

THE NORTH CAROLINA BULLETIN

NEWSLETTER OF THE NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS



4601 Six Forks Road, Suite 310, Raleigh, NC 27609

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View from the Chair

By George E. Freeman, PE, PLS



As I complete my tenth, and final, year as a member of this Board, I cannot resist the temptation to reflect on the Board's many accomplishments during this span of time and several of those issues which remain unresolved but need attention.

Regarding the many accomplishments, I have seen the Board's procedures and processes for implementing the responsibilities laid out for us by G. S. 89C streamlined and made more effective. The highlight of these improved procedures has been the perfection of the "Review Committee/Settlement Conference" process for the investigations and resolutions of complaints against licensees. Our investigative staff has been strengthened and procedures improved. During this time, we have changed our executive leadership and have relocated our Board's Office twice to accommodate growth. We have contracted out our administration of examinations and the proctoring function to the National Council of Examiners for Engineers and Surveyors (NCEES), thereby increasing security and unifying the testing and administrative procedures among all participating states, thus enhancing comity. We have been sensitive and responsive to governmental and industrial modifications to their engineering and surveying services rendered and the effect it has on the governmental and industrial exemptions of G. S. 89C. By privatizing many traditionally governmental functions, as well as "downsizing" engineering staffs, employees formerly considered exempt from the law are no longer shielded by the governmental/industrial exemption and therefore find themselves at odds with the law unless they hold appropriate licenses. The Board has worked to assist these affected groups in further understanding the legal requirements as set forth in G. S. 89C and other legislation. While this is just a small sample of improvements the Board has studied and put into effect, I can assure you the Board gives thorough study and consideration to all issues that come before it.

As to those issues which remain unsolved, the Board is very concerned about the erosion of credit hours required to be successfully completed in order to earn a Bachelor's degree in Engineering. Just as we evaluate a candidate's experience, we evaluate a candidate's education as shown on the college or university transcript. Today a bachelor's degree may be awarded after the completion of 120 credit hours of study. Twenty or more years ago it required 150 to 156 credit hours. ABET, the accrediting organization, claims the way of counting hours of study has been refined. However, in civil engineering and perhaps other disciplines, we know that certain science and mathematics courses have been eliminated or modified as required course study and changed to student electives. In these matters, we are aware that certain basic and advanced courses in mathematics, physics, ethics, surveying, and design and certain environmental sciences have been reduced, if not eliminated, from the schedule of studies with the stated justification that the course of study has become redundant or irrelevant to the extended subject matter. It appears that the erosion has totalled a reduction of approximately 30 hours. Course loads of 12 hours per semester seem to be normal while in years past, 15 to 18 hours were the norm. The position being taken by our Board is consistent with that taken by NCEES, which suggests that a bachelor's degree consisting of only 120 credit hours may not be adequate for the practice of engineering and therefore for licensure. An additional 30 hours of accredited study in the discipline of engineering is being pursued and perhaps other significant related courses should be required. How this additional study is acquired and can be accredited and what course study should be pursued is still a matter for study and debate. Of course, such an aggressive change in law will require an extended time in the future to become effective. Stay tuned.

One of my pet peeves that remains unchallenged is created by one of our business associations which persists in referring to our engineering profession as an "industry." The qualifications for engineering and surveying expertise are quantified by the extended education and experience that an individual brings to a problem-solving environment. This sets the individual apart from the ordinary by being recognized as a "professional." Engineering and surveying qualifications

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Board Members

George E. Freeman, PE, PLS.....Chair
 Gary W. Thompson, PLS.....Vice Chair
 Dr. Joseph Monroe, Public Member.....Secretary
 Caroline M. Guzniczak, PE
 J. Glenn Haynes, PLS
 Nils W. Joyner, PLS
 Henry V. Liles, Jr., PE
 Teresa Helmlinger Ratcliff, PhD, PE
 Doris M. Rodgers, Public Member

Committee Chairs

Engineering: Henry V. Liles, Jr., PE
 Surveying: Gary W. Thompson, PLS

Board Staff Directory and News

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Staff News:

Lanice Heidbrink began her tenure with the Board on February 20, 2006 after having worked as a temporary employee. She worked previously as a buyer for an educational toy company in Chicago, Illinois, where she is from originally. She moved to Raleigh with her husband, Rob, who is from this area. She is a huge Chicago Cubs fan.

Karen Free became part of our staff on May 9, 2006. She worked previously for RTI International (formerly Research Triangle Institute) as an administrative coordinator for marketing and business development for the Statistics, Survey, and Computing Sciences Division for 13 years. She is originally from Pittsburgh, Pennsylvania and is a die-hard Steelers fan. She is married to Steve, who is a native North Carolinian.

Luke Blume joined our staff on November 6, 2006. He is from Kannapolis, North Carolina and brings with him more than 25 years of investigative experience at the city, county, and state levels.

We would like to extend to the new hires a warm welcome!

