



The North Carolina Bulletin

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

April 2012 Spring Issue



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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.

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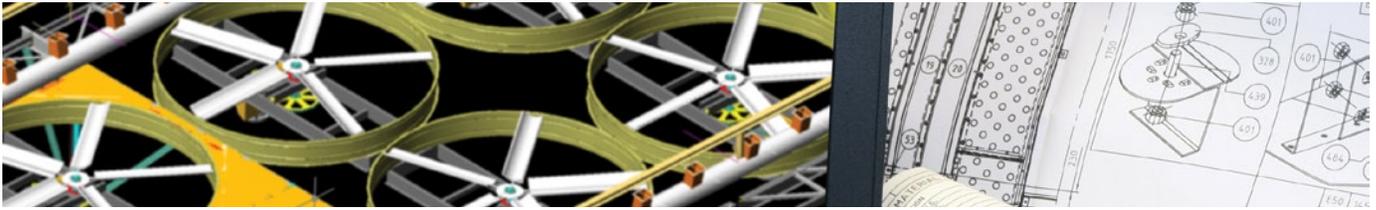
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View from the Chair

By David L. Pond, PE



Many of us have or will assume the role of Successor Engineer many times throughout our careers. According to Board Rule 21 NCAC 56.0701(c)(4), you assume this role when:

- The Engineer in Responsible Charge of the work is unavailable to complete the work
- The work is a design signed and sealed by an out-of-state Engineer
- The work is a site adaptation of a standard design (limited role)

In becoming a Successor Engineer, in most cases you must take "Responsible Charge of the Work" as defined in the Board Rules 21 NCAC 56.0701(c)(3). In addition to the Board Rules definition, there have been several articles written over the years that offer further guidance. The two that stand out were written by Al Bass, PE, PLS in 1988 and updated by David Peeler, PE in winter 2004. I encourage you to refresh your memory by reading David Peeler's article which can be found on the NCBELS website (www.ncbels.org) under *Newsletters*. In review of David's article, he lists ten attributes that serve as indicators of compliance but the one attribute that always applies when an Engineer assumes Responsible Charge is that you **must be competent by training and experience** represented by the work in question.

In the situations below, you'll see how an Engineer can assume the role as Successor Engineer and take Responsible Charge:

- 1. If an Engineer in Responsible Charge of the work is unavailable to complete the work, or the work is a design plan signed and sealed by an out-of-state Engineer** – In this situation the Successor Engineer may take Responsible Charge by performing and documenting all professional services to include developing a design file including work or design criteria, calculations, code research, and any necessary and

appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the Successor Engineer but must distinguish in a clean and obvious manner and accurately reflect the Successor Engineer's work. The burden is on the Successor Engineer to show such compliance. The Successor Engineer shall have control of and responsibility for the work product and the signed and sealed originals of all documents. [See Board Rule 21 NCAC 56.0701(c)(4)]

- 2. In a situation where an Engineer must make changes to a document previously signed and sealed by another Engineer who is no longer available, the Engineer has two options:**

Assume Responsible Charge for all the work by following the process outlined in item 1 above.

– OR –

Assume Responsible Charge for only the changes being made to the work. In this situation the Engineer should follow the procedure outlined under Board Rule 21 NCAC 56.1103 but in general you must identify the changes made and sign, seal, and date those changes. In most cases the note under Board Rule .1103(c)(7) is appropriate to be added to the document which states: "Not a Certified Document as to the Original Document but Only as to the Revisions – This document originally issued and sealed by (name of Engineer), (license number), on (date of sealing). This document is only certified as to the revisions."

- 3. The work is a site adaptation of a standard design plan** – A standard design plan is not subject to the requirements in 21 NCAC 56.0701(d)(4) unless the standard plan has been produced or modified for a specific location, in which case it is no longer a standard design plan. The Successor Engineer reviews the standard design plans for code conformance, design adequacy, and site adaptation for the specific application within North Carolina. In providing this review, the

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New Professional Engineers gather for group photo after receiving certificates at Charlotte Ceremony.

Winter 2012 Certificate Ceremonies

Two groups of successful candidates from the October 2011 PE and PLS exams received their wall certificates at events sponsored by the Board in Charlotte and Raleigh.

The Charlotte ceremony was held on January 23, 2012 at the William States Lee College of Engineering in the Halton Arena on the UNC-Charlotte campus. Guest speaker was Dr. David T. Young, PE, Chair of the Department of Civil and Environmental Engineering at the University. Executive Director Andrew Ritter assisted Board Chair David L. Pond, PE, and Linda Thurman, Public Member of the Board, as they recognized approximately 24 new Professional Engineers who had been joined by 60 guests. Refreshments were enjoyed by the attendees after the ceremony. Board member Linda Thurman also handled event planning for the festivities.

On February 3, 2012, the Raleigh ceremony was held at The State Club on Centennial Campus at NC State University. Guest speaker was Gilbert R. Alligood, PE, PLS, who served as a Board member from 1985-1989. Executive Director Andrew Ritter and Board members Teresa H. Ratcliff, PE, PhD; Willy E. Stewart, PE; and Gary Thompson, PLS presented certificates to 35 new Professional Engineers. The new licensees, accompanied by approximately 120 guests, enjoyed light refreshments both before and after the certificate presentations.



Presenting at the Raleigh ceremony were (left to right) Board members Gary W. Thompson, PLS; Teresa H. Ratcliff, PE, PhD; speaker and former Board member Gilbert R. Alligood, PE, PLS; and Board Secretary Willy E. Stewart, PE.

