



The North Carolina Bulletin

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

October 2016 Fall 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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Legislative Update: HB 742 Passed

Decoupling Takes Effect for the Spring 2017 PE Exam



HB 742 was passed by the General Assembly in the 2016 short session and will be in effect for the Spring 2017 PE exam. The window will open for the Spring exams November 1.

Beginning November 1 PE applicants who qualify will no longer make application to the North Carolina Board to take the PE exam. The applicant will go directly to NCEES and sign up to take the PE exam.

To be eligible to take the PE exam in NC an applicant:

1. Must first possess one of the following:
 - A bachelor's degree in engineering from an EAC/ABET accredited program or in a related science curriculum which has been approved by the Board as being of satisfactory standing.
 - A bachelor's degree in an engineering curriculum or related science curriculum of four years or more, other than curriculums approved by the Board as being of satisfactory standing in item 1(a) above;
 - A master's degree in engineering from an institution that offers EAC/ABET accredited programs;
 - An earned doctoral degree in engineering from an institution that offers EAC/ABET accredited programs and in which the degree requirements are approved by the Board.
2. Must take and pass the Fundamentals of Engineering Exam.

Upon passing the PE exam AND meeting the experience requirements, the applicant will then apply to the North Carolina Board for the PE license. To be eligible for the PE license in NC, the applicant must:

- Possess one of the degree requirements listed above.
- Pass the FE and PE exam.
- Present evidence satisfactory to the Board of a specific record of progressive engineering experience that is of a grade and character that indicates to the Board that the applicant is competent to practice engineering. Those meeting the education requirements of subsection (a), (c) and (d) shall have no less than four years and for an applicant who qualifies under subsection (b) no less than eight years.

For applicants applying to waive the FE exam based on 20 years of practice, you must still apply to the Board for approval of the waiver and being permitted to take the PE exam.

Only those applicants that have met the education requirements and have passed the FE exam may sit directly for the PE exam prior to having gained the required experience. Then upon gaining the required experience, you may apply for the PE license.

The new application forms will be posted on the website beginning November 1.

HB 742

A copy of HB 742 (Session Law SL 2015-105) can be found here:
www.ncleg.net/Sessions/2015/Bills/House/PDF/H742v4.pdf

For any questions please contact lparham@ncbels.org.



Responsible Charge

by Stacey A. Smith, PE
Engineering Committee Chair

The concept of Responsible Charge is personal and remains fundamental to professional conduct. NCEES Model Law defines "Responsible Charge" as the *direct control and personal supervision of engineering or surveying work, as the case may be*. This definition mimics our own NC General Statute 89C-3 (10). It appears the Board's last brief on this topic occurred over a decade ago in "Attributes of Responsible Charge" by David L. Peeler, P.E.¹ and by J. Albert L. Bass, Jr. P.E.² before him. One commonality of the two articles is a "test" of responsible charge. Therefore, I offer an abbreviated version with some discussion to follow:

1. Do you supervise the individual(s) performing the work?
2. Do you obtain or set the project parameters or criteria?
3. Can you require changes to the work?
4. Are you involved from start to finish?
5. Are there protocols and procedures that assure your control?
6. Did you spend sufficient time during work performance to understand the details?
7. Are you familiar with the performance capabilities and methods of the individual(s)?

¹ "Attributes of Responsible Charge" by David L. Peeler, P.E., *The North Carolina Bulletin* (newsletter of NCBELS) in the fall issue dated December 2004.

² "Attributes of Responsible Charge" by J. Albert Bass, Jr., P.E., *News Bulletin* No. 32 in the November 1988 issue.

8. Did you train the individual(s)?
9. Are you in close proximity or do you have readily accessible contact with the individual(s)?
10. Are you competent by training and experience in the field of engineering or land surveying which is represented by the drawings or work in question?

The situational complexity of compliance with board rule 21 NCAC 56 .0701 (*Rules of Professional Conduct*) should be considered in normal day to day practice.

The Board seeks to be proactive in engagement with our licensees and our state community through site visits, attendance at society meetings, and presentations to regulatory agencies and universities.

