computer-generated seal removed from the original file. The electronic media shall have the following inserted in lieu of the signature and date: This document originally issued and sealed by (name of sealer), (license number), on (Date of sealing). This media shall not be considered a certified document.

(Continued on page 6)

(Continued from page 5)

.1300 BOARD DISCIPLINARY PROCEDURES

.1301 IMPROPER PRACTICE BY A LICENSEE

- (d) Consultant. A consultant to the review committee shall be designated by the Board Chair if a current board member is a complainant, witness or respondent in a case. The consultant shall be a currently licensed professional engineer or professional land surveyor, depending on the nature of the case, selected from a list provided by the executive director of former Board members or other licensed professionals who are knowledgeable with the Board's processes and have expressed an interest in serving as a consultant. The consultant shall review all case materials and make a recommendation for consideration by the review committee as to the merits of the case. The consultant shall review any new information presented in the event of a settlement conference and make a recommendation to the settlement conference committee.

.1600 STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA

* A number of revisions were approved to the regulations concerning the manner and method by which Professional Land Surveyors offer and provide their services. In addition to revising the existing standards for boundary, topographic, and GIS/LIS surveys, the Board created new minimum standards for photogrammetric surveys. The new standards for photogrammetric surveys reference standards established by the Federal Geographic Data Committee (FGDC) Geospatial Positioning Accuracy Standard and applicable extensions and editions.

Based upon the number of amendments to this section and the adoption of new standards for photogrammetric surveys, a copy of the revised *Standards of Practice for Land Surveying in North Carolina (effective 8/1/00)* is being mailed to each Professional Land Surveyor currently licensed in North Carolina. Copies of the standards are available from the Board web site at www.ncbels.org or can be obtained by contacting the Board office.

.1700 CONTINUED PROFESSIONAL COMPETENCY

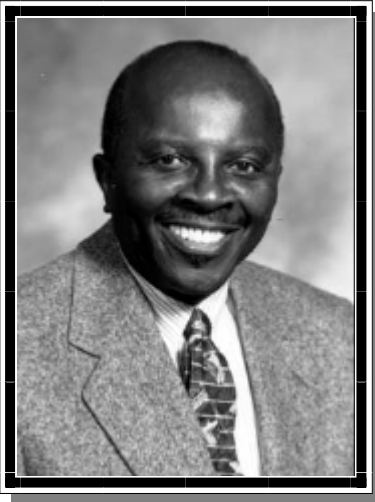
.1703 REQUIREMENTS

Every licensee shall obtain 15 PDH units during the renewal period. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDH units may be carried forward into the subsequent renewal period. Selection of courses and activities which meet the requirements of Rule .1702 Item (4) of this Section is the responsibility of the licensee. Licensees may select courses other than those offered by sponsors. Post evaluation of courses offered by other than sponsors as defined in Rule .1702 Item (6) of this Section may result in non-acceptance. PDH units may be earned as follows:

- (1) Completion of college courses.
- (2) Completion of continuing education courses.
- (3) Completion of correspondence, televised, videotaped, audiotaped, and other short courses/tutorials.
- (4) Presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions or conferences.
- (5) Teaching or instructing Items (1) through (4) of this Rule.
- (6) Authoring published papers, articles, or books.
- (7) Active participation in professional or technical societies.
- (8) Patents.
- (9) Authoring exam questions accepted for use in the engineering or land surveying exams.

BOARD MEMBERS IN THE NEWS

MONROE APPOINTED DEAN



Dr. Joseph Monroe, a Public Member of the North Carolina Board of Examiners, has been named as the Dean of the School of Engineering at North Carolina A&T State University. Monroe is an alumnus of NC A&T where he was awarded a BS in Math, English and French. Dr. Monroe later received an MS and Ph. D. in Computer Science from Texas A&M University.

Dr. Monroe previously served on staff at the United States Air Force Academy, UNC-Chapel Hill and Fayetteville State University before returning to A&T in 1991 to head the Department of Computer Science.