Board Member Appointment

Carl M. Ellington, Jr., PE, was appointed by Governor Perdue on February 27 to fill the Board vacancy created by the expiration of the term of John S. Tunstall, PE, on December 31, 2011. Mr. Ellington's term will expire on December 31, 2016.

Mr. Ellington graduated from UNC-Charlotte in December 1980 with a BS in Urban and Environmental Engineering. He took the PE exam in April 1985 and was licensed as a North Carolina PE in July 1985. At that time Mr. Ellington worked at Charlotte/Douglas International Airport in the capacity of Airport Engineer. From the late 80s through mid-1993, he served as Director of the Myrtle Beach Airport. Since 1994, Mr. Ellington has been a principal in Talbert and Bright, Inc., an airport development consulting firm with offices in Charlotte, Wilmington, Richmond, and Columbia.

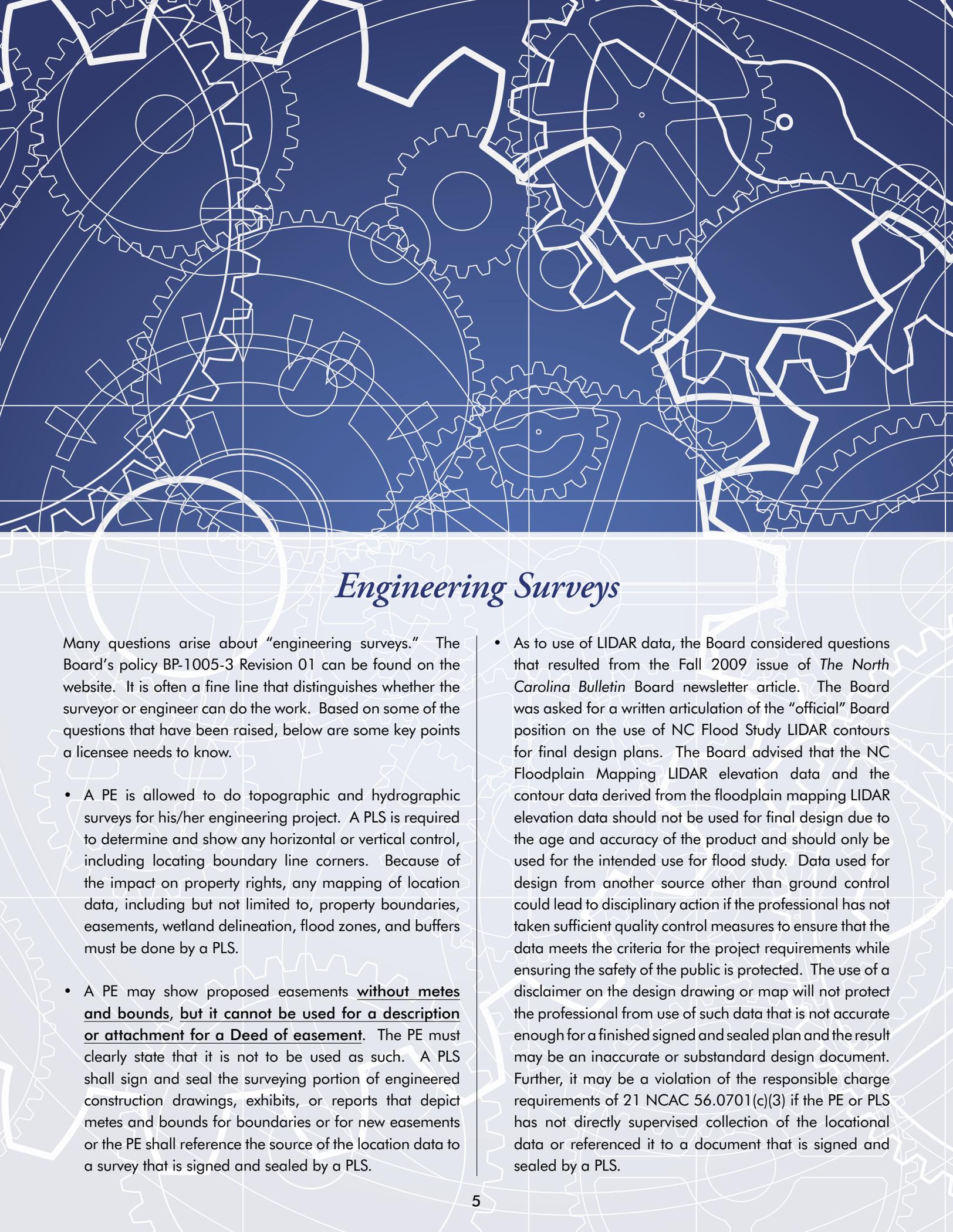
Carl lives in Charlotte with his wife Susie and son Mickey.

View from the Chair continued from page 3

Successor Engineer assumes responsibility for such standard designs. The standard plans must bear the seal of the original design engineer who is a licensed engineer in another state, or North Carolina, and shall be sealed by the reviewing Successor Engineer who is assuming responsibility (responsible charge) for site adaptation and code compliance. In addition to the seal, a statement shall be included on the plans as follows: "These plans have been properly examined by the undersigned. I have

determined that they comply with existing local North Carolina codes, and have been properly site adapted for use in this area." [See Board Rule 21 NCAC 56.1106]

In summary, the key to remember when becoming a Successor Engineer is the requirement of Responsible Charge. Should you run across a situation that you are unsure how to handle, we encourage you to call the Board office and ask for guidance. We are here to help!



