



# The North Carolina Bulletin

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

OCTOBER 2002

FALL ISSUE

## *View from the Chair*

by W. C. Owen, PLS



As I sit down at my desk to write this message, taking for granted that I'll be sitting here in this same spot tomorrow, one of our own, Johnie Garrason, my friend, fellow surveyor, and Board member, is lying in the hospital recovering from a stroke. This makes me sit back and think about the things that are really important in life. It certainly makes work and Board business slide down the ladder a few rungs.

Johnie, you're in my prayers and I wish you a speedy recovery.

The Board continues to review and refine our Continuing Professional Competency policies to assure that our licensees and sponsors are complying with the intent of the law. We are moving in a direction to more closely monitor the quality and content of the courses provided by our sponsors. We want to be sure that our licensees are maintaining, improving and expanding their knowledge in their fields of practice. The time has come to end the practice of "awarding" PDHs for lunch meetings, slide shows and facility tours.

We continue to face new challenges and routine business at each meeting. We have new rules in effect as of August 1 that allow electronic signatures and modified sealing requirements, among other things. You can see all the changes at [www.ncbels.org](http://www.ncbels.org). The Surveying Committee is rewriting the licensure requirements for land surveyors to include a BS degree in surveying. At a yet to be determined date, the degree would be mandatory for licensure as a Professional Land Surveyor. As a prerequisite to changing the licensure requirements, the Board provided \$45,000 to NC A & T University to establish a 4-year surveying degree program. The Engineering Committee has been working with the Architecture Board to define the joint use of seals on drawings and with the Landscape Architecture Board to clarify some overlaps in disciplines. We have upgraded our server to aid in online renewals.

Please renew online for 2003; it's easy for you and will make it more pleasant and efficient for our staff to deal with 20,000 renewals in six weeks.

### **Board Rules Amended**

Effective August 1, 2002, Title 21, Chapter 56 of the North Carolina Administrative Code 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(a).

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. A synopsis of the rule changes and how they affect the licensee can be found on page 5. A full copy of the Rules can be found on the Board's web site ([www.ncbels.org](http://www.ncbels.org)) or may be obtained by contacting the Board office.

If you have any questions about the new Rules, please contact 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.

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**Michael F. Easley**  
Governor

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# Board Makes Contribution to Surveying Program at North Carolina A&T

At its June 13, 2002 Board meeting, Board Chairman Owen presented Dr. Ken Murray, NC A&T University's Associate Vice-Chancellor for Academic Affairs and Carolyn W. Meyers, Provost for NC A&T University, a check for \$45,000.00 in support of the Bachelor's Degree program for Surveying. The Board had previously voted to endorse the development and implementation of a Bachelor of Science in Surveying program. Over the



course of the past year, representatives for the North Carolina Society of Surveyors (NCSS) have made presentations to the Board on the importance and the need for this program in North Carolina. NCSS has been working with North Carolina A&T to implement a Bachelor's program at A&T. A&T subsequently made several presentations to the Board

on the development of the Bachelor's program. A&T will begin the program this fall using a partnership with Old Dominion in Norfolk, VA and using distance learning in connection with local community colleges. At the April meeting, the Board made the motion under the authority granted under 89C-10(g) to give the donation directly to the university in order to help establish a full-time surveying program.

The Board currently is reviewing its surveying licensure requirements and is studying the feasibility of incorporating the Bachelor's degree into the minimum requirements for licensure. If you have questions about the Bachelor of Science in Land Surveying program at North Carolina A&T, please contact Dr. Murray at 336.256.0542.



## Spring Exam Results Received

The results from the April, 2002 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

<i>Exam:</i>	<i>Pass Rate:</i>
Fundamentals of Engineering	66%
Principals and Practice of Engineering	56%
Fundamentals of Land Surveying	45%
Principals and Practice of Land Surveying	46%

## Board Meetings

The Board of Examiners' meeting schedule for the remainder of the year is as follows:

October 10 & 11  
December 12 & 13



## Examination Dates

National examinations will be conducted on the dates shown below. The deadline for submitting completed applications is January 2nd for the spring exam and August 1st for the fall exam. For additional information about the exams or application process, please contact the Board office.