Our preference is to discuss questions and concerns before they become enforcement actions. Therefore, we encourage all of our licensees to see the Board as a resource to assist in compliance.

The Client – Engineer Relationship

This relationship is very common as the engineer endeavors to carry forward an idea, concept, or development to fruition under parameters of scope, budget, and schedule. This may be an iterative process to achieve a balance of all three, but the engineer is highly engaged in the direct conversations never sacrificing *the safety, health, and welfare of the public*. This relationship speaks directly to Responsible Charge Test No. 2 and our *Rules of Professional Conduct*.

The Client – Supervisor – Engineer Relationship

Another relationship that may occur on larger projects and within layered organizations is when a non-licensed project manager is placed between the client and the engineer. This relationship can become akin to the game of “Whisper Down the Lane” we played as kids and where “*I gave my brother a ride to work*” may end with “*I saw my mother ride a stork*.” Typically, the discussion of responsible charge focuses on supporting staff performing analysis, drawings, and correspondence under the direction of the engineer, but in this case, the engineer is working through



an intermediary. Challenges of budget and schedule may place additional pressure on the engineering team. The relationship between the engineer and the supervisor should also be of a personal nature. Consider Responsible Charge Test No. 7 and how well you understand the capabilities of your supervisor. This should not become adversarial yet more one of “loyal opposition” to reach a common goal. The ideal relationship is one of engagement that allows the engineer to complete the project under seal in full compliance with the *Rules of Professional Conduct*. The engineer must always remember to establish a strong basis for design and be wary of assumptions that can lead to problems during critical decision making and in construction.

The Senior Engineer – Engineer Relationship

Within multi-discipline firms or larger firms with many licensed professionals, a senior engineer may be leading the project but a difference of opinion may occur. Another moment of “loyal opposition” may occur as professional’s debate the project circumstances. This situation can be constructive; but the ultimate responsibility will occur with the professional seal and the name it bears. Consider Responsible Charge Test No. 10 on the collective of experience and training.

The Buck Stops Here

Responsible charge has been in the top three (3) rules violations for the past 20 years. It is complicated to recognize and manage the day to day situations that may occur. The Board and staff are available to assist in understanding and navigating the *Rules of Professional Conduct*. Although the Responsible Charge Test does not require an answer to every question, it does allow investigations to explore direct control by the engineer or surveyor. Just remember, when the dust settles, the seal and the name it bears will be the individual of responsibility subject to review.



Upcoming PAKS for the PS Exam

*by Andrew G. Zoutewelle
Board Secretary*

Do you remember when you took the PS Exam? The Principles and Practice of Surveying Exam (PS Exam) has changed somewhat over the last 30 years due to technology and due to new issues that Professional Land Surveyors face in their everyday practice. It's important that this exam tests current methods, equipment and issues that minimally competent surveyors should know. Technology has been evolving quickly in the surveying world. Therefore, the National Council of Examiners for Engineering and Surveying (NCEES) updates its exam content at regular intervals, and it's that time again for the PS Exam.

What should a minimally competent Professional Land Surveyor know?

Although the PS Exam questions and results are continually monitored by professional surveyors acting as subject matter experts and by NCEES staff in consultation with its testing partner Pearson VUE, NCEES updates the subject matter content by conducting periodic surveys of practicing surveyors every six to eight years. These task analysis surveys are called PAKS, which means Professional Activities and Knowledge Study. You will be invited to participate in the survey in the coming months of 2017. Through the survey you will be asked to provide feedback regarding the important topics, methods, equipment and issues of our profession.

The results of your survey will be used by NCEES to revise the existing exam content topic areas (Specifications). For example, so much of the exam is dedicated to boundary issues, so much to land encumbrances, so much to riparian rights, so much to project planning, so much to control datums, and so on. The balance between these topics – and potential new topic areas – will be queried. Clearly, your input of what's important in our profession is vital to generating a successful exam and, consequently, maintaining the high standards of our profession for the protection of the health, safety and welfare of the public.

Save the Date!

