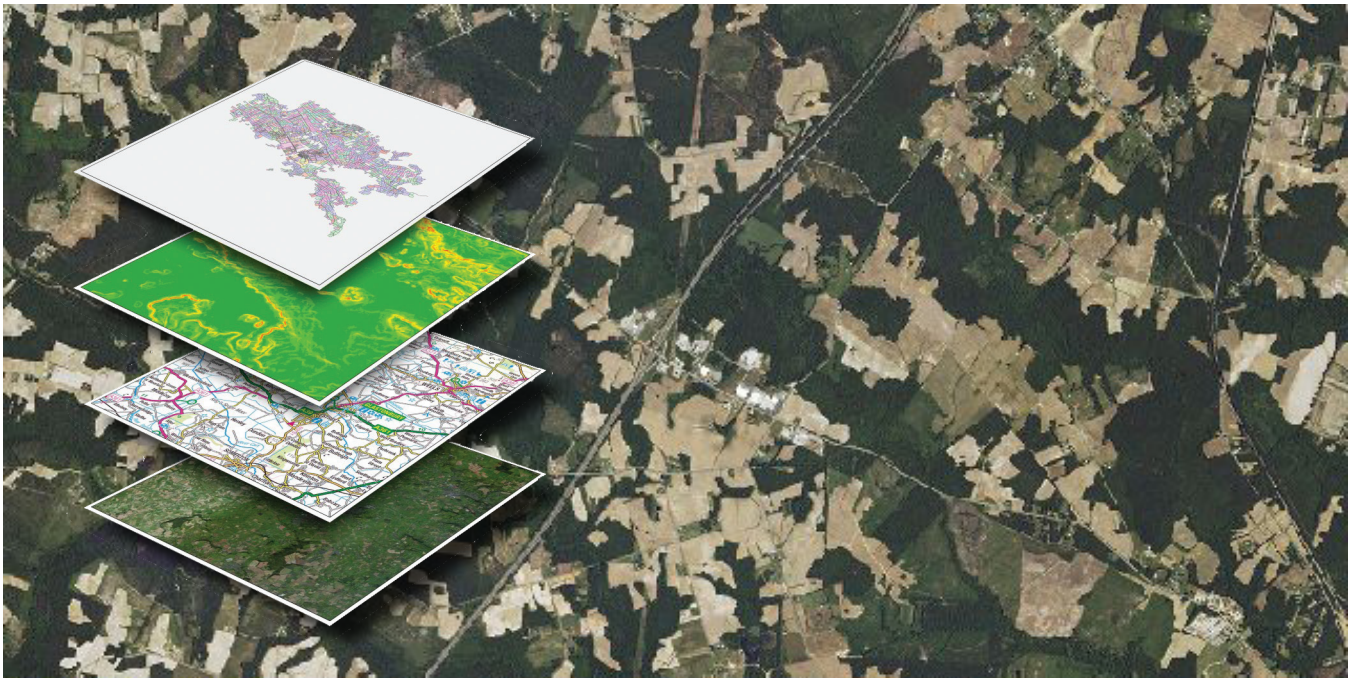




The North Carolina Bulletin

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

October 2015 Fall Issue



Inside this Issue

Board & Staff Directory	2	Renewals for 2016.....	7
Decoupling Legislation Update.....	3	Address Changes.....	7
Recertification of Survey Plats	4	Paper Renewal Opt-Out	7
Examination Statistics & Dates	6	Disciplinary Actions.....	8



The North Carolina Bulletin

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

Board Office

4601 Six Forks Road Suite 310
Raleigh, NC 27609

Telephone

(919) 791-2000

Facsimile

(919) 791-2012

Website

www.ncbels.org

Andrew L. Ritter *Executive Director*

Board Members – 2015

Nils W. Joyner, Jr., PLS	<i>Chair</i>
Carl M. Ellington, Jr., PE	<i>Vice Chair</i>
Richard M. Benton, PLS	<i>Secretary</i>
Jonathan S. Care, Public	
David L. Pond, PE	
Teresa H. Ratcliff, PE, PhD	
Stacey A. Smith, PE	
Linda A. Thurman, Public	
Andrew G. Zoutewelle, PLS	

Committee Chairs – 2015

Carl M. Ellington, Jr., PE	<i>Engineering</i>
Andrew G. Zoutewelle, PLS	<i>Surveying</i>
Linda A. Thurman, Public	<i>CPC</i>