BOARD MEMBER NEWS



New Board Member Nils W. Joyner, Jr. was appointed by Governor Michael F. Easley in January 2006 as a surveying member of the North Carolina Board of Examiners for Engineers and Surveyors. Mr. Joyner, a Professional Surveyor, will serve as one of nine Board members who are charged with the

licensure of over 20,000 individuals and 2,500 firms practicing engineering and surveying in North Carolina.

Mr. Joyner currently is a Senior Partner with Joyner Keeny & Associates in Rocky Mount, North Carolina. He is a graduate of Wake Technical College with an Associate's degree in Civil Engineering.

Mr. Joyner is an active member of several Professional Organizations including the North Carolina Society of Surveyors, the American Congress on Surveying and Mapping, and the Rocky Mount Area Chamber of Commerce. He is also a member of Carolina Gateway Partnership and Water Resources Research Institute.



Dr. Joseph Monroe, who serves as the secretary of the Board, also is Dean of North Carolina A&T's (NCAT) College of Engineering. NCAT's College of Engineering has been recognized as being "unmatched." In a recent edition of the Greensboro News & Record, the NCAT's May 2006 "Check Out Aggieland" insert

noted the success rate of students getting good jobs; the myriad relationships and collaborations with government agencies; the high-quality undergraduate, master's, and doctorate degrees in various engineering disciplines and computer science; and the university being the nation's No. 1 producer of African-American engineers. Dr. Monroe earned his PhD in computer sciences from Texas A&M University and is the nation's first African-American to do so. To read more, please refer to:

<http://www.ncat.edu/announcements/aggieland.pdf>

"Compared to other engineering schools five times A&T's size, A&T attracts five times as many corporations to recruit, as well as to build relationships that include scholarship and internship programs and various other development opportunities."



New Board Member Teresa H. Ratcliff, PhD, PE was appointed by Governor Michael F. Easley in January 2006 as an engineering member of the North Carolina Board of Examiners for Engineers and Surveyors. Dr. Ratcliff, a Professional Engineer, will serve as one of nine Board

members who are charged with the licensure of over 20,000 individuals and 2,500 firms practicing engineering and surveying in North Carolina.

Since 1999, Dr. Ratcliff has held the positions of Assistant Vice Chancellor, Extension and Engagement; and Executive Director, Industrial Extension Service for North Carolina State University. During 2003-04, Dr. Ratcliff served as the President for the National Society of Professional Engineers.

Dr. Ratcliff has been actively involved in and served on the Board of Directors for many professional and civic organizations including the NCSU Alumni Building Steering Committee, NIST Manufacturing Extension Partnership National Advisory Board, Mentornet Advisory Board, Polymers Center of Excellence, American Industrial Extension Alliance and the Society of Women Engineers, NC Section.



Gary W. Thompson, Vice Chair of our Board, as well as Director of the North Carolina Geodetic Survey, was recognized at a Dedication Ceremony on June 6, 2006 for his Division's cooperative spirit with the National Geodetic Survey and the U.S. Army in regards to the Camp Mackall commemorative

survey disk. This stainless steel disk and cement represent the formal partnership between agencies and the cooperative spirit between dedicated people.



View from the Chair (Continued from page 1)

depend upon the display of extended education in math and science and experience above and beyond the norm of most vocations, as well as requiring examination into the satisfaction of these preparatory standards. To refer to these individuals and their firms as an "industry" rather than a "profession" is just shy of insulting and should be discouraged.

A recent accomplishment by the Board has been the acquisition and expansion of additional space for a much-enhanced public Board Room, plus increasing our operating space. This upgrade has been characterized as an improvement which "celebrates" the many successful accomplishments of North Carolina's professional engineers and surveyors. We have created display space for exhibiting pieces of the historic progression of improvements to instrumentation over the years used for precise engineering and surveying measurements. These pieces include a 19th century magnetic compass and "Jacob's" staff, alidades, transits, theodolite, total stations, data collectors, global positioning station, steel chains, tripods, and level rods. Also on the wall display, you will find photographs of significant North Carolina projects

designed and constructed by North Carolina engineers and surveyors. This picture display will be a renewable wall display of current activities and accomplishments of North Carolina licensed engineers and surveyors. The new Board Room is upgraded to include improved public seating, new audio-visual and recording capabilities, and a general enhancement of public meeting space.

I am pleased to report that staff, facilities, and Board member activity remain at a high level of capability and dedication. All licensees are to be commended and congratulated for their achievements and accomplishments. You and all interested members of the public are urged to come and visit the Board Office at any time to view these exhibits and facilities.



THE WELCOME MAT IS ALWAYS OUT!