You can expect to hear more in the first few months of 2017. Please take a few minutes to respond to the survey when that time comes. Thank you for your efforts to maintain the integrity of our profession and the protection of the public in your practice.

P.S. CBT is now airborne

As of this month (October 2016), both the Fundamentals of Surveying (FS Exam) and the PS Exam are administered electronically by computer-based testing (CBT). Examinees apply directly to NCEES to be seated. The testing partner of NCEES, Pearson VUE, has many testing locations across the country, and approximately eight locations are located in North Carolina. See either the [Pearson VUE](http://www.pearsonvue.com/ncees/) or [NCEES](http://ncees.org/) websites for additional information. The results from the first week of the computer-based PS Exam look promising – pass rates are in the same range as the last round of paper-and-pencil exams. Remember – for the moment the North Carolina state-specific exam is still administered quarterly in paper-and-pencil format at the NC Board office in Raleigh.

LINKS

Pearson VUE

<http://www.pearsonvue.com/ncees/>

NCEES

<http://ncees.org/>

Since when is it okay to be dishonest?

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of G.S. 89C or the rules adopted by the Board. Licensees, including business firms, are required to report disciplinary actions and criminal convictions within 30 days [.0505(a), .0606(a), .0804]. That said, typically the North Carolina Board will only pursue cases against licensees when they've lost their ability to practice in another jurisdiction (suspension or revocation) as a result of a disciplinary action, or they've had restrictions placed on their licenses. In other words, if they are not fit to practice in other jurisdictions, the public is not protected by allowing them to practice in this state.

The Board monitors the NCEES Enforcement Exchange, a national database of enforcement actions. If the Board finds that a licensee was disciplined and the licensee has told the Board otherwise on the application or renewal, a disciplinary case will be opened. The licensee will be charged with providing false information, which is a violation of the Rules of Professional Conduct. Licensees are required to be objective and truthful, and to include all relevant and pertinent information [.0701(d)]. Ironically, had the licensee simply disclosed the action, particularly if it didn't result in a restriction or loss of license, a case wouldn't have been opened. Occasionally, the Board finds that the licensee wasn't being untruthful at all, but someone else filled out the renewal and attested to inaccurate information. This is akin to having a staff member certify a survey or set of plans on your behalf. It's not allowed!

"...I certify to the above record of experience, and hereby apply for licensure as a Professional Engineer/Professional Land Surveyor. I have read and do subscribe to the RULES OF PROFESSIONAL CONDUCT and believe that a violation of any of these Rules by a Professional Engineer/Professional Land Surveyor is justifiable cause for revocation of licensure."

The same practice applies to business firm applications and renewals. The Board requires a licensee to attest to the accuracy of the information. The licensee should know the importance of the firm operating in compliance including meeting ownership and resident professional requirements. While the Board recognizes how busy licensees are in their daily lives and practices, attesting to information on applications and renewals shall not be delegated.

While the Board sometimes finds less than truthful licensees upon audit of CPC responses or upon review of renewal and application forms, equally egregious examples of untruthfulness have come to the surface during the Board's investigations. Some situations that come to mind:

- A licensee's spouse attended a continuing education program in the licensee's place, which the licensee then claimed for CPC credit. Believe it or not, it happened.
- Licensees have claimed to be overworked and unable to meet deadlines and therefore told their clients or employers that the permit application or plan had been submitted and the holdup was with the state or local government agency, when the information never left their desks.
- Licensees have submitted exaggerated qualifications and overstated their abilities in an effort to win contracts.
- Licensees serving as expert witnesses have hedged testimony and failed to include all relevant and pertinent information in order not to hurt the clients' cases.
- Licensees have certified work that was either not personally prepared by them or under their direct supervisory control. When the licensees certified the work, it was purported to be their final work product and could be relied upon.
- Licensees have failed to disclose conflicts of interest. This is simply not being truthful by omission. Licensees that later tried to justify why there wasn't a conflict of interest just compounded the issue.