Engineering Surveys

Many questions arise about “engineering surveys.” The Board’s policy BP-1005-3 Revision 01 can be found on the website. It is often a fine line that distinguishes whether the surveyor or engineer can do the work. Based on some of the questions that have been raised, below are some key points a licensee needs to know.

- A PE is allowed to do topographic and hydrographic surveys for his/her engineering project. A PLS is required to determine and show any horizontal or vertical control, including locating boundary line corners. Because of the impact on property rights, any mapping of location data, including but not limited to, property boundaries, easements, wetland delineation, flood zones, and buffers must be done by a PLS.
- A PE may show proposed easements without metes and bounds, but it cannot be used for a description or attachment for a Deed of easement. The PE must clearly state that it is not to be used as such. A PLS shall sign and seal the surveying portion of engineered construction drawings, exhibits, or reports that depict metes and bounds for boundaries or for new easements or the PE shall reference the source of the location data to a survey that is signed and sealed by a PLS.
- As to use of LIDAR data, the Board considered questions that resulted from the Fall 2009 issue of *The North Carolina Bulletin* Board newsletter article. The Board was asked for a written articulation of the “official” Board position on the use of NC Flood Study LIDAR contours for final design plans. The Board advised that the NC Floodplain Mapping LIDAR elevation data and the contour data derived from the floodplain mapping LIDAR elevation data should not be used for final design due to the age and accuracy of the product and should only be used for the intended use for flood study. Data used for design from another source other than ground control could lead to disciplinary action if the professional has not taken sufficient quality control measures to ensure that the data meets the criteria for the project requirements while ensuring the safety of the public is protected. The use of a disclaimer on the design drawing or map will not protect the professional from use of such data that is not accurate enough for a finished signed and sealed plan and the result may be an inaccurate or substandard design document. Further, it may be a violation of the responsible charge requirements of 21 NCAC 56.0701(c)(3) if the PE or PLS has not directly supervised collection of the locational data or referenced it to a document that is signed and sealed by a PLS.

Violations Update

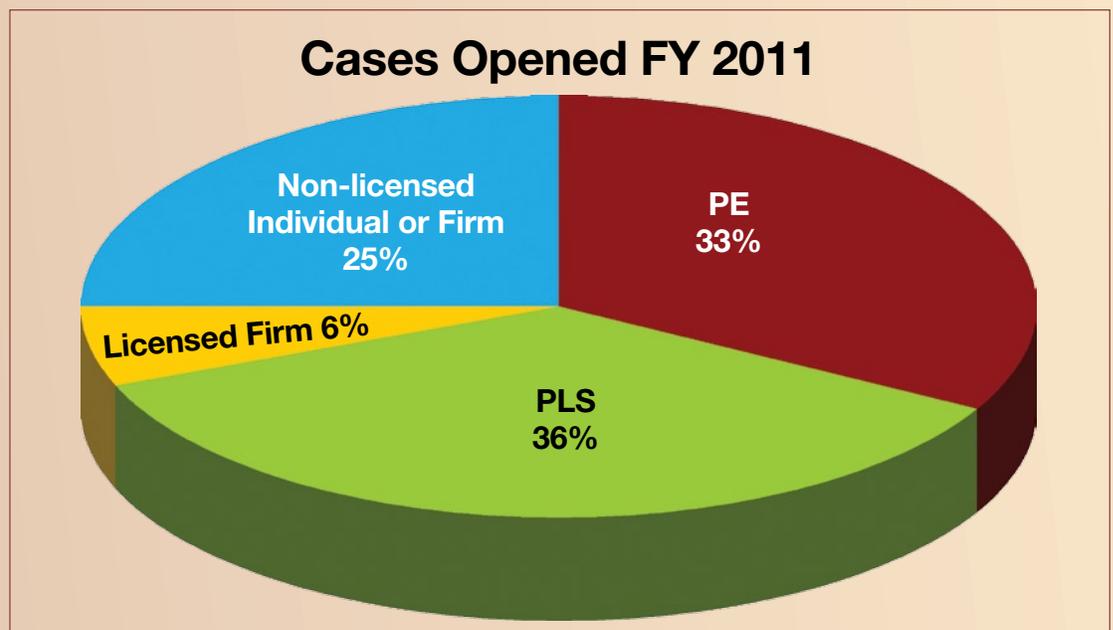
In order to protect the health, safety, and welfare of the public, the Board must investigate alleged violations of *The Engineering and Land Surveying Act*, Chapter 89C, of the North Carolina General Statutes, and the North Carolina Administrative Code, Title 21, Chapter 56, more commonly referred to as the Board Rules. Investigating complaints is one of the Board's principal obligations and a duty it takes very seriously. To carry out this charge, the Board's staff investigates sworn to and notarized complaints, as well as cases initiated by the Board. Upon completion of an investigation, a review committee of the Board considers the case and makes a recommendation to the full Board as to whether to close the case, issue a Notice of Contemplated Action, or to take some other action.

In the back of each issue of *The North Carolina Bulletin*, you will find those who have violated the provisions G. S. 89C or the Board Rules. While it's not uncommon for the newsletter to have four or five pages of violations, which may seem like a lot, the good news is that relatively few licensees are investigated by the Board in any given year and still fewer are disciplined.