"Preliminary Plat – Not for recordation, conveyances, or sales"


By Gary W. Thompson, PLS

Board Rule 21-56.1103(c)(3) allows a PLS to label a plat with the **"Preliminary Plat – Not for recordation, conveyances, or sales"** stamp only during a review process in order to inform the client that the plat is not the final product. In contrast, a PLS issuing a final plat with the **"Preliminary Plat – Not for recordation, conveyances, or sales"** stamp is committing a technical violation of the Board Rules .1103(a) and (b). Furthermore, the PLS committing such an unprofessional practice raises the ethical question of, *"What value is such a labeled plat to the public?"* A PLS that is more concerned with avoiding the minimum standards of the surveying profession than with providing an essential and valuable service to the client is engaged in unethical behavior and should rethink his/her priorities. A PLS is a professional in the eyes of the law, but there is no better example of an unprofessional act than passing off preliminary plats as the final work product of a professional. The **"Preliminary Plat – Not for recordation, conveyances, or sales"** stamp should only be used for situations outlined in the Board Rule, entitled "21 NCAC 56.1103 STANDARD CERTIFICATION REQUIREMENTS":

(c) Exceptions to Required 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 substantially as follows so as to put the public on notice not to use as a final product, 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";
- (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.
- (7) "Not a Certified Document as to the Original Document but Only as to the Revisions – This document is only certified as to the revisions."

In addition, final plats that have been certified as final by a PLS shall not be reissued at a later date with the **"Preliminary Plat – Not for recordation, conveyances, or sales"** stamp. This practice is a technical violation of the Standards of Practice, for the clock cannot be turned back on a previously issued plat.



LEGAL CORNER

By David S. Tuttle, Board Counsel

WHEN IS IT TIME TO QUIT?

"the Board has had to revoke licenses or discipline licensees due to their failure to obtain the required professional development hours (PDHs)."

While the title may not give it away, this article is about the impact on your license of not obtaining continuing education. Unfortunately, and as you may have noticed by reading the disciplinary actions in this Bulletin, the Board has had to revoke licenses or discipline licensees due to their failure to obtain the required professional development hours (PDHs), failure to respond to an audit, failure to keep records, or the false reporting of hours at the time of license renewal.

The Board audits a number of licensees every year. We are in the middle of that process now, and it has become apparent that more attention must be paid to responding to the audits by the licensees. A large number of those who fail are at the end of their active years of practicing engineering or surveying, or are not residents of North Carolina and have kept the license just because they did not want to give it up, or they think they may use it again. This is great if they continue to get the required 15 hours of continuing education each year. This is bad if they cannot provide backup for the hours they report when they renew their licenses. To save embarrassment, a great deal of time, and disciplinary action, the response to the audit letter should be immediate and thorough.

You can tell that you may have trouble with an audit if:

- 1) You have no log of your CPC activities or no copies of certificates or evidence from the activities.
- 2) You have consistently reported 15 hours each year without tracking how many hours that you actually obtained.
- 3) You consider sight-seeing on vacation as credit for continuing education.
- 4) You have to stretch to come up with reasons why a course you took maintains, improves, and expands the skills and knowledge relevant to your field of practice.
- 5) You have had active military duty, medical problems, or extenuating circumstances that prevented or made it difficult for you to obtain continuing education and you

did not communicate with the Board for an exemption or extension of time.

- 6) You do not respond to the audit letter.
- 7) You have not updated your address with the Board and do not receive the audit letter.

It may be time to quit your active license by going inactive or requesting retired status if:

- 1) You have retired and no longer provide engineering or surveying services and are not getting the PDHs.
- 2) You have medical issues or other circumstances that prohibit you from providing your engineering or surveying services or obtaining your PDHs.
- 3) You do not believe in continuing education requirements and have not been getting PDHs.

Once you receive an audit letter, your options diminish and you will most likely face a disciplinary action if you are not in compliance. For that reason you are encouraged to read Section 21-56.1700 of the Board Rules to determine that you are in compliance. If not, please contact the Board Office to explore your options before you are audited.



CONTINUING PROFESSIONAL COMPETENCY

By David J. Evans

New Column for the 2007 Issue

2007 Examination Dates

National examinations are to be conducted on the following dates:

PE/PS
April 20 & October 26

FE/FS
April 21 & October 27

The deadline for submitting completed applications is January 2 for the Spring examinations and August 1 for the Fall examinations. The Board administers national licensure examinations as offered by the National Council of Examiners for Engineering and Surveying. For additional information about the exams or application process, please contact the Board Office at (919) 791-2000.