When the Board considers these situations, it will take appropriate action against the licensee in order to protect the health, safety and welfare of the public. Knowledge and adherence to the Rules will go a long way to keep any licensee from ever having to answer questions about their conduct before the Board, clients, courts, employers or peers and also from having to explore his or her own conscience. The Board recognizes its licensees are not perfect and will make mistakes during their careers. The outcome is often determined by whether the licensee owns up to these mistakes, and takes positive steps to avoid making the same mistakes again. Being dishonest about what was done will only make the situation worse. Not only will violating the *Rules of Professional Conduct* adversely reflect upon a licensee's professional reputation, but in some cases it may impact the licensee's very livelihood.

Finally, know that the Board and its staff are resources and will provide guidance to help licensees to conduct their practices in compliance with the Rules.

TRANSITIONS

Board Honors Departing Members



On September 13 the Board held a Farewell Dinner for outgoing members Teresa H. Ratcliff, PE, PhD and Nils W. Joyner, Jr., PLS. Both Dr. Ratcliff and Mr. Joyner began their first five-year terms in January 2006 and those terms expired in December 2010. Through reappointment, Dr.

Ratcliff and Mr. Joyner began their second terms in January 2011 and those terms expired in December 2015. However, both Dr. Ratcliff and Mr. Joyner served through February 24, 2016 when their respective successors were appointed.

Dr. Ratcliff served as Chair of the Board in 2010 when she was the first female Chair in the Board's history. She also served as Board Vice Chair in 2009 and 2014 and as Board Secretary in 2013.

Mr. Joyner served as Board Chair in both 2009 and 2015. He also served as Board Vice Chair in 2008 and Board Secretary in 2007.

In addition to the honorees, those in attendance at the festivities at a local Raleigh restaurant included seven current Board members, four Emeritus Board members, eight guest Board spouses and several staff members. Memories and humorous anecdotes relating to the joint tenures of Dr. Ratcliff and Mr. Joyner were shared by current Board members Mike Benton and David Pond and Emeritus Board member Henry Liles.

Dr. Ratcliff and Mr. Joyner spoke fondly of their meaningful Board experiences and service. Plaques and small gifts were presented to these two outgoing Board members as their colleagues and friends celebrated their combined twenty year of service to the engineering and surveying professions.

Laverne Barbour Honored at Retirement

Laverne Barbour, who came to work with the Board on May 1, 2001, retired on June 30, 2016. On June 23, Laverne's 15-year tenure was celebrated with a catered afternoon reception at the Board office.

Those in attendance included Laverne's two sisters; several of her long-time friends; four former Board employees; all current staff members; former Board member Gary Thompson, PLS; Board Vice Chair Richard M. Benton, PLS, and wife Pam; and other vendors of the Board.

Executive Director Andrew Ritter welcomed everyone and voiced his appreciation for Laverne's years of service and recognized her special relationship with Surveying Board members and applicants. In addition, the full Board presented a plaque to



Laverne at the May 11 Board meeting to recognize her service and dedication to the Board and to the engineering and surveying professions.

Laverne retired to Myrtle Beach, SC to spend more time with family and to enjoy the beach that she loves so much.

Meetings of the NC Board of Examiners for Engineers and Surveyors are open to the public. Meetings are conducted at the Board office 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 as follows: 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.

April 2016 Exam Statistics

The results from the April 2016 administration of the licensure exams have been received and processed by the Board. The results for the examinations are as follows:

Principles and Practice of Engineering (PE) 60.85% pass rate

Structural Engineering (SE)

Vertical Component	22.22% pass rate
Lateral Component	50.00% pass rate

Principles & Practice of Surveying (PS)

	<u>April 2016</u>	<u>July 2016</u>
Part A:	54.55% pass rate	-----
Part B:	33.33% pass rate	88.89% pass rate
Part C:	57.14% pass rate	66.67% pass rate

Intern Certifications: April 22, 2016 through October 17, 2016

Engineer Interns 130

Surveyor Interns 0

2016-2017 Examination Dates

National examinations are to be conducted on the following dates:

<u>Examination Date</u>	<u>Deadline</u>
April 21, 2017	January 3, 2017 PE Exams
October 27, 2017	August 1, 2017 PE Exams

PS Examination Information

State-Specific Exam – Once you have taken and passed the PS CBT, you will be required to apply to the NC Board of Examiners to take the State-specific exam.