Editing and Design

Lou Ann Buck	<i>Editor/Content Manager</i>
The Signature Agency	<i>Graphic Design</i>

Board Staff Directory

Name Title	Email	Extension
Stephanie Bryant <i>Administrative Assistant</i>	sbryant@ncbels.org	100
Andrew L. Ritter <i>Executive Director</i>	aritter@ncbels.org	101
Mark D. Mazanek <i>Director of Business Licensure and Compliance</i>	mmazanek@ncbels.org	102
Shirley Ditt <i>Administrative Assistant</i>	sditt@ncbels.org	103
Martha Michalowski <i>CPC/Investigations Administration</i>	mmichalowski@ncbels.org	104
Laverne Barbour <i>Processor: Surveying Applications EI/SI Certifications</i>	lbarbour@ncbels.org	105
Lou Ann Buck <i>Director of Administration</i>	labuck@ncbels.org	106
Laura Parham <i>Processor: Professional Engineer Applications</i>	lparham@ncbels.org	107
Dawn Taylor <i>Administrative Assistant</i>	dtaylor@ncbels.org	108
David S. Tuttle <i>Board Counsel</i>	dstuttle@ncbels.org	111
William P. Casey <i>Board Investigator, Eastern Region</i>	wcasey@ncbels.org	104
Cathy W. Nicholson <i>Board Investigator</i>	cnicholson@ncbels.org	104
Clyde Alston <i>Board Investigator</i>	calston@ncbels.org	104
Tina Curran <i>Board Investigator</i>	tcurran@ncbels.org	104
David J. Evans <i>Assistant Executive Director/Investigations</i>	djevans@ncbels.org	113
John Stone <i>Information Technology Systems Specialist</i>	jstone@ncbels.org	115
Chimene Link <i>Renewals</i>	clink@ncbels.org	116

ON THE COVER: Digital Aerial Photography of Halifax County, N.C.
Image from www.Landsat.com.



Decoupling Legislation Pushed to Short Legislative Session – April 2016

The legislation (H742) that the Board introduced to decouple engineering experience from the PE exam did not pass before the legislature session was adjourned for the year. The legislation passed the NC House unanimously in April of this session but was never brought up for a vote on the Senate side. Since H742 passed the House, it will be eligible for consideration when the short session convenes in April 2016. If the bill passes, the earliest PE applicants will be eligible for the PE exam under the new law will be Fall 2016.

- Decouples experience from the exam
- Follows new NCEES Model Law

H-742

A copy of the proposed legislation may be found here:

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2015&BillID=h742>

RECERTIFICATION OF SURVEY PLATS

by Andrew G. Zoutewelle, PLS
Surveying Committee Chair

A client asks you to pull an old survey map out of your files and update the certification to reflect certain limited changes to the map. For example, new parties' names are needed for the new purchase or loan transaction. Possibly a new title insurance commitment needs to be referenced on the face of the survey. No need to change the date on the survey, your client says. And no need to visit the site or re-survey the property. Is your first impulse to accept this assignment?



Recent questions from several surveyors prompted the Board to write this article to alert you, if you are not already aware, as to whether these seemingly minor revisions fall within acceptable practice. What do Board Rules allow and require? The Board's concern when this question arises is whether recertifying an old survey

is protecting the public health, safety and welfare as required by G.S. 89C and Board Rule 21-56.0701(b). The fundamental issue is the definition of "certify". To certify a document means that the document is signed, sealed and dated in compliance with Board rules. However, a document is merely the deliverable which communicates an underlying professional opinion, which must be based upon proper investigations conducted by the licensee. The "survey" is the investigation and the resulting opinion. The "survey map" is the deliverable communicating that opinion. Parties relying on a survey map expect the map to reflect conditions in place when that map is signed and sealed.

Therefore, the licensee is responsible for conducting sufficient investigations to support the conclusions shown on the sealed document as of the moment of signing the map.

Recognizing the time required to accomplish the various tasks necessary to produce a final survey, Board Rule 21 NCAC 56.1103(a)(4) requires that you place the date of signing at the time you certify, or recertify, a document. You cannot sign as of the previous date of the survey. Board Rule 21 NCAC 56.1103(a)(7) also provides that "any revision on a drawing after a licensee's certification is affixed shall be described and dated..." This rule provides for certain limited situations where it is appropriate to add or change information on a survey drawing. Examples include adding an additional floor elevation to a topographic survey map or adding a reference to a title insurance commitment which was still being prepared when the survey was first certified. However,

the licensee is cautioned against providing overly broad revisions or providing revisions after time has passed without updating all conditions reflected on the drawing.