**April 11 & 12, 2003**  
**October 24 & 25, 2003**

## Board Directory

Main Number: 919-841-4000

<u>Name</u>	<u>Extension</u>
Laura Rogers <i>Receptionist</i>	100
Andrew L. Ritter <i>Executive Director</i>	101
Linda Peace <i>Supvr. of Firm Licensure/CPC</i>	102
Patricia Joyce <i>Renewals</i>	103
Laverne Smith <i>Surveying and Student Applications</i>	105
Lou Ann Buck <i>Admin Services Supervisor</i>	106
Sylvia Harrell <i>Engineering Applications</i>	107
David S. Tuttle <i>Board Counsel</i>	111
Audrey Thomas <i>Investigations Support</i>	112
David Evans <i>Investigations Supervisor</i>	113
Timothy Saunooke <i>Board Investigator</i>	114
Cathy Kirk <i>Board Investigator</i>	115
Mark Mazanek <i>Board Investigator</i>	116



## Reference Forms are now On-Line

The comity and application reference forms for engineers are now available on-line at the Board's web site [www.ncbels.org](http://www.ncbels.org) on the application page. You must have Adobe Acrobat Reader for PDF downloads.

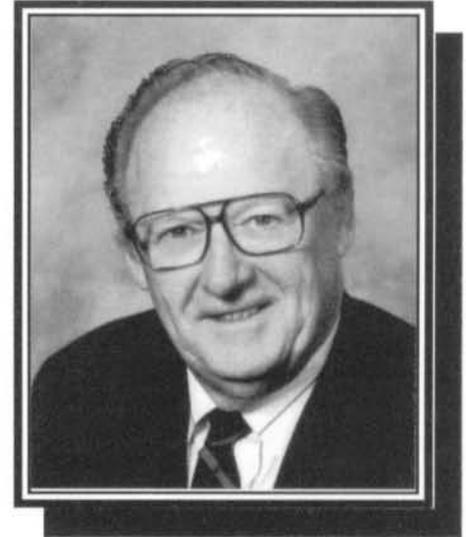
## *Freeman Reappointed to the Board*

George E. Freeman, PE, PLS, has been reappointed to a second five-year term on the North Carolina Board of Examiners for Engineers and Surveyors by Governor Michael F. Easley. Governor James B. Hunt originally appointed Mr. Freeman to the Board in 1997.

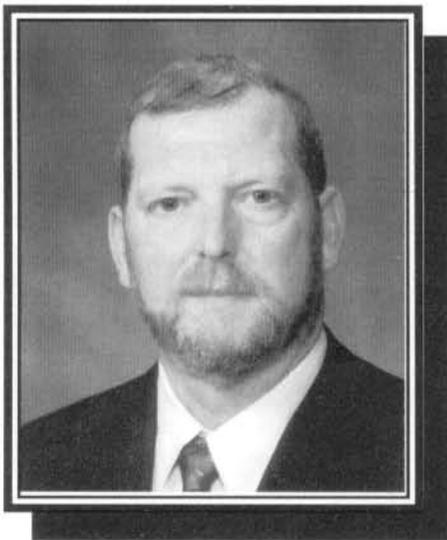
For 38 years, Mr. Freeman was associated with William F. Freeman Associates, a major architectural/engineering firm located in High Point. Serving as a principal and later as President, Mr. Freeman led this firm in the planning and design of a number of large projects located throughout the southeast, Caribbean Basin, and Central and South America. Mr. Freeman relocated to Wilmington, NC in the early nineties where he served as President of CENTURY/von Oesen. Mr. Freeman is currently a consulting engineer with Cavanaugh and Associates.

Mr. Freeman has been active in various professional and civic organizations and was honored in 2000 by being inducted as a Fellow in the National Society of Professional Engineers of North Carolina (PENC).

Mr. Freeman and his wife Violet reside in Wilmington.



## *Haynes Appointed to the Board*



J. Glenn Haynes, PLS has been appointed to the Board of Examiners for Engineers and Surveyors by Governor Michael F. Easley. Mr. Haynes was appointed to an open slot on the Board and his term expires December 31, 2002.