Dr. Monroe has been a member of the Board of Examiners since 1999 where he serves on the Board's Engineering Committee and currently chairs the Board's Continuing Professional Competency Committee.

COTTINGHAM ELECTED PRESIDENT OF NCEES

J. Richard "Dick" Cottingham, PE, PLS, was installed as the President of the National Council of Examiners for Engineering and Surveying (NCEES) at the annual meeting recently conducted in Chicago, IL. NCEES is a national confederation of Boards responsible for the licensure of engineers and surveyors throughout the United States and several territories. Cottingham will serve a one year term as President.

Mr. Cottingham is an emeritus member of the Board of Examiners having served two consecutive five-year terms on the Board beginning with his initial appointment in 1989. During his ten years of service, Cottingham served as Board Chair, Chair of the Board's Engineering Committee and was a driving force behind the Board's passing of continuing education requirements for North Carolina.

Mr. Cottingham is the first North Carolina Board Member to serve as President of NCEES since Parks Daggett, PE, served in this same capacity in 1925.

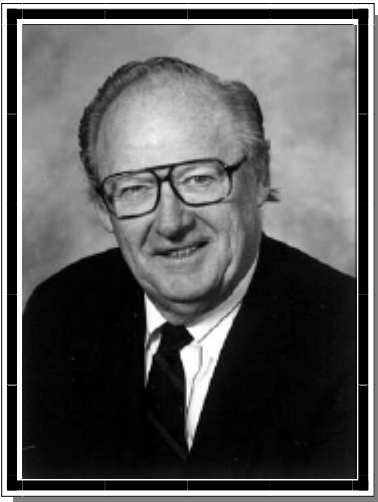


FREEMAN BESTOWED FELLOW STATUS

George E. Freeman, PE, PLS, has recently been honored by the Professional Engineers of North Carolina (PENC) and the National Society of Professional Engineers (NSPE) by being inducted into the inaugural classes of Fellows for both societies.

Mr. Freeman is a graduate of North Carolina State University where he was awarded a BS in Civil Engineering. During his professional career, Freeman's practice has included facilities, transportation and environmental engineering as well as land and site development. Freeman is a past President of PENC and past Director of NSPE.

Mr. Freeman was appointed to the Board of Examiners in 1997 and currently serves as Vice-Chair of the Board.



In this Issue...

**Board Amends Regulations
Page 1**

**Licensees Reminded of Bid
Restrictions
Page 2**

**Explanation of Rule
Amendments
Pages 3 through 6**

**Monroe Appointed Dean
Page 7**

**Cottingham Elected President
of NCEES
Page 7**

**Freeman Inducted as Fellow
Page 7**

**Public Forums
Page 8**

PUBLIC FORUMS FOR PERFORMANCE-BASED UST CLEANUPS

The North Carolina Division of Waste Management's Underground Storage Tank (UST) Section and the NC Petroleum UST Funds Council are currently considering implementation of a voluntary, performance-based or pay-for-performance (PFP) approach to cleaning up leaking UST sites. In a PFP cleanup, an agreement or contract is established that establishes a fixed price for the cleanup of a site. Draft PFP legislation has been prepared with the anticipation of introducing it in the NC General Assembly during the 2001 session. However, before such action is taken, the UST Section and the Funds Council desire to obtain as much input as possible from UST stakeholders concerning PFP. To that end, two public forums will be held in September at which time inquiries and comments can be directed to UST Section staff and members of the Funds Council. Times and locations of these forums are as follows:

1st Forum

When: Thursday, September 14, 2000, 7:00 - 10:00 PM
Where: Archdale Building, Ground Floor Hearing Room (G-19)
512 N. Salisbury Street, Raleigh, NC

2nd Forum

When: Tuesday, September 19, 2000, 7:00 - 10:00 PM
Where: Cooperative Extension Auditorium, Hal Marshall Center
700 N. Tryon Street, Charlotte, NC

Persons unable to attend either forum may submit written comments to the following:

George Mathis, Jr.,
Head, Trust Fund Branch
NC Division of Waste Management, UST Section
1637 Mail Service Center
Raleigh, NC 27699-1637