Dusting off an old map from years ago and arbitrarily certifying old conditions to a new owner or a new lender or a new title insurance company does not meet the intent of Board Rules in most cases and is not in the public interest.

The professional surveyor is responsible for assuring that the information reflected on new documents is correct. The necessary investigations must be made regarding recent deeds and plats, adjoining properties, the current existence and location of boundary markers, the existence of potential recent





The professional surveyor is responsible for assuring that the information reflected on new documents is correct. . . . Disclaimers on the face of the map are not sufficient . . .

encroachments and all other aspects of the survey. Disclaimers on the face of the map are not sufficient to relieve the licensee from these responsibilities. Owner affidavits used by the licensee for the purpose of waiving these responsibilities are not acceptable substitutes for updating the survey investigations.

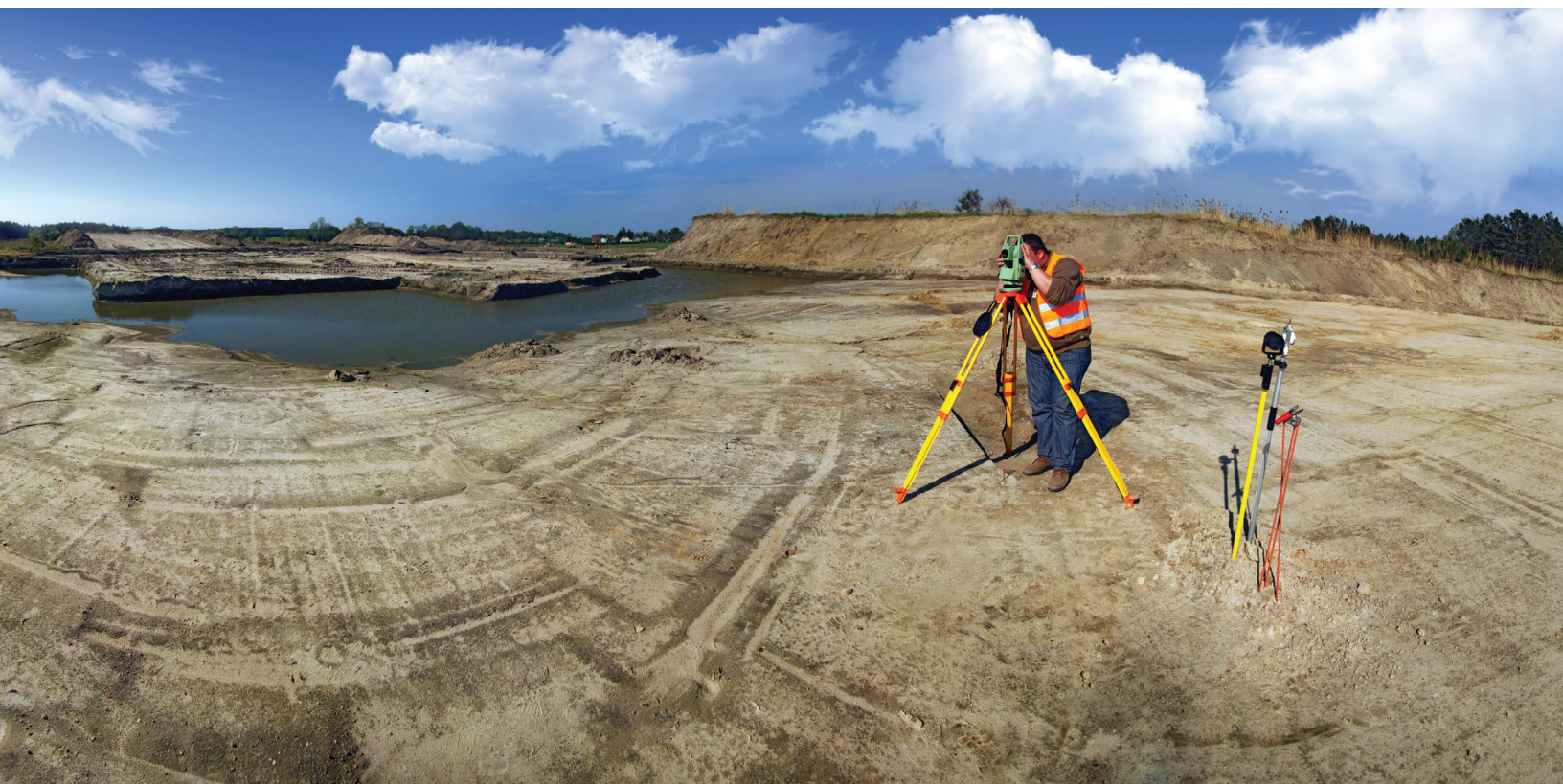
The public expects the professional certifications of land surveyors to represent the results of expert investigations.