- New, in-state and out-of-state applicants will need to file complete applications, paperwork and prepare plats/maps to NC G.S. 47-30 Mapping Requirements and Standards of Practice.
- Existing applicants will need to check with the Board to see what is needed to update their current files.
- All re-exam applicants will need to submit exam fees and re-exam forms to the Board of Examiners.

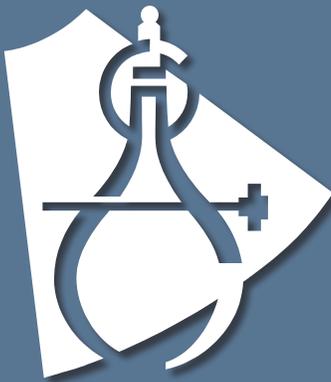
<u>Dates for 2017 State-Specific Exam</u>	<u>Application Deadline</u>
January 23, 2017	November 1, 2016
April 17, 2017	January 2, 2017
July 24, 2017	May 1, 2017
October 23, 2017	August 1, 2017

Exams

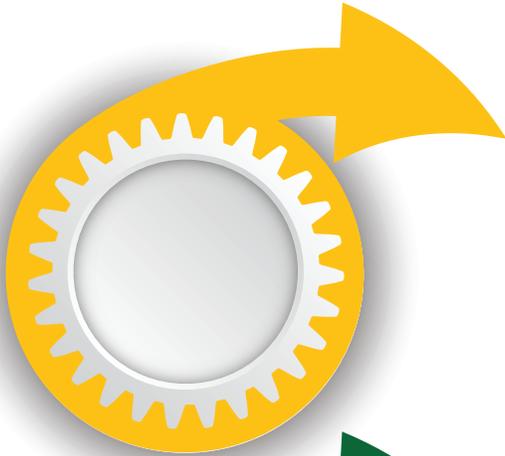
» Stats

» Dates

» News



MEMBERSHIP NOTICES



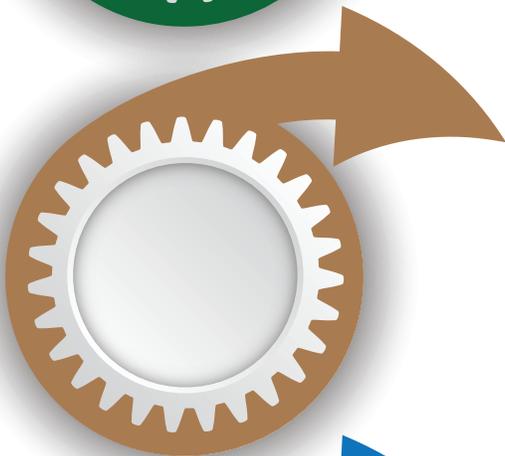
Renewals for 2017

License renewals for 2017 begins on December 1. Licensees are encouraged to renew online as it is considerably faster than renewing by mail. Simply login to the **Licensees Only** section on the Board's website and enter your license number and PIN. If you do not know your PIN, follow the instructions in the **Licensees Only** section to receive it by e-mail. Also, the PDHs you reported the previous year can be viewed in the **Licensees Only** section. If you are a Professional Engineer and Professional Land Surveyor, you will only receive one renewal form for both licenses.



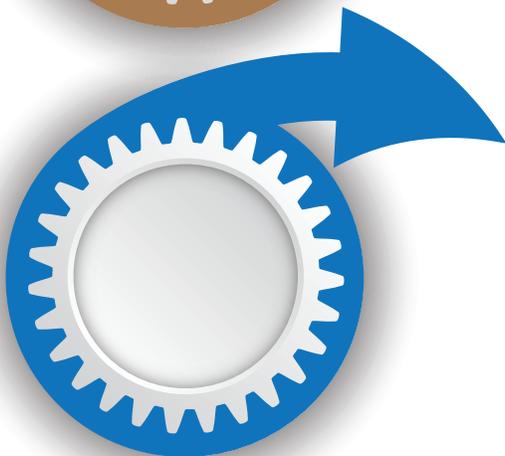
Address Changes

Per Board Rule [21 NCAC 56.0505(a), .0606(a)], you are required to provide the physical places of business and residential addresses. You can still provide a PO Box for your mailing address. You can login to the **Licensees Only** section on the Board's website at anytime to update your addresses and e-mail. Also, you are required to give notice to the Board of a change of business or residential address within 30 days of the change.