NEWS ITEMS OF INTEREST

RENEWAL
NOTICE

It is renewal time again! A renewal form is mailed to the current address of each licensee in November of each year, **so it is very important that the Board Office be promptly notified of any change in residence or business address.** Renewal of a license is the licensee's responsibility and may be accomplished by letter or online even if the notice of renewal is not received. Renewals postmarked after January 31st require a reinstatement fee of \$100.00 in addition to the renewal fee of \$50.00. Failure to renew a license for a period of one year requires the filing of a new application including transcripts, references, etc., and could result in further examinations prior to licensure. *The Board highly encourages you to renew online at www.ncbels.org. It is the easiest way to renew and takes less than five minutes. Remember to print out the receipt at the end of your online transaction; it will serve as your proof of renewal.*



**RENEWALS CAN BE DONE ONLINE STARTING DECEMBER 1, 2006
BUT NO SOONER THAN THIS DATE.**

RETIREMENT
ANNOUNCEMENT

On August 24, 2006, the Board recognized Linda B. Peace for 22 years of dedicated service. Her official retirement date of August 31, 2006 was honored with a luncheon for Ms. Peace, her family, and the Board staff. Prior to her retirement, Ms. Peace handled business firm licensing and continuing professional competency issues. We wish her all the best!!!

APRIL 2006 EXAM
RESULTS

The results from the April 2006 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

<i>Fundamentals of Engineering</i>	<i>60% pass rate</i>
<i>Principles & Practice of Engineering</i>	<i>57% pass rate</i>
<i>Fundamentals of Land Surveying</i>	<i>45% pass rate</i>
<i>Principles & Practice of Land Surveying:</i>	
<i>Part A</i>	<i>36% pass rate</i>
<i>Part B</i>	<i>36% pass rate</i>
<i>Part C</i>	<i>33% pass rate</i>

BOARD MEETINGS

The NC Board of Examiners has the December 14 and 15, 2006 Board Meeting remaining. All meetings are open to the general public. The Board meetings are conducted at the Board Office located at 4601 Six Forks Road, Suite 310, Raleigh, NC 27609 (unless otherwise noted). Persons wishing to be placed on the agenda should submit a written request to the Board address—ATTN: Andrew Ritter, Executive Director—at least two weeks in advance of the next regularly scheduled Board meeting. These requests should contain information concerning the nature of the business that you would like to discuss with the Board.

SPEAKING

Board members and staff are available to speak at meetings of professional and technical societies, as well as community-based organizations. Requests for speaking should be made as far in advance as possible to Andrew Ritter, Executive Director, at the Board Office location of: 4601 Six Forks Road, Suite 310, Raleigh, NC 27609.

DISCIPLINARY ACTIONS

The following summaries represent disciplinary actions taken by the Board from October 15, 2005 to September 30, 2006. 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 at dstuttle@ncbels.org.

CASE NO. V03-115

Deborah K. Fish, PE No. 28283
Fuquay-Varina, NC

VIOLATION: Made exaggerated, misleading, deceptive or false statements of qualifications or experience [.0702(a)]; falsified or permitted misrepresentation of academic or professional qualifications [.0701(f)(4)]; and failed to be completely objective and truthful in statements [.0701(d)(1)].

BOARD ACTION: Reprimand, civil penalty of \$500, & provide proof, within six months of date of D&O, of passing the Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism, Texas Tech University.

CASE NO. V03-126

Patricia Goldston, unlicensed
Bear Creek, NC

VIOLATION: Practiced or offered to practice engineering without a license as required by G. S. 89C and presented or attempted to use the certificate of licensure or seal of another [G. S. 89C-23].

BOARD ACTION: Closed case based upon referral to District Attorney for misdemeanor prosecution: Respondent fled the state and has not been prosecuted.

CASE NO. V04-032

James R. Adams, PE No. 8258
Fayetteville, NC

VIOLATION: Produced deficient, substandard or inaccurate reports, failing to protect the public [.0701(b)]; failed to be completely objective and truthful in professional statements (.0701(d)(1)); and his corporation practiced on an expired or inactive certificate [G.S. 89C-17, 24 and 55B].

BOARD ACTION: Suspension for three months, civil penalty of \$1,000, provide proof within three months of passing the Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism, Texas Tech University.

CASE NO. V04-052

Jack G. Stocks, PLS No. L-0856
Wilmington, NC

VIOLATION: Failed to make adequate investigation [.1602(a)]; failed to accurately locate all apparent rights-of-way on boundary [.1604(e)(8)]; and failed to show encroachment of power pole [.1602(b)].

BOARD ACTION: Reprimand.

CASE NO. V04-055

Eugene R. Guskowski, unlicensed
Wauwatosa, WI

VIOLATION: Practiced or offered to practice engineering without a license as required by G.S. 89C and his corporation practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B.

BOARD ACTION: Closed case based upon referral and final action by the NC Board of Architecture which entered into a Consent Order with Mr. Guskowski's company, AG Architecture, Inc., whereby it was required to pay a civil penalty of \$4,000 and agreement to not seal engineering plans unless and until the individual and company become licensed with the NC Board of Examiners for Engineers and Surveyors.

CASE NO. V04-072

Darius Oleksy, PE No. 27451
Charlotte, NC

VIOLATION: Failed to properly certify a document [.1103].

BOARD ACTION: Reprimand and Civil Penalty of \$500.