Because every project situation is somewhat different and because professional licensees have the capability to exercise sound judgment, the Board has not laid out specific “red lines” regarding criteria for when “revisions” are acceptable (such as fixed time periods). Each professional licensee must exercise sound judgment in evaluating the extent of investigations necessary to properly address the task at hand. Remember, parties will rely on your opinion as they undertake their real property transactions.

Also keep in mind that your survey map will be used by other parties involved with the transaction, such as lenders, title insurance companies, property managers and others.

You, as the professional surveyor, can help educate your clients as to the importance of obtaining a current survey. You can address with your clients why you cannot always do what they might ask. You can remind your clients that the survey represents conditions at a particular point in time, and those conditions are subject to change. Licensees are encouraged to contact the Board with any questions and for the review of any proposed methods of compliance.

Exercising discretion as you release documents by only issuing current and accurate survey plats safeguards the public interest and promotes the public's confidence in the reliability of professional surveys in North Carolina.



Exams

» Stats

» Dates

» News



April 2015 Exam Statistics

The results from the April 2015 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) 55.56% pass rate

Structural Engineering (SE)

Vertical Component	28.57% pass rate
Lateral Component	30.00% pass rate

Principles & Practice of Surveying (PS)

	<u>April 2015</u>	<u>July 2015</u>
Part A:	90.00% pass rate	———
Part B:	85.71% pass rate	87.50% pass rate
Part C:	80.00% pass rate	77.78% pass rate

Intern Certifications: September 21, 2014 through September 20, 2015

Engineer Interns	114
Surveyor Interns	1

2016 Examination Dates

National examinations are to be conducted on the following dates:

<u>Examination Date</u>	<u>Deadline</u>
April 15, 2016	January 4, 2016 PE & PLS Exams
October 28, 2016	August 1, 2016 PE & PLS Exams

2016 FE & FS: Computer-based testing – See NCEES
for complete details and scheduling at www.ncees.org.



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



Examination dates for Out-of-State Surveying Applicants

<u>Examination Date</u>	<u>Deadline</u>
January 25, 2016	November 2, 2015
July 25, 2016	May 2, 2015

The usual April and October examination periods also apply.

MEMBERSHIP NOTICES



Renewals for 2016

License renewals for 2016 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 <https://www.member-base.net/ncbels-vs/RequestPIN.aspx> 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>

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 2015-2

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.

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. V2013-001

David W. Dickson [PLS L-3114 – Suspended]
Gastonia, NC

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

BOARD ACTION: Board issued a letter to place the individual on notice that practicing or offering to practice land surveying in North Carolina without being licensed is a violation of G.S. 89C-23.

CASE NO. V2013-056

Daniel M. Weaver [non-licensed]
Oak Island, NC

VIOLATION: Practiced or offered to practice land surveying without a license as required by G.S. 89C-23 and his Limited Liability Company practiced or offered to practice land surveying in violation of G.S. 89C-24, 57D and 55B.

BOARD ACTION: Board issued a letter to place the individual and company on notice that practicing or offering to practice land surveying in North Carolina without being licensed is a violation of G.S. 89C-23, 24, 57D and 55B.

CASE NO. V2014-033

Mitchell E. Effler, PLS [L-2583]
Swannanoa, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)] with respect to apparent rights-of-way on the boundary and failed to note and date a revision [.1103(a)(7)].

BOARD ACTION: Reprimand and ethics course.

CASE NO. V2014-083

Doyle Land Services, Inc. [non-licensed]
New Orleans, LA

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

BOARD ACTION: Board issued a letter to place the company on notice that practicing or offering to practice land surveying in North Carolina without being licensed is a violation of G.S. 89C-24 and 55B.