At the end of fiscal year 2011, ending on November 30, the Board had 23,090 Professional Engineers, 2,618 Professional Land Surveyors, and 3,416 licensed business firms, for a total of 29,124 licensees. During the fiscal year the Board opened 80 cases against licensees (35 PE, 39 PLS, and 6 firms). In addition, the Board opened 27 cases against companies and individuals for practicing or offering to practice engineering or land surveying without a license.

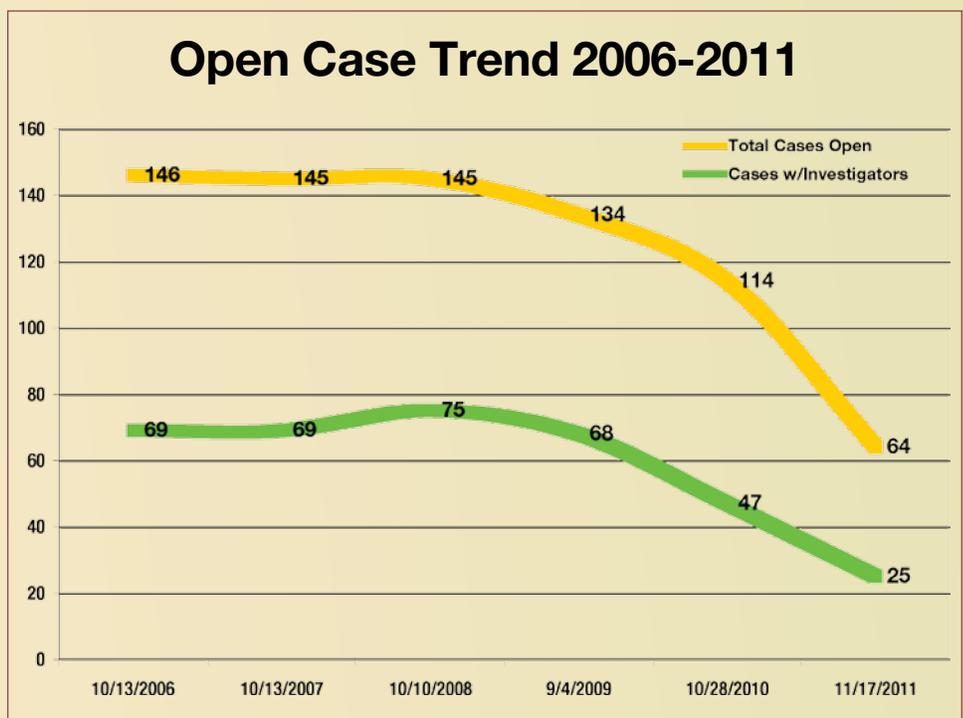
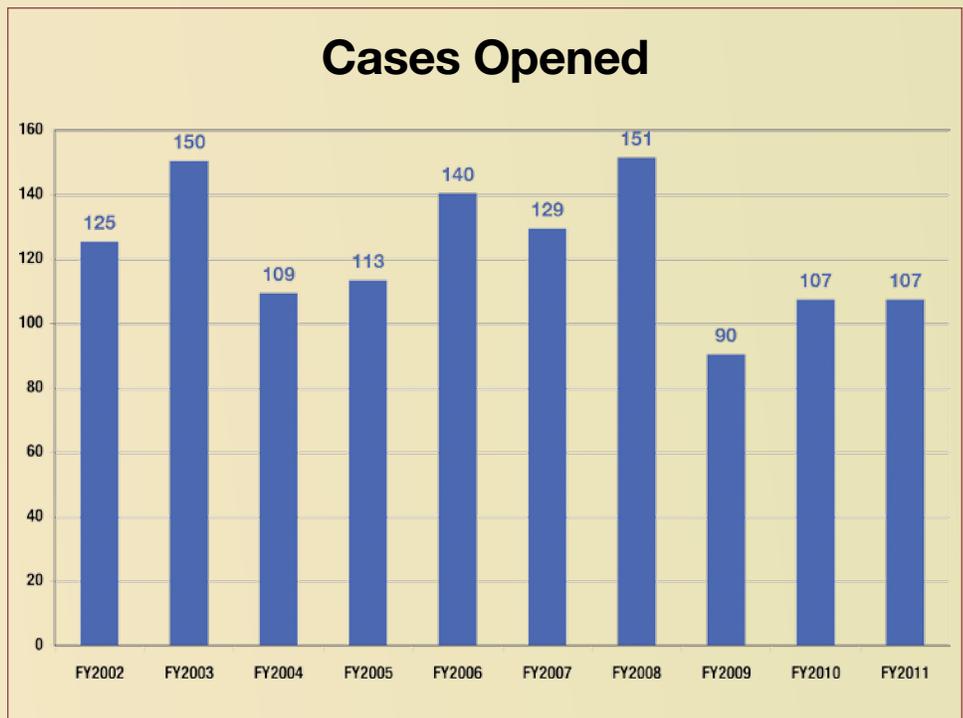
The Board closed 147 cases during the fiscal year, which included 122 cases against licensees. Of those 122 cases, the Board disciplined 53 licensees including actions against 23 Professional Engineers, 26 Professional Land Surveyors, and 4 businesses. The Board also closed 25 cases against non-licensees with 60% resulting in letters to cause the non-licensee to cease and desist the non-licensed practice or the case being referred to other agencies for action.

This chart illustrates the cases that were opened last year, which was a typical year.