Mr. Haynes became licensed as a surveyor in North Carolina in 1972 and is also licensed as a surveyor in South Carolina. Mr. Haynes is the owner of J. Glenn Haynes Surveying in Asheville, NC which he started in 1973. Mr. Haynes is a member of the North Carolina Society of Surveyors, South Carolina Society of

Professional Surveyors and the National Society of Surveyors. He attended Asheville-Buncombe Technical Community College. Mr. Haynes is also a veteran of the U.S. Navy.

Mr. Haynes and his wife Lynda reside in Asheville.

### **Board Elects Officers**

The Board officers for the 2002 calendar year are:

*Chair*

**William C. Owen, PLS**

*Vice-Chair*

**Henry V. Liles, PE**

*Secretary*

**Doris M. Rodgers**

**Public Member**

# Board Revises Rules

by David S. Tuttle, Board Counsel

The Board has completed the process of revising the Board Rules ( NC Administrative Code Title 21, Chapter 56) that began in the spring of 2001. The Board approved a final draft of the revisions on October 11, 2001. The Board conducted a public hearing on February 28, 2002. The public comment period ended on March 4 with the Board granting its final approval on April 25, 2002. The revisions were submitted for review to the Rules Review Commission on March 20, 2002 and approval was granted on April 30, 2002. The revisions became effective on August 1, 2002 after having passed the 31st day of the General Assembly's session on July 22, 2002 without comment by the legislature.

Below is a summary of the revisions. A copy of the Board Rules is on the website and can also be obtained by request to the Board office.

1. Terminology was changed in .0501(a)(1) from "curriculum" to "program" to conform to the ABET language.
2. Comity Applications can now be expedited without waiting for a meeting of the Board for all applicants in addition to those who are designated as "Model Law Engineers" by NCEES. [.0502(e) & .0602(g)]
3. Conflict of Interest in .0701(e)(1) now also requires informing "any reviewing agency of any business association, interests, or circumstances which could influence judgment or the quality of services" in addition to informing the employer or client.
4. Qualifications Based Selection (QBS) is further emphasized by the addition in .0701(f)(3) of "et seq." after "G.S. 143-64.31" so that paragraphs .32, .33 and .34 are clearly included. Also added is a reference to the federal Brooks Act, U.S. Code Title 21, Sections 541 - 544.
5. Change in a Resident Professional now requires in .0901(c) that the business notify the Board of the change within 30 days and that it cease offering the professional service if there is a gap of time in Resident Professionals.
6. "Preliminary" Documents are addressed in paragraph .1103(c) [formerly .1103(a)]. The Rule now allows for statements that are "substantially" the same as the listed statements of the status of the work. The following statements are also added for use as new labeling for uncertified documents:

(c)(6) Not a Certified Document – This document originally issued and sealed by (name of licensee), (license number), on (date of sealing). This document shall not be considered a certified document.

(c)(7) Not a Certified Document as to the Original Document but only as to the Revisions. This document originally issued and sealed by (name of licensee), (license number), on (date of sealing). This document is only certified as to the revisions.

It is anticipated that the new statement (6) will be used to issue drawings for informational purposes where the original licensee is no longer available to sign the document and no signed original or reproducible is available. Similarly, statement (7) can be used for placing work on base-sheet drawings, Record Drawings (As-Builts), additions to a project that has already been constructed, and revisions to CAD printed drawings where the licensee is no longer available for signing of the original work.

7. Revisions to Documents under .1103(a)(7) and (b)(6) must be noted (describing the revision), dated and, if the revision is not done under the responsible charge of the same licensee, the revision shall be separately certified. Resealing the entire document would satisfy the identification of the professional, as would delineating that a second professional sealed the revisions.
8. Digital Signatures shall be allowed on electronically transmitted documents in accordance with .1103(d) - (f).
9. Standards of Practice for Land Surveying (Section .1600) were reformatted and revised in Rules.1605 & .1606 for Topographic Surveys to add standards that will accommodate additional technologies, including LIDAR, to include correlation with the National Map Accuracy Standards. Rule .1609 for Photogrammetry was incorporated into .1606.
10. Reinstatement of a License that was not renewed within 12 months after expiration requires, in addition to a new application, that the individual meet the requirement for PDH units to a maximum of 30 hours.
11. CPC (Continuing Professional Competency) Sponsors who are given notice of revocation, suspension or termination are referred in .1713(d) for the procedure to request an administrative hearing to be conducted as provided in .1400 Contested Cases.