CASE NO. V04-083

Nova Digital Systems, Inc. (No. C-1968)
Pineville, NC

VIOLATION: Failed to have a resident licensed professional in responsible charge in each office [.0901(c),(d)]; obtained an engineering Certificate of Licensure by fraud or deceit [G. S. 89C-21(a)(1) and G. S. 89C-23]; failed to be completely objective and truthful in professional statements [.0701(d)(1)]; and falsified or permitted misrepresentation of academic or professional qualifications [.0701(f)(4)].

BOARD ACTION: Reprimand and Civil Penalty of \$5,000.

CASE NO. V04-106

Richard J. Reynolds, PE No. 14154
Kernersville, NC

VIOLATION: Failed to properly certify documents [.1103(b)(3)] and his corporation practiced or offered to practice engineering without a license in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Reprimand.

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CASE NO. V05-010

Lloyd B. Adams, PLS No. L-2708
Murphy, NC

VIOLATION: Failed to properly reference north arrow [.1604(e)(1)]; failed to indicate title source [.1604(e)(11)]; failed to describe monuments as set or found [.1602(f)]; and failed to provide adequate tie [.1602(g), .1604(e)(9)].

BOARD ACTION: Reprimand, civil penalty of \$2,000, and successfully complete G. S. 89C, G. S. 47-30, and Board Rules course.

CASE NO. V05-015

Ralph T. Frazier, PLS No. L-1286
North Wilkesboro, NC

VIOLATION: Failed to make adequate investigation [.1602(a)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; practiced on an expired certificate or inactive certificate [G.S. 89C-16, 23]; had his firm practice or offer to practice land surveying without a license [G.S. 89C-24; failed to provide legend [.1604(e)(11)]; failed to describe monuments as set or found [.1602(f)]; and affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)].

BOARD ACTION: Voluntary, permanent surrender of license.

CASE NO. V05-022

Marc D. Graham, PE No 25317
Golden, CO (formerly of Greensboro, NC)

VIOLATION: Failed to delineate work for which he is responsible by not designating in a note under the seal the specific matter for which he is responsible [.0701(c)(3)] and failed to include address on plans as required [.1103(a)(6)].

BOARD ACTION: Reprimand.

CASE NO. V05-023

MEP Consulting LLC, unlicensed
Portland, OR

VIOLATION: Limited Liability Company offered to practice or practiced engineering in violation of G.S. 89C-24, 57C and 55B.

BOARD ACTION: Issued letter to cause the company to cease and desist offering to practice or practicing engineering in NC until such time as the company becomes licensed with the Board.

CASE NO. V05-024

Bobby R. Kornegay, PLS No. L-944
Goldsboro, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner by accepting a line not legally established [.1602(f)].

BOARD ACTION: Reprimand.

CASE NO. V05-025

Timothy J. Lormand, unlicensed
Scott, LA (formerly of Chantilly, VA)

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

BOARD ACTION: Issued a letter to cause the respondent to cease and desist offering to practice, or practicing engineering, in NC until such time as he becomes licensed with the Board.

CASE NO. V05-026

Kenneth L. Biggs, Sr., PLS No. L-3110
Greenville, NC

VIOLATION: Failed to show an easement on survey [.1602(b), (f)] and failed to make adequate investigation [.1602(a)].

BOARD ACTION: Reprimand and Civil Penalty of \$2,000.

CASE NO. V05-028

Kenneth F. Mann, PE No. 15041
Lakeland, FL

VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)] and failed to include address on documents [.1103(a)(6)].

BOARD ACTION: Voluntary, permanent surrender of license.

CASE NO. V05-029

Chander P. Nangia, PE No. 7856
Houston, TX

VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)] and failed to include address on documents [.1103(a)(6)].

BOARD ACTION: Reprimand and Civil Penalty of \$2,500.

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CASE NO. V05-031

Keith R. Sanders, PLS No. L-4379
Black Mountain, NC

VIOLATION: Failed to properly certify a document [.1103]; issued an inaccurate survey creating an encroachment on the adjoining property [.1602(a),(f)]; failed to use the revised title "Professional Land Surveyor" [G. S. 89C-3(9)]; failed to show right-of-way and driveway [.1604(e)(8)]; failed to monument corner [.1602(d)]; and certified a plat which does not comply with the requirements of G. S. 47-30.

BOARD ACTION: Reprimand, civil penalty of \$500 and complete G. S. 89C, G. S. 47-30 and Board Rules course.

CASE NO. V05-034

Ernest N. Stickels, Jr., PE 11730
Eden, NC

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

BOARD ACTION: Revocation.

CASE NO. V05-044

John A. Odom, PLS No. L-3062
Cape Carteret, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; failed to make adequate investigation creating an encroachment on adjacent property [.1602(a)]; removed and relocated an existing monument without landowners' permission [G. S. 14-147, .1602(f)]; and failed to provide bar graph as required [.1604(e)(11)].

BOARD ACTION: Reprimand.