When compared to the 10-year average of 122 cases per year, the Board's caseload has been down over the last three years, perhaps due in part to the economic downturn. With a reduced caseload and the addition of an investigator over the last year, the Board has been able to reduce the time it takes to investigate a complaint. With the current caseload and staffing, it's the Board's goal to complete investigations within four months of receipt of a complaint. While the Board desires to conduct speedy investigations, it also must conduct thorough investigations so its committees can make informed decisions. Also, given the disciplinary process of a licensee case of review committee, settlement conference, and possibly hearing, cases can remain open for many months. Cases that are appealed to Superior Court, or higher courts, can remain open for years.

The chart at right shows the downward trend of the Board's caseload. The yellow line illustrates the total number of cases open at a particular point in time over a five-year period. These include cases that were pending investigation or were actively being investigated, cases that were pending review, pending settlement, in the courts, etc. The green line illustrates only cases that were pending investigation or were being actively investigated. If the trend continues or remains at the current level, the Board will be able to better serve the public than at times when there has been a backlog of cases.



If you have questions about the Board's enforcement program, you should consider attending one of the many presentations the Board staff makes around the state for the professional societies or you may contact David Evans, Assistant Executive Director (djevans@ncbels.org).

Examination Statistics & Dates

October 2011 Exam Statistics

The results from the October 2011 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

Fundamentals of Engineering (FE)	73.18% pass rate
Principles & Practice of Engineering (PE)	64.87% pass rate
Fundamentals of Surveying (FS)	51.43% pass rate
Principles & Practice of Surveying (PS)	

	October 2011	January 2012
Part A:	57.14% pass rate	-----
Part B:	64.00% pass rate	90.00% pass rate
Part C:	63.64% pass rate	50.00% pass rate

2012-2013 Examination Dates

National examinations are to be conducted on the following dates:

April 13 & 14, 2012	Deadline: January 2, 2012
October 26 & 27, 2012	Deadline: August 1, 2012
April 12 & 13, 2013	Deadline: January 1, 2013

The Board administers national licensure examinations as offered by the National Council of Examiners for Engineers and Surveying (NCEES). For additional information about the exams or application process, please visit the Board's website at www.ncbels.org or contact the Board office at (919) 791-2000.

Examination dates for Out-of-State Surveying Applicants

The Board of Examiners has added an exam date for **Out-of-State Surveying Applicants ONLY**. The usual April and October examination periods also apply.

July 23, 2012	Application Deadline: May 1, 2012
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Future Changes to NCEES Exams



In the October 2012 exam administration, NCEES will implement changes to the following Principles and Practice of Engineering (PE) exams:

- **PE Fire Protection** – The PE Fire Protection exam has revised specifications. The new exam specifications are posted online at www.ncees.org.
- **PE Nuclear** – The PE Nuclear exam has revised specifications. The new exam specifications are posted online at www.ncees.org.

—Tim Miller, PE, Director of Examination Services



Use of Existing Surveys

(This article by the Surveying Committee will appear in an upcoming edition of the Real Estate Bulletin of the NC Real Estate Commission.)

Knowledge of survey plats is essential to your real estate practice. Prepared by Professional Land Surveyors (PLS) in North Carolina, survey plats are visual records of properties at the time the surveys were performed.

Whether you list a property or research one for a prospective buyer, you should caution your client to be certain that any existing plat prepared by a surveyor in the past is a true description of the property in the present.

The accuracy of any survey plat, as a snapshot in time, is only assured by the licensed surveyor on the date of performance of the survey. At any time afterward, changes can occur, including, but not limited to:

- Alteration of property corners
- Encroachment of buildings or fences or other structures
- New easements
- Violations of current zoning laws
- Revised buffer and flood zones
- Sale of part of the property
- Reshaping of impervious surface area

Relying on plats that do not reflect changes occurring since the last survey has the potential to harm the purchaser of the property and the public. Historical survey plats, especially, are more likely not to provide the purchaser with the current

accuracy of the boundaries or of any potential liabilities that may have evolved over time.

A map of survey must meet the North Carolina Board of Examiners for Engineers and Surveyors Board Rules, specifically 21 NCAC 56.1604 (Office of Administrative Hearings, www.ncoah.com/rules) and, if the plat is going to be recorded in a county Register of Deeds office in a plat book, North Carolina General Statute 47-30 (North Carolina General Assembly, www.ncleg.net). The Board Rules and Statutes, including GS 47-30, are available from the Board's website at www.ncbels.org.

Survey plats can be prepared on three map sizes, 18" x 24", 21" x 30", and 24" x 36". At a minimum, each county Register of Deeds must accept the 18" x 24" size. Plats prepared to meet Board Rules do not have a size requirement, but the size of a map must permit all details to be legible on a copy. If a plat is going to be recorded as an attachment to a deed, the size requirement is no larger than 8½" x 14".

A sample GS 47-30 plat can be found at www.ncbels.org/forms/Sample_PLAT.pdf.

For any questions or help when ordering or using surveys, please contact the Board of Examiners for Engineers and Surveyors at (919) 791-2000 or visit the website at www.ncbels.org.

Is Your Business Firm Compliant?

North Carolina General Statutes require both individual and firm licensure. The Board has discovered that far too many out-of-state engineers and surveyors obtain an individual license after their non-licensed company has already offered engineering or surveying services. There have even been instances where the individual seeks licensure after the work is done and all that's left is to certify the drawings, report, etc. Individuals and engineering and surveying businesses must get licensed **prior** to offering or providing services.