Paper Renewal Opt-Out

To streamline the PE/PLS license renewal process and to be environmentally friendly, the Board offers a paper renewal opt-out feature. To opt out of receiving paper renewal forms, login to the **Licensees Only** section on the Board's website using your license number and PIN and follow the opt out instructions. If you do not know your PIN, click **here** to recover it. The Board will continue to send e-mail notices when it's time to renew so keep your e-mail address up to date.



Access the Licensees Only section of the Board's website here:

<https://www.member-base.net/ncbels-vs/login.aspx?ReturnUrl=%2fncbels-vs%2fdefault.aspx>

Retrieve your PIN here:

<https://www.member-base.net/ncbels-vs/RequestPIN.aspx>

For any business firm questions, contact:

Mark Mazanek, Director of Firm Licensure, via email to mmazanek@ncbels.org or by phone at (919) 791-2000 x102.

Disciplinary Actions 2016-2

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. The range of disciplinary actions includes: issuing a reprimand; suspend, refuse to renew, refuse to reinstate, or revoke the certificate of licensure; require additional education; or, as appropriate, require reexamination; or levy a civil penalty not in excess of \$5,000 for any engineer or \$2,000 for any land surveyor. 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. V2014-071

Grant T. Cherrington [PE No. 29885 – Archived]
Charleston, SC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand and \$2,000 civil penalty.

CASE NO. V2014-072

William L. Aldridge, PE [27919]
Charlotte, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand.

CASE NO. V2014-108

Brooke T. Carpenter [PE No. 23249 – Suspended]
Gibsonville, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public [.0701(b)].

BOARD ACTION: Suspend Engineering Certificate of Licensure for one year.

CASE NO. V2015-011

Don C. Jacobs [PE No. 8987 – Revoked; PLS No. L-2804 – Revoked]
Pembroke, NC

VIOLATION: Failed to conduct his practice so as to protect the health, safety and welfare of the public by using his PE license to circumvent an Order of the Board and to practice land surveying [.0701(b)]; practiced or offered to practice land surveying while his Professional Land Surveyor's license was suspended in violation of G.S. 89C and violated an Order of the Board; performed inaccurate or substandard surveys, failing to

protect the public [.0701(b)]; and his firm practiced or offered to practice engineering and land surveying without a license in violation of G.S. 89C-24.

BOARD ACTION: Revoke Engineering and Land Surveying Certificates of Licensure.

CASE NO. V2015-055

Associated Scaffolding Company, Inc. [Non-licensed]
Durham, NC

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

BOARD ACTION: Board issued letter to place the company on notice that practicing or offering to practice engineering in North Carolina without being licensed with the Board is a violation of G.S. 89C-24 and 55B. The activities include, but are not limited to, providing references to engineering design on the web site. Also, the company needs to use Professional Engineers if the activity falls within definition of the practice of engineering, not just when work is requested to be stamped; and remove references to a non-licensed company doing engineering.

CASE NO. V2015-061

Integrated Scanning Solutions, LLC [Non-licensed]
Davidson, NC

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

BOARD ACTION: Board issued letter to place the company on notice that practicing or offering to practice engineering and surveying in North Carolina without being licensed with the Board is a violation of G.S. 89C-24, 57D and 55B. This includes location data, dimensions and quantities that are issued for an authoritative purpose (to be relied upon for the data) or to a stated accuracy. The activities that may meet that test

include, but are not limited to, 3D Laser Scanning, As-Built Drawing Creation, 3D Modeling, Underground Utility Mapping, Stockpile Volume Calculation, Void Volume Calculation, and GPS Mapping Services; and more specifically, to engineering: Change Detection, Clash Detection, whether for BIM or other design purposes, where the location and/or sizing of engineering project components (as-built or otherwise) are to be relied upon.