CASE NO. V05-046

Christopher S. Sparks, PLS No. L-4349
Cleveland, NC

VIOLATION: Certified a plat which does not comply with the requirements of G. S. 47-30 and his firm practiced or offered to practice land surveying without a license as required by G. S. 89C-24.

BOARD ACTION: Reprimand.

CASE NO. V05-052

Anthony J. Hamm, PLS No. L-3754
Winterville, NC

VIOLATION: Failed to show easement on the survey [.1602(b), (f)] and failed to make adequate investigation [.1602(a)].

BOARD ACTION: Reprimand and Civil Penalty of \$2,000.

CASE NO. V05-054

Donald J. Moore, PLS No. L-3482
Advance, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand and Civil Penalty of \$1,000.

CASE NO. V05-058

J. Danilo Ramirez, PLS No. L-4031
Charlotte, NC

VIOLATION: Failed to be completely objective and truthful in professional statements [.0701(d)(1)] and falsified or permitted misrepresentation of academic or professional qualifications [.0701(f)(4)].

BOARD ACTION: Reprimand, civil penalty of \$2,000 and furnish proof of passing the Professional Ethics Course offered by New Mexico State University.

CASE NO. V05-059

Vector Consulting LLC, unlicensed
Indianapolis, IN

VIOLATION: Limited Liability Company offered to practice or practiced engineering in violation of G. S. 89C-24, 57C and 55B.

BOARD ACTION: Issued a letter to cause the company to cease and desist offering to practice or practicing engineering in NC until such time as the company becomes licensed with the Board.

CASE NO. V05-060

Eastern Engineering & Associates (No. F-0250)
New Bern, NC

VIOLATION: Practiced on an expired or inactive certificate [G. S. 89C-16, 23] and failed to cooperate fully with the Board in the course of an investigation [G. S. 89C-20].

BOARD ACTION: Revocation.

CASE NO. V05-062

Robert B. Butler, PLS No. L-3033
Tryon, NC

VIOLATION: Failed to comply with the accuracy required for the type survey [.1603]; failed to provide adequate tie [.1602(g), .1604(e)(9)]; failed to provide adequate legend [.1604(e)(11)]; and failed to note and date revision on map [.1604(c)].

BOARD ACTION: Reprimand and successfully complete a course on the Standards of Practice for Land Surveying in North Carolina and G. S. 47-30.

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CASE NO. V05-063

Alfred F. Williams, PLS No. L-3446 (Revoked)
Mooresville, NC

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

BOARD ACTION: Closed case based upon final action by District Attorney. Mr. Williams' misdemeanor criminal conviction carries with it a 30 day suspended sentence, 12 months of supervised probation, and a \$100 fine plus court costs. Mr. Williams was also ordered by the court to relinquish his Certificate of Licensure and seal. In addition, Mr. Williams consented to allow his probation officer to reveal information regarding his employment status to the Board.

CASE NO. V05-064

C. Gregory Bagley, PE No. 12276
Fuquay-Varina, NC

VIOLATION: Practiced on an expired certificate or inactive certificate [G. S. 89C-16, 23]; his firm practiced or offered to practice engineering without a license as required by G. S. 89C-24; and used the word "engineering" in violation of licensing required by G. S. 89C-23.

BOARD ACTION: Reprimand and Civil Penalty of \$1,000.

CASE NO. V05-070

Jonathan W. White d/b/a White Design Group, Inc.,
unlicensed
Kill Devil Hills, NC

VIOLATION: Respondent and his corporation practiced or offered to practice engineering in violation of G. S. 89C-23, 24 and 55B.

BOARD ACTION: Issued a letter to cause respondent to cease and desist offering to practice or practicing engineering in NC until such time as he and the company become licensed with the Board.

CASE NO. V05-071

Frederick A. House, PE No. 24740
Kitty Hawk, NC

VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c)(3)]; aided or abetted another to evade or attempt to evade the provisions of G.S. 89C [G.S. 89C-16]; and failed to include address on documents [.1103(a)(6)].

BOARD ACTION: Reprimand, civil penalty of \$1,500 and furnish proof within six months of date of Decision and Order of passing the Ethics Course PDH-40 offered through the Murdough Center for Engineering Professionalism, Texas Tech University.

CASE NO. V05-074

Robson Forensic Incorporated, unlicensed
Lancaster, PA

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

BOARD ACTION: Issued a letter to cause company to cease and desist offering to practice or practicing engineering in NC until such time as the company becomes licensed with the Board.

CASE NO. V05-076

Ecosite, Inc., unlicensed
Columbia, MD

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

BOARD ACTION: Issued a letter to cause company to cease and desist offering to practice or practicing engineering in NC until such time as the company becomes licensed with the Board.

CASE NO. V05-077

Brightwater, Inc., unlicensed
Ellicott City, MD

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

BOARD ACTION: Issued a letter to cause company to cease and desist offering to practice or practicing engineering in NC until such time as the company becomes licensed with the Board.