The North Carolina Professional Corporation Act (N.C.G.S. 55B) has specific ownership and employee requirements. Just licensing an employee may not allow the firm to qualify for licensure, so it's important to communicate with the Board if you are not sure what type of licensure to seek or whether your company qualifies for licensure.

The Board has also discovered many licensees operating non-licensed sole proprietorships. 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. However, if a licensee offers or provides services under any other name, an additional Non-Exempt Sole Proprietorship Firm License is required unless otherwise licensed as a business. For example, if the Board's record reflects the licensee's name as "John Q. Public," he can't operate as "Public Engineering" or "J. Q. Public Engineering" unless separately licensed with the Board.

Board Rules .1103(a)(6) and (b)(5) were revised in May 2010 and require firm license numbers to appear on all engineering and surveying documents, specifications, reports, etc. During recent map reviews at Register of Deeds offices throughout the State, it was found that many maps are still being recorded without firm license numbers. There is no requirement that the firm number appear in the form of a firm seal; however, the number must appear on all engineering and surveying work products.

Ever wonder how to update your firm record with the Board? Most firm changes such as personnel, ownership, branch office additions/deletions, etc. can be done by using Firm Change Forms. The forms for a Professional Corporation, Professional Limited liability Company, Business Firm (sole proprietorship, partnership, Pre-69), and Chapter 87 Corporation are under the Business Section of the Board's web site (www.ncbels.org). Some changes require a fee and

additional documents. If you have questions about proposed changes, please contact the Director of Firm Licensure.

It's never too early to start thinking about firm renewals. At the end of May each licensed firm will receive a postcard reminder, sent to the address the Board has on file, that it's time to renew. The postcard provides renewal instructions. The firm renewal fee for 2012-2013 is \$75.00, and the process must be completed by June 30, 2012 to avoid the additional reinstatement fee and the possibility of firm suspension.

For any business firm questions, e-mail Mark Mazanek, Director of Firm Licensure, at mmazanek@ncbels.org or call him at (919) 791-2000 x 102.

Is Your Address Up To Date?

Board Rules require licensees to update their business and residential addresses within 30 days of the change. While preparing for the 2012 individual license renewals, it was discovered by the Board that over 800 licensees had made address changes with the U. S Postal Service, but not with the Board of Examiners for Engineers and Surveyors.

The vendor that prints the renewal forms uses the address change made with the U. S. Postal Service so the licensee gets the renewal. As a result, the licensee sees the correct address on the form and assumes the Board record reflects the new address. However, that is not the case. It is the licensee's responsibility to make the address change via the Board's web site (www.ncbels.org) or to notify Board staff of an address change. The Board will not change a licensee's address without the licensee making the request.

Board Rule 21 NCAC 56.0505(a) and 21 NCAC 56.0606(a) require Professional Engineers and Professional Land Surveyors to provide the Board the physical places of business and residential addresses, report compliance with continuing education requirements, and report criminal convictions or disciplinary actions. The licensee shall give notice to the Board of a change of business or residential address **within 30 days of the change**. Criminal convictions, including DWI but not including minor traffic offenses (offenses that are not a misdemeanor or felony), or any disciplinary actions in any jurisdiction on any license, must also be reported within 30 days of the conviction or disciplinary action. A *nolo contendere* plea is equated to a conviction for reporting purposes.

Disciplinary Actions 2012-1

The following summaries represent disciplinary actions taken by the Board. Penalties vary depending upon the specific circumstances of each case. Space limitations preclude full reporting of all circumstances.

Questions or requests for information concerning specific cases should be directed to

David S. Tuttle, Board Counsel, at (919) 791-2000, extension 111 or via email to dstuttle@ncbels.org.

CASE NO. V2006-062

David Dwight Gray [PE 9807-Revoked]
Granite Falls, NC

VIOLATION: Practiced or offered to practice engineering in NC without a license as required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering in NC to include but not limited to producing any engineering or building designs, including designs that are presented to a Professional Engineer for signing and sealing.

CASE NO. V2007-086

Daniel W. Owens, unlicensed
Angier, NC

VIOLATION: Practiced or offered to practice engineering in NC without a license and presented or attempted to use the certificate of licensure or seal of another in violation of G.S. 89C-23.

BOARD ACTION: Consent Agreement wherein respondent agreed to not practice or offer to practice engineering in NC and not modify, change or copy an engineering design certified by a Professional Engineer or copy the signature or seal of a Professional Engineer onto any work product.

CASE NO. V2009-082

Nathan W. Hilliard, PE [9523]
Bahama, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)] and failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)] by not providing sufficient guidance for repairs.

BOARD ACTION: Reprimand.

CASE NO. V2009-090

Douglas R. Sherrill, PLS [L-4597]
d/b/a The LandPlan Group, PC
Dahlonge, GA

VIOLATION: Failed to sign and seal drawings not marked as preliminary [.1103]; he and his corporation practiced or offered to practice engineering in violation of G. S. 89C-23, 24 and 55B; and failed to use the revised title "Professional Land Surveyor" [G. S. 89C-3(9) and .1102].

BOARD ACTION: Reprimand.

CASE NO. V2010-038

Hood L. Richardson, PLS [L-2522]
Washington, NC

VIOLATION: Performed a substandard survey which failed to protect the public [.0701(b)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to monument corners [.1602(d)]; and failed to provide an adequate tie to a location off the property [.1602(g), .1604(d)(9)].