CASE NO. V2015-062

Rohadfox Construction Control Services Corporation [Non-licensed]
Atlanta, GA

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

BOARD ACTION: Board issued letter to place the company on notice that practicing or offering to practice engineering in North Carolina without being licensed with the Board is a violation of G.S. 89C-24 and 55B. The activities include, but are not limited to, holding out engineering expertise with engineering employee titles, offering design and engineering services, and “providing environmental engineering services.”

CASE NO. V2015-070

Kevin P. Munson, PE [29249]
Darlington, SC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to properly certify documents [.1103]; affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; and affixed seal to inadequate design documents, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand and \$2,500 civil penalty.

CASE NO. V2015-072

Jeffrey S. Gordon, PLS [L-3751]
Monroe, NC

VIOLATION: Failed to be completely objective and truthful in professional statements [.0701(d)(1)] and knowingly associated with a firm that is not properly licensed [.0701(g)(1)].

BOARD ACTION: Reprimand, \$2,000 civil penalty and ethics course.

CASE NO. V2015-073

Frontier Land Surveying [No. F-0915 – Revoked]
Monroe, NC

VIOLATION: Failed to have a resident licensed professional in responsible charge in each office [.0901]; failed to be completely objective and truthful in professional statements [.0701(d)(1)]; made exaggerated, misleading, deceptive or false statements of qualifications or experience [.0702]; and firm practiced or offered to practice engineering and/or land surveying in violation of G.S. 89C-24.

BOARD ACTION: Refuse to renew or reinstate license, or revoke license if renewed.

CASE NO. V2015-076

Stewart Engineering, Inc. [C-1051]
Raleigh, NC

VIOLATION: Failed to conduct its practice in order to protect the public health, safety and welfare [.0701(b)] by having inadequate QA/QC in place to help assure that employees of the firm who had roles in designing, reviewing and approving items related to the plans, should have recognized and raised concerns about the inadequate design and not documenting the completion of QA/QC checks, especially for a unique and complex project, and employees failed to adequately address communicated concerns with the design; and failed to properly sign documents by using a facsimile (digitized) signature [.1103(a)(3)].

BOARD ACTION: Reprimand and \$5,000 civil penalty.

CASE NO. V2015-085

Cherry Mountain Timber Company, LLC [Non-licensed]
Bostic, NC

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

BOARD ACTION: Board issued letter to place the company on notice that practicing or offering to practice surveying in North Carolina without being licensed is a violation of G. S. 89C-24, 57D and 55B. These activities include, but are not limited to, advertising surveying services to mark boundary lines in place of having a survey done by a Professional Land Surveyor. This does not prohibit the marking of stands of timber boundaries where the property boundary lines have been established by a PLS for information and inventory purposes, as long as the

continued on next page

location or measurement data is not being relied upon by the owner, or others, nor is there any stated accuracy to which the map is done. Refreshing property marks previously made by a surveyor does not require a PLS.

CASE NO V2015-086

Walls Engineering Design [Non-licensed]
Hickory, NC

VIOLATION: Practiced or offered to practice engineering without a license in violation of G.S. 89C-24 and used the word "engineering" in violation of G. S. 89C-23.

BOARD ACTION: Board issued letter to place the company on notice that practicing or offering to practice engineering in North Carolina without being licensed with the Board is a violation of G.S. 89C-24 and using the word "engineering" is in violation of licensing required by G.S. 89C-23.

CASE NO. V2015-087

WED Engineering and Construction, LLC [Non-licensed]
Hickory, NC

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

BOARD ACTION: Board issued letter to place the company on notice that practicing or offering to practice engineering in North Carolina without being licensed with the Board is a violation of G.S. 89C-24, 57D and 55B and using the word "engineering" is in violation of licensing required by G. S. 89C-23.

CASE NO. V2015-093

Andrew S. Pordon, PE [35263]
Raleigh, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)] by inadequate communication and coordination with tasks of the engineer of record.

BOARD ACTION: Reprimand.