CASE NO. V05-081

Engineering Consulting Services, Ltd. d/b/a ECS Ltd. (No. C-1363)
Greensboro, NC

VIOLATION: Knowingly cooperated in a violation of G. S.143-64.31, fee bidding on public projects [.0701(f)(3)].

BOARD ACTION: Reprimand.

CASE NO. V05-084

Schnabel Engineering South, P.C. (No. C-2599)
Greensboro, NC

VIOLATION: Failed to inform Board in application of branch offices [G. S. 89C, G. S. 55B-10, .0802] and failed to have a resident professional in a NC branch office [.0901].

BOARD ACTION: Reprimand.

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CASE NO. V05-085

Absolute Land Surveying & Mapping PC (No. C-1467)
Siler City, NC

VIOLATION: Failed to have a resident licensed professional in responsible charge in each office [.0901]; failed to inform Board in application of branch office [G.S. 55B-10, .0802]; and practiced or offered to practice land surveying on an expired license in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Reprimand and Civil Penalty of \$1,000.

CASE NO. V05-086

Charles O. Eliason, PLS No. L-3599
Siler City, NC

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

BOARD ACTION: Reprimand and Civil Penalty of \$500.

CASE NO. V05-087

R. Lee Biggers, PE No. 5885 d/b/a R. L. Biggers & Associates
San Diego, CA

VIOLATION: Respondent and his firm practiced or offered to practice engineering without a license as required by G.S. 89C-23, 24.

BOARD ACTION: Reprimand and Civil Penalty of \$1,000.

CASE NO. V05-088

Richard Brady & Associates, Inc. (No. C-2827)
San Diego, CA

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B.

BOARD ACTION: Reprimand and Civil Penalty of \$2,500.

CASE NO. V05-089

William M. Allen, PLS No. L-3499
Mooreville, NC

VIOLATION:

Map 1

- Failed to report the results of a survey in a clear and factual manner [.1602(f)];
- Failed to show an easement on survey [.1602(b), (f)];
- Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)];
- Failed to make adequate investigation [.1602(a)];
- Failed to provide adequate legend [.1604(e)(11)];
- Failed to provide a complete address on document [.1103(a)(6)]; and

- Failed to maintain adequate direct supervisory control [.0701(c)(3)].

Map 2

- Failed to report the results of a survey in a clear and factual manner [.1602(f)];
- Failed to show an easement on survey [.1602(b), (f)];
- Failed to make adequate investigation [.1602(a)];
- Failed to provide adequate legend [.1604(e)(11)];
- Failed to provide a complete address on document [.1103(a)(6)];
- Failed to show encroachments on survey [.1602(b), (f)]; and
- Failed to report and show lappage [.1602(a), (f)].

Map 3

- Failed to provide adequate legend [.1604(e)(11)]; and
- Failed to provide a complete address on document [.1103(a)(6)].

BOARD ACTION: Reprimand and Civil Penalty of \$1,000.

CASE NO. V05-092

Dale Vrchota d/b/a The Thirsty Cow, unlicensed
Louisburg, NC

VIOLATION: Respondent and his firm practiced or offered to practice land surveying without being licensed as required by G. S. 89C-23, 24.

BOARD ACTION: Issued a letter to cause respondent and The Thirsty Cow to cease and desist offering to practice or practicing land surveying in NC until such time as he and the company become licensed with the Board.

CASE NO. V05-093

Linwood W. Rogers, Jr., PE No. 7494
Wilmington, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)] and represented himself to be capable of providing architectural services or as an Architect [G. S. 83A, .0701(b)].

BOARD ACTION: Reprimand, civil penalty of \$1,000 and restrict his practice to civil/structural engineering, other than on residential projects that are exempt from the requirement of a design professional by the NC Building Code.

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CASE NO. V05-095

Robert E. Rembert, PLS No. L-1055
Fort Mill, SC

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)] and failed to cooperate fully with the Board in the course of an investigation [G. S. 89C-20].

BOARD ACTION: Revocation.

CASE NO. V05-096

Leo J. Galletta, PE No. 12777
Dallas, TX

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)].

BOARD ACTION: Reprimand.

CASE NO. V05-099

Michael Haratunian, PE No. 16193
Glen Head, NY

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)]; failed to maintain CPC records [.1706]; and falsely reported PDHs on renewals [.0701(d)].

BOARD ACTION: Revocation.

CASE NO. V05-100

William C. Johnson, PE No. 7694
Irmo, SC

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)].

BOARD ACTION: Reprimand.

CASE NO. V05-104

William G. Watson, PE No. 7756
Waynesville, NC

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)] and failed to notify Board of address change within 30 days [.0505(a)].

BOARD ACTION: Reprimand.

CASE NO. V05-105

Daniel B. Vaughan, PE No. 7972
Billings, MT

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)]; falsely reported PDHs on renewals [.0701(d)]; and failed to cooperate fully with the Board in the course of an investigation [G. S. 89C-20].