BOARD ACTION: Suspended his Land Surveying Certificate of Licensure for one year beginning on the date of receipt of the Decision and Right of Appeal (October 1, 2011).

CASE NO. V2010-040

Philip M. Henley, PLS [L-1494 No Renewal]
Asheboro, NC

VIOLATION: Violated the conditions of the Decision and Order by not paying the \$1,000 civil penalty.

BOARD ACTION: Suspended his Land Surveying Certificate of Licensure beginning on the date of the Decision and Order (August 23, 2011) and continuing until such time as he pays the \$1,000 civil penalty.

CASE NO. V2010-049

Michael F. Blaney, PLS [L-3741]
Tannersville, NY

VIOLATION: Violated the conditions of the Decision and Order by not paying the \$1,000 civil penalty.

BOARD ACTION: Suspended his Land Surveying Certificate of Licensure beginning on the date of the Decision and Order (October 19, 2011) and continuing until such time as he pays the civil penalty.

CASE NO. V2010-056

Paul Stafford, unlicensed
Raleigh, NC

VIOLATION: Practiced or offered to practice engineering in NC without a license as required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering in NC until licensed with the NC Board and referred case to NC Board of Architecture for further action.

CASE NO. V2010-061

James T. Edwards, Jr., PLS [L-3818]
Seaboard, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner as to acreage [.1602(f)].

BOARD ACTION: Reprimand.

CASE NO. V2010-069

James R. Littleton II, PE [22533]
Stallings, NC

VIOLATION: Violated the conditions of the Decision and Order by not paying the \$5000 civil penalty.

BOARD ACTION: Suspended his Engineering Certificate of Licensure beginning on the date of the Decision and Order (September 27, 2011) and continuing until such time as he pays the civil penalty.

CASE NO. V2010-071

P. Mark Simpson, PE [13036]
Waxhaw, NC

VIOLATION: Affixed his seal to inadequate design documents as to investigation of existing structural conditions, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand.

CASE NO. V2010-074

D. Glenn Key, PE [34681]
Cary, NC

VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)] and failed to properly certify documents [.1103].

BOARD ACTION: Reprimand and \$1500 civil penalty.

CASE NO. V2010-082

Jeffery M. Simpson, PE [13785]
Monroe, NC

VIOLATION: Failed to be completely objective and truthful in professional reports and statements [.0701(d)(1)] by reporting on areas not observed; failed to properly certify documents [.1103(a)(5), (b)(5)]; and affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)] by copying the work of another PE.

BOARD ACTION: Reprimand and \$1000 civil penalty.

CASE NO. V2010-085

Benton W. Dewar, PLS [L-3040]
Holly Springs, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; failed to include all relevant and pertinent information in a report or statement [.0701(d)]; failed to be completely objective and truthful in a professional report and statement [.0701(d)(1)]; and failed to properly certify document [.1103].

BOARD ACTION: Reprimand and furnish proof of passing, within three months of date of Decision and Order, the Professional Ethics Course offered by New Mexico State University.

CASE NO. V2011-004

Atlantic Foundation & Repair, LLC [D-0244]
Garner, NC

VIOLATION: Failed to conduct its practice in order to protect the public health, safety and welfare [.0701(b)] by using unlicensed individuals to make engineering assessments and for the firm, as a "Chapter 87 Corporation" offering engineering beyond the limited engineering allowed in conjunction with their construction or installation contract.

BOARD ACTION: Reprimand.

CASE NO. V2011-006

Perry Barber, d/b/a Barber's Design Company, unlicensed
Raleigh, NC

VIOLATION: Practiced or offered to practice engineering in NC without a license as required by G.S. 89C-23, 24, and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC, to include but not limited to fire protection and sprinkler design, until such time as the respondent becomes licensed with the NC Board.

CASE NO. V2011-007

Richard D. Tucker, PE [8664]
Locust, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare with respect to hazard rating of shed [.0701(b)] and failed to be completely objective and truthful with respect to invoices [.0701(d)(1)].

BOARD ACTION: Reprimand and require proof within six months of the date of Decision and Order of passing the Engineering Intermediate Level Study of Ethics offered by the Murdough Center of Texas Tech University.

CASE NO. V2011-008

William G. Bradley, PLS [L-2653]
Mills River, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)]; failed to identify all reference sources [.1602(f)]; failed to provide adequate tie [.1602(g), .1604(d)(9)]; failed to describe revision [.1103(a)(7)]; failed to report the results of

a survey in a clear and factual manner as to right-of-way, deed conflicts and subdivision ordinance [.1602(f)]; failed to accurately locate all apparent improvements where crossing boundary as to road [.1604(d)(8)]; failed to comply with G.S. 47-30(c) by not showing name of owner (the name of owner shall be shown for indexing purposes); and failed to provide an adequate legend [.1604(d)(11)].

BOARD ACTION: Reprimand, \$2,000 civil penalty, and required to furnish proof of passing, within three months of the date of Decision and Order, the Professional Ethics Course offered by New Mexico State University.

CASE NO. V2011-010

Mountain Geologic, PLLC [P-0357]
Canton, NC

VIOLATION: Failed to have a resident licensed professional in responsible charge in each office [.0901].

BOARD ACTION: Revocation.

CASE NO. V2011-011

HSS Land Surveying Services, LLC, unlicensed
Bloomsburg, PA

VIOLATION: Practiced or offered to practice land surveying in NC without a license in violation of G.S. 89C-24, 57C and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice land surveying in NC until licensed with the NC Board.