CASE NO. V2015-095

Gary O. Bledsoe, PLS [L-4460]
Raleigh, NC

VIOLATION: Performed an inaccurate or substandard survey and not complying with city plot plan requirements, failing to protect the public [.0701(b)]; failed to include firm license number on document [.1103(a)(6)]; failed to conform to the Standards of Practice for Land Surveying in North Carolina [.1600]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to make adequate investigation [.1602(a), (c)]; and failed to properly certify documents [.1103(a)(3)] by using a digitized signature.

BOARD ACTION: Reprimand.

CASE NO. V2015-107

Mark T. Lyczkowski [Non-licensed]
Sanford, NC

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

BOARD ACTION: Board issued letter to put this person on notice that practicing or offering to practice engineering and land surveying in North Carolina without being licensed with the Board is a violation of G.S. 89C-23. The activities include, but are not limited to, holding out land surveying and engineering services, creating property boundaries, recommendations as to annexation, zoning and subdivision requirements, determining stormwater, curb and gutter and open space requirements, civil engineering, and layout of proposed sewer and waterlines.

CASE NO. V2015-108

ML Consulting of Sanford, LLC [Non-licensed]
Sanford, NC

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

BOARD ACTION: Board issued letter to place the company on notice that practicing offering to practice engineering and land surveying in North Carolina without being licensed with the Board is a violation of G.S. 89C-24, 57D and 55B. The activities include, but are not limited to, holding out land surveying and engineering services, creating property boundaries, recommendations as to annexation, zoning and subdivision

requirements, determining stormwater, curb and gutter and open space requirements, civil engineering, and layout of proposed sewer and waterlines.

CASE NO. V2016-001

Christopher Locklear, PE [20193]
Pembroke, NC

VIOLATION: Performed services outside of area of competence [.0701(c)(3)]; aided or abetted another person to evade or attempt to evade the provisions of G.S. 89C [G.S. 89C-16]; knowingly associated with and permitted the use of the licensee's name or firm name with a person and firm that are not properly licensed [.0701(g)(1)]; affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; and failed to properly certify documents [.1103].

BOARD ACTION: Reprimand and restrict practice to plumbing, mechanical and electrical engineering only.

CASE NO. V2016-002

Clifford A. Wagner, PLS [L-4241]
Leland, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)] by affixing seal to inadequate documents, not following procedures per a Unified Development Ordinance resulting in an unapproved lot, and omitting Review Officer statement required by G. S. 47-30; failed to be completely objective and truthful in professional statements [.0701(d)(1)] by failing to disclose relationship with client's company and not being truthful about it; failed to avoid conflicts of interests [.0701(e)(1)] by failing to inform reviewing agency of any business association, interests, or circumstances, which could influence judgment or the quality of services; failed to report the results of a survey in a clear and factual manner [.1602(f)] by indicating Planning Director was the Review Officer after the Planning Director had signed the map to record the map without the Review Officer's signature; and failed to note and date a revision [.1103(a)(7)].

BOARD ACTION: Reprimand, \$1,000 civil penalty and ethics course.

CASE NO. V2016-008

Kevin E. Herring, PE [20165]
Oakboro, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public health, safety and welfare [.0701(b)] by failing to comply with the Building Code accessibility requirements.

BOARD ACTION: Reprimand.

CASE NO. V2016-009

Joshua A. Montazeri [PLS No. L-4781 – Suspended]
Asheboro, NC

VIOLATION: Convicted of a felony [G.S. 89C-21(a)(3)].

BOARD ACTION: Suspend Land Surveying Certificate of Licensure until proof of restoration of civil rights is provided.

CASE NO. V2016-012

Forensic Building Sciences, Inc. [Non-licensed]
St. Paul, MN

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

BOARD ACTION: Board issued letter to place the company on notice that practicing or offering to practice engineering in North Carolina without being licensed with the Board is a violation of G.S. 89C-24 and 55B. The activities include, but are not limited to, representation that the company can provide "Engineering design and calculations," "Load path calculations," "Wind uplift analysis," and "Engineering, as needed" in North Carolina.





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