An increase in the annual renewal fees for individuals and firms from \$40 to \$50 was approved by the Board and the Rules Review Commission and is anticipated to become effective for all 2003 license renewals.

## Disciplinary Actions

*The following summaries represent disciplinary actions taken by the Board from November 15, 2001 to July 22, 2002. Penalties vary, depending upon the specific circumstances of each case. Space limitations preclude a full reporting of all circumstances. Questions or requests for information concerning specific cases should be directed to the Board Counsel at Ext. 111.*

**CASE NO. V98-262**

Davey G. Williamson, PLS No. L-2826  
Southport, NC

**VIOLATION:** Performing a substandard survey, failing to protect the public [.0701(b)]; failing to include address of firm on document [.1103(b)(6)]; and failing to conform to the *Standards of Practice for Land Surveying in North Carolina* [.1600] by failing to provide a legend [.1604(e)(11)]; failing to show the names of adjacent land owners, lot designation, or legal reference [.1604(e)(7)]; failing to properly reference north arrow [.1604(e)(1)]; failing to indicate ratio of precision [.1603(a)]; failing to provide vicinity map [.1604(e)(10)]; failing to identify reference sources [.1602(e)]; and failing to provide adequate tie [.1602(f); .1604(e)(9)].

**BOARD ACTION:** Reprimand; \$2000 civil penalty; take and pass Part B of the state portion of the Principles and Practice Exam (failure of the exam will result in suspension until passed); and Board monitor Mr. Williamson's survey work for a period of one year.

**APPEALED TO SUPERIOR COURT:** Court modified to require a reprimand, \$2000 civil penalty and Board monitor Mr. Williamson's survey work for a period of 12 months. Any failure to comply with the *Standards of Practice for Land Surveying in North Carolina* may result in the Board requiring Mr. Williamson to take and pass Part B of the State portion of the Principles and Practice of Land Surveying Examination. Failure to successfully take and pass Part B shall result in a suspension of Mr. Williamson's license until such time as he successfully takes and passes Part B.

**BOARD ACTION:** Ordered Mr. Williamson to take Part B at the October 2002 administration based on surveys not complying with *Standards of Practice*.

**CASE NO. V01-002**

Kenneth Y. Boisseau II, unlicensed  
Raleigh, NC

**VIOLATION:** Practicing or offering to practice engineering without a license as required by G.S. 89C and presenting or attempting to use the certificate of licensure or seal of another [G.S. 89C-23].

**BOARD ACTION:** Close case based upon final action by Architecture Board in that the Architecture Board entered into a Consent Order with respondent wherein the respondent agreed to a reprimand, civil penalty of \$1000 and a one-year suspension that was stayed upon the condition that he not violate any architectural laws or rules for one year.

**CASE NO. V01-008**

David D. Gray, PE No. 9807  
Granite Falls, NC

**VIOLATION:** Violated Order of the Board dated 04/13/98 by practicing electrical, mechanical and plumbing engineering, failure to properly certify documents [.1103(b)(4)] and represented himself as the architectural designer [G.S. 83A, .0701(b)].

**BOARD ACTION:** Suspension for six months from date of receipt of Decision and Order (02/08/02) and furnish proof of passing Ethics Course PDH-40 offered through Murdough Center for Engineering Professionalism, Texas Tech University prior to reinstatement.

**CASE NO. V01-022**

Brant L. Wise, PLS No. L-3780  
Elizabeth City, NC

**VIOLATION:** Failure to report the results of a survey in a clear and factual manner [.1602(f)] by not referencing the title sources as required by [.1604(e)(11)] & G. S. 47-30(d)].

**BOARD ACTION:** Reprimand.

**CASE NO. V01-036**

Donald G. Bolick, PLS No. L-3688  
Rutherford College, NC

**VIOLATION:** Failure to provide legend [.1604(e)(11)]; failure to accurately locate all apparent rights-of-way on boundary [.1604(e)(8)] and failure to identify all reference sources [.1602(f)].