CASE NO. V2011-012

Robert J. Hardie, unlicensed
Bloomsburg, PA

VIOLATION: Practiced or offered to practice land surveying in NC without a license in violation of G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice land surveying in NC until licensed with the NC Board.

CASE NO. V2011-014

John W. Andrew, PE [7175]
Greensboro, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)]; performed services outside his area of competence [.0701(c)(3)]; and produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)].

BOARD ACTION: Suspended his Engineering Certificate of Licensure until he furnishes proof of passing the NCEES Structural Exam (16 hour exam).

CASE NO. V2011-018

David K. Alley, PLS [L-4492]
Winston-Salem, NC

VIOLATION: Failed to perform services in an ethical manner [.0701(g)]; supplanted or attempted to supplant another land surveyor in a particular employment after becoming aware they had been selected [.0701(e)(7)]; and failed to be completely objective and truthful in professional reports and statements [.0701(d)(1)].

BOARD ACTION: Reprimand, \$2,000 civil penalty and required to furnish proof of passing, within three months of the date of the Decision and Order the Professional Ethics Course offered by New Mexico State University.

CASE NO. V2011-020

Roy L. Brown, PE [26672]
Birmingham, AL

VIOLATION: Surrendered his license to practice engineering in another jurisdiction in violation of G.S. 89C and Board Rules [.0701(h)].

BOARD ACTION: Accepted his voluntary and permanent surrender of license.

CASE NO. V2011-022

Patrick J. Gallagher, PE [18089]
Snellville, GA

VIOLATION: Guilty of felony or crime involving moral turpitude [G.S. 89C-21(a)(3)].

BOARD ACTION: Revocation.

CASE NO. V2011-023

Lawrence Fischer, PE [17504]
Orlando, FL

VIOLATION: Surrendered his license to practice engineering in another jurisdiction violating G.S. 89C and Board Rules [.0701(h)].

BOARD ACTION: Accepted his voluntary and permanent surrender of license.

CASE NO. V2011-028

John J. Eichenberger, unlicensed
Roanoke, VA

VIOLATION: Practiced or offered to practice engineering in NC without a license as required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC, to include but not limited to environmental engineering, until such time as he becomes licensed with the NC Board.

CASE NO. V2011-029

Faulkner & Flynn, Inc., unlicensed
Roanoke, VA

VIOLATION: Practiced or offered to practice engineering in NC without a license in violation of G.S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC, to include but not limited to environmental engineering, until such time as the company becomes licensed with the NC Board.

CASE NO. V2011-034

Dry Pro Basement, unlicensed
Charlotte, NC

VIOLATION: Practiced or offered to practice engineering in NC without being licensed with NC Board as required by G.S. 89C-24.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering in NC, to include but not limited to foundation analysis, recommendations and proposals for repair, until such time as the company becomes licensed with the NC Board.

CASE NO. V2011-041

Wilbur E. Dees, PE [2959]
Fayetteville, NC

VIOLATION: Produced deficient, substandard or inaccurate reports, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand.

CASE NO. V2011-044

Jeff B. Hoppes, PLS [L-4473]
Marshall, NC

VIOLATION: Indiscriminately criticized another land surveyor's work in public [.0701(d)(4)].

BOARD ACTION: Reprimand and required to furnish proof of passing, within three months of the date of Decision and Order the Professional Ethics Course offered by New Mexico State University.

CASE NO. V2011-058

Roof911 Construction, LLC, unlicensed
Smyrna, GA

VIOLATION: Practiced or offered to practice engineering in NC without a license in violation of GS 89C-24, 57C and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering or practicing engineering in NC, to include but not limited to representing engineering capabilities and use of the engineer title, until such time as the company becomes properly licensed with the NC Board.

CASE NO. V2011-059

Jonathan F. Murphy, PLS [L-4382]
Raleigh, NC

VIOLATION: Failed to properly certify documents [.1103] by using a digitized (facsimile) signature and failed to indicate firm license number.

BOARD ACTION: Reprimand and \$500 civil penalty.

CASE NO. V2011-060

P. Robert Raxter, Jr., PLS [L-2785]
Brevard, NC

VIOLATION: Practiced land surveying on an expired or inactive certificate [G.S. 89C-16, 23].

BOARD ACTION: Reprimand and \$500 civil penalty.

CASE NO. V2011-067

Donald J. Moore [L-3482-Surrendered]
Greensboro, NC

VIOLATION: Practiced or offered to practice land surveying in NC without being licensed as required by G.S. 89C-23.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice land surveying in NC, to include any offering or marketing of land surveying services in NC by the Internet or any other means.

CASE NO. V2011-074

Robert A. Walz, PE [14781]
Utica, MI

VIOLATION: Had his engineering license suspended in another jurisdiction in violation of G.S. 89C and Board Rules [.0701(h)] and failed to fully cooperate with the Board in the course of an investigation [G.S. 89C-20] by not responding to the case-opening letter.

BOARD ACTION: Refused to reinstate his Engineering Certificate of Licensure or revoke his Engineering Certificate of Licensure if renewed.

CASE NO. V2011-097

Derrick E. Giles, PE [23900]
Greensboro, NC

VIOLATION: Non-compliance with child support order as directed by child support enforcement [G.S. 110-142.1].

BOARD ACTION: Suspended Engineering Certificate of Licensure until such time as the Board receives certification by the Clerk of Superior Court or the child support agency that he is no longer delinquent in child support payments.