BOARD ACTION: Revocation.

CASE NO. V05-106

Roy D. Rowland, PE No. 6478
Boiling Springs, SC

VIOLATION: Failed to comply with CPC audit requirements [.1712(a)]; failed to comply with CPC records requirements [.1706]; and gave false evidence when renewing license [G. S. 89C-23].

BOARD ACTION: Suspension of Certificate of Licensure until proof of obtaining 15 PDHs for each renewal year beginning with the 2003 renewal, up to and including the current renewal year, and requires an audit for the three years subsequent to the year of renewal.

CASE NO. V05-107

John C. Parker, PE No. 29680
Hixson, TN

VIOLATION: License suspended by another jurisdiction in violation of G. S. 89C or the Board Rules [.0701(h)].

BOARD ACTION: Suspension of Certificate of Licensure until reinstated by the State of Alabama.

CASE NO. V05-108

Lockwood Greene Engineers, Inc., unlicensed
Spartanburg, SC

VIOLATION: Corporation practiced offered to practice engineering in violation of G. S. 89C-24 and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist offering to practice or practicing engineering until such time as the company becomes licensed with the Board.

CASE NO. V05-109

Harry Gaul d/b/a ART-TEC, unlicensed
Warrenton, NC

VIOLATION: Respondent and his firm practiced or offered to practice engineering and used the word "engineering" in violation of licensing required by G.S. 89C-23, 24.

BOARD ACTION: Issued a letter to cause respondent to cease and desist offering to practice or practicing engineering in NC and to cease and desist use of the word "engineering" or derivatives of the word in connection with business activities until such time as he and the company become licensed with the Board.

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CASE NO. V05-110

Ashley Linton, unlicensed
d/b/a Vertical Construction, Inc. & Vertical Walls, Inc.
Cary, NC

VIOLATION: Respondent and his corporations practiced or offered to practice engineering in violation of licensing required by G. S. 89C-23, 24 and 55B.

BOARD ACTION: Issued a letter to cause respondent and his corporation to cease and desist offering to practice or practicing engineering in NC until such time as he and the companies become licensed with the Board.

CASE NO. V05-111

Modular Technologies, Inc., unlicensed
Kinston, NC

VIOLATION: Practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B and presented or attempted to use the certificate of licensure or seal of another [G. S. 89C-23].

BOARD ACTION: Consent Agreement entered into by respondent acknowledging violations and agreeing to cease and desist practicing or offering to practice engineering in NC until licensed with the Board.

CASE NO. V05-117

Philip D. Reese, PLS No. L-2642
Weaverville, NC

VIOLATION: Practiced on an expired or inactive certificate [G.S. 89C-16, 23] and his corporation practiced on an expired or inactive certificate [G. S. 89C-24 & 55B].

BOARD ACTION: Reprimand and Civil Penalty of \$500.

CASE NO. V05-128

E M C Engineers, Inc. (No. C-1460)
Lakewood, CO

VIOLATION: Failed to inform Board in application of branch office. [G. S. 89C, 55B-10, .0802(a)] and failed to have a resident professional in each branch office in NC [.0901].

BOARD ACTION: Reprimand and Civil Penalty of \$5,000.

CASE NO. V06-043

Environmental Services, Inc., unlicensed
Raleigh, NC

VIOLATION: Corporation practiced or offered to practice land surveying in violation of G. S. 89C and 55B.

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

**FOND
FAREWELLS**



A farewell dinner was given for two former Board members on February 16, 2006. These individuals are well-respected by their many colleagues and Board staff because of their motivation, knowledge, and respect for others. They are as follows:



Johnie C. Garrason, PLS was appointed to the Board in March 2001. Licensed in 1973, he brought to the Board new energy and a vision for change and improvement in the profession of surveying. Mr. Garrason had been recognized as Surveyor of the Year by the North Carolina

Society of Surveyors (NCSS) in 1992 and the National Society of Professional Surveyors (NSPS) Surveyor of the Year in 1993. Mr. Garrason did not seek reappointment to a second Board term due to ongoing health-related issues. However, he continues to be active in his local NCSS chapter activities in Wilmington and was appointed an Emeritus Member of NCEES in February 2006.



David L. Peeler, PE was appointed to the Board in January 1996 and served two, 5-year terms. Licensed in 1978, Mr. Peeler is the president of W. K. Dickson & Co., which he joined in 1984. He brought to the Board a thoughtful and deliberate leadership style and a

warm, unassuming personal style. While on the Board, Mr. Peeler held the offices of Board Chair (2000 and 2004), Vice-Chair (1999 and 2003), and Secretary (1998). He was also appointed an Emeritus Member of NCEES in February 2006.

The North Carolina Bulletin is published to provide news and information regarding statutory and regulatory changes and to promote a better understanding of the practices of engineering and surveying in the State of North Carolina.

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