**BOARD ACTION:** Reprimand.

**CASE NO. V01-044**

Guy C. Lee Building Materials, unlicensed  
Kitty Hawk, NC

**VIOLATION:** Corporation practicing or offering to practice engineering in violation of G.S. 89C-24 and 55B.

**BOARD ACTION:** Board issued a letter to cause respondent to cease and desist offering or practicing engineering and not to use the title "engineer" or "engineering."

**CASE NO. V01-047**

Daniel W. Donathan, PLS No. L-1192  
Winston-Salem, NC

**VIOLATION:** Failed to make adequate investigation to determine if there are encroachments, gaps, lappages or other irregularities along each line surveyed [.1602(a)] and failed to sign and seal a survey not marked as preliminary [.1103(b)].

**BOARD ACTION:** Reprimand, civil penalty of \$2000 and required to pass the Professional Ethics Course offered by New Mexico State University or the University of Maine with a minimum average of 70% on the homework and minimum of 70% on the final exam for a minimum overall score of 70% for the course by 08/30/02.

**CASE NO. V01-049**

Edward F. Schaack, PE No. 6103  
Calabash, NC

**VIOLATION:** Failed to exercise direct supervisory control or responsible charge [.0701(c)(3)]; failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)]; and issued a certification letter that failed to include all relevant and pertinent information [.0701(d)(1)].

**BOARD ACTION:** Reprimand and civil penalty of \$500.

**CASE NO. V01-052**

Timothy F. Wade, PE No. 17444  
Pickens, SC

**VIOLATION:** Affixed seal to inadequate design documents, failing to protect the public. [.0701(b)]; and practiced outside his area of competence [.0701(c)(3)].

**BOARD ACTION:** Reprimand, civil penalty of \$500 and restrict practice from providing building design (other than structural engineering) including, but not limited to, floor plans, building elevations and ADA, fire and egress code requirements.

**CASE NO. V01-053**

Leland D. Oxendine, PLS No. L-2811  
Pembroke, NC

**VIOLATION:** Failed to describe monuments as set or found [.1602(f)]; failed to monument corners [.1602(d)]; and failed to provide adequate tie [.1602(g), .1604(e)(9)].

**BOARD ACTION:** Reprimand and civil penalty of \$500.

*(Continued on page 7)*

(Continued from page 6)

**CASE NO. V01-054**

John E. Keen, PLS No. L-2991  
Spruce Pine, NC

VIOLATION: Failure to report the results of a survey in a clear and factual manner, by not specifying what the tract surveyed represents [.1602(f)]; and failure to make adequate investigation to determine location of lines surveyed [.1602(a)].

BOARD ACTION: Reprimand, civil penalty of \$2000 and restricted from teaching any continuing education courses on boundary control, legal principles or evidence and procedures for boundary location for a period of one year and until such time as respondent passes Professional Ethics course offered by New Mexico State University or University of Maine with a minimum average of 70% on the homework and a minimum of 70% on the final exam for a minimum overall score of 70% for the course. One year period begins June 13, 2002.

**CASE NO. V01-075**

Mike D. Everett, Jr., PLS No. L-3819  
Raleigh, NC

VIOLATION: Failure to monument corners [.1602(d)] and failure to accurately locate right-of-way where it crosses a boundary line [.1604(e)(8)].

BOARD ACTION: Reprimand and civil penalty of \$1000.

**CASE NO. V01-084**

Brian N. Hobbs, PLS No. L-3122  
Wilmington, NC

VIOLATION: Failure to conduct his practice in order to protect the public health, safety and welfare [.0701(b)]; failure to report the results of a survey in a clear and factual manner [.1602(f)]; failure to be completely objective and truthful in professional reports and statements [.0701(d)(1)]; failure to make adequate investigation [.1602(a)]; and failure to indicate title source [.1604(e)(11)].

BOARD ACTION: Reprimand and civil penalty of \$1500.

**CASE NO. V01-085**

Jason L. Panciera, PLS No. L-3835  
Wake Forest, NC

VIOLATION: Failure to make adequate investigation [.1602(a)], failure to show encroachment or easement on survey [.1602(b), (f)] and failure to show tie [.1602(g), .1604(e)(9)].

BOARD ACTION: Reprimand.

**CASE NO. V01-088**

Richard G. Radil, PE No. 20308  
Raleigh, NC

VIOLATION: Failure to comply with annual CPC requirements [.1712] and failure to comply with CPC audit requirements [.1712(a)].

BOARD ACTION: Suspend PE license until he satisfies CPC requirements for year 2001 and subsequent years with proof of courses and require audit for two years after reinstated.

**CASE NO. V01-089**

Tung Chao, PE No. 15506  
Cary, NC

VIOLATION: Failure to comply with annual CPC requirements [.1712] and failure to comply with CPC audit requirements [.1712(a)].

BOARD ACTION: Reprimand and refusal to renew license until PDH requirements are satisfied.

**CASE NO. V01-090**

James T. Herron, PLS No. L-907  
Bryson City, NC

VIOLATION: Failed to conduct his practice in order to protect the public health, safety and welfare [.0701(b)]; certified to an actual survey of lines not surveyed [.1602(a)]; failed to clearly indicate and note source of lines not actually surveyed

[.1604(b)]; failed to make adequate investigation [.1602(a)]; failed to describe monuments as set or found [.1602(f)]; failed to monument corners [.1602(d)]; failed to provide adequate tie [.1602(g), .1604(e)(9)] and failed to indicate title source [.1604(e)(11)].

BOARD ACTION: Reprimand and successfully complete seminar on G.S. 47-30 and *Standards of Practice for Land Surveying in North Carolina* as determined by the Board.

**CASE NO. V01-091**

Mickle D. Elliott, PE No. 23854  
Winston-Salem, NC

VIOLATION: Producing a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand.

**CASE NO. V01-093**

James T. West, PLS No. L-3392  
Harrisburg, NC

VIOLATION: Failure to make adequate investigation by not examining adjacent deeds [.1602(c)]; failure to provide adequate tie [.1602(g), .1604(e)(9)]; failure to report the results of a survey in a clear and factual manner [.1602(f)]; and used digital signature in lieu of written signature [.1103(b)(3)].

BOARD ACTION: Reprimand and civil penalty of \$500.

**CASE NO. V01-094**

John E. Beeson, PE No. 4898  
Winston-Salem, NC

VIOLATION: Failure to sign and seal drawing not marked as preliminary [.1103].

BOARD ACTION: Reprimand.

**CASE NO. V01-098**

Phillip W. Lamm, unlicensed  
Raleigh, NC

VIOLATION: Practicing or offering to practice engineering without a license as required by G. S. 89C.

BOARD ACTION: Board issue letter to cause respondent to cease and desist offering to practice or practicing engineering, including but not limited to recommendations and analysis in constructability reviews, and to cease and desist using the title "PE" or any references to providing engineering services until licensed with the Board.

**CASE NO. V01-100**

Thomas D. Mull, PE No. 8438  
Garner, NC

VIOLATION: Failure to be completely objective and truthful and failure to include all relevant and pertinent information in reports, statements or testimony [.0701(d)(1)(2)]; and indiscriminately criticized another engineer's work in public [.0701(d)(4)].

BOARD ACTION: Reprimand.

**CASE NO. V02-003**

Herbert J. Nobles, Jr., PLS No. L-2703  
Bayboro, NC

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

BOARD ACTION: Reprimand and civil penalty of \$500.

**CASE NO. V02-004**

Steven D. Powers, PLS No. L-2994  
Harkers Island, NC

VIOLATION: Practiced on an expired or inactive certificate [G.S. 89C-16, 23] and allowed his corporation to practice or offer to practice land surveying in violation of G.S. 89C and 55B.

BOARD ACTION: Reprimand and civil penalty of \$500.

**The North Carolina Board of Examiners  
for Engineers and Surveyors  
310 W. Millbrook Road  
Raleigh, North Carolina 27609**

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## **In This Issue...**

View From the Chair .....	page 1
Board Rules Amended .....	page 1
Board Makes Contribution to NCA&T .....	page 2
Spring Exam Results .....	page 3
Board Directory .....	page 3
Board Meetings: Schedule .....	page 3
Examination Dates .....	page 3
Reference Forms .....	page 3
Freeman Reappointed to Board .....	page 4
Haynes Appointed to Board .....	page 4
Board Elects Officers .....	page 4
Board Revises Rules .....	page 5
Disciplinary Actions .....	page 6