CASE NO. V2014-087

Kevin R. Adams, PE [17224 – Restricted]
Kernersville, NC

VIOLATION: Violated an Order of the Board and performed services outside area of competence [.0701(c)(3)].

BOARD ACTION: Reprimand, \$5,000 civil penalty, ethics course and restrict practice to structural engineering only.

CASE NO. V2014-089

John D. Puriton [PE 37590 – Suspended]
San Jose, CA

VIOLATION: Failed to comply with the annual CPC requirements [.1703, .1712]; failed to comply with the 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: Reprimand, \$2,500 civil penalty, suspend the Engineering Certificate of Licensure until CPC audit requirements are satisfied, and audit CPC the next three years renewed as current.

continued on next page

CASE NO. V2014-095

Allen C. Chao [PE 9596 – Revoked]
Raleigh, NC

VIOLATION: Failed to comply with the annual CPC requirements [.1703, .1712]; submitted false information on license renewal form [G. S. 89C-23, .0701(d)(1)]; failed to maintain adequate CPC records [.1706]; and failed to cooperate fully with the Board in the course of an investigation [G.S. 89C-20].

BOARD ACTION: Revoked the Engineering Certificate of Licensure.

CASE NO. V2014-096

Samuel P. Owusu-Ofori [PE 14547 – No Renewal]
Greensboro, NC

VIOLATION: Failed to comply with the annual CPC requirements [.1703, .1712] and failed to comply with CPC audit requirements [.1712(a)].

BOARD ACTION: Reprimand and audit CPC the next three years renewed as current.

CASE NO. V2014-098

Millman Surveying, Inc. [non-licensed]
Canton, OH

VIOLATION: Corporation practiced or offered to practice land surveying without a license in violation of G.S. 89C-24 and 55B and used the word “surveying” in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Board issued a letter to place the company on notice that practicing or offering to practice land surveying in North Carolina and using the word “surveying” in violation of required licensing is a violation of G.S. 89C-23, 24 and 55B.

CASE NO. V2014-099

Point to Point Land Surveyors, Inc. [non-licensed]
Locust Grove, GA

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

BOARD ACTION: Board issued a letter to place the company on notice that practicing or offering to practice land surveying in North Carolina without being licensed is a violation of G.S. 89C-24 and 55B.

CASE NO. V2014-100

G. Darrell Taylor, PLS [L-3729]
Raleigh, NC

VIOLATION: Aided or abetted another to evade or attempt to evade the provisions of G.S. 89C [G.S. 89C-16]; knowingly associated with a firm that is not properly licensed [.0701(g)(1)]; affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; failed to properly certify documents by using a facsimile (digitized) signature [.1103(a)(3)]; failed to report the results of a survey in a clear and factual manner [.1602(f)] as to surveyed lines containing no metes and bounds and statement that it is not a certified survey; failed to provide adequate tie [.1602(g), .1604(d)(9)]; failed to provide an adequate legend [.1604(d)(11)]; failed to provide proper certificate language on survey [.1604(d)(12)] including proper error of closure statement; failed to accurately locate all apparent rights-of-way and easements where forming or crossing boundary line [.1604(d)(8)]; failed to include address on document [.1103(a)(6)]; and failed to include firm license number on document [.1103(a)(6)].

Board Action: Reprimand, \$2,000 civil penalty and ethics course.

CASE NO. V2014-101

Randy G. Rhodes & Associates, P.A. [C-0800]
Lansing, NC

VIOLATION: Corporation practiced or offered to practice land surveying without a current license in violation of G.S. 89C-24 and 55B.

BOARD ACTION: Reprimand and \$2000 civil penalty.

CASE NO. V2014-105

Robert A. Durham [PE 32970 – No Renewal/Restricted]
Tulsa, OK

VIOLATION: Failed to notify the Board of license discipline within 30 days [.0505(a)] and had his license restricted in another jurisdiction [G.S. 89C, .0701(h)].

BOARD ACTION: Reprimand and restriction of practice from structural engineering until passing the NCEES 16 hour structural examination.

CASE NO. V2014-106

Stephen P. Maslan [PE 13961 – Revoked]
Kansas City, MO

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)]; his firm practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B; failed to include all relevant and pertinent information in a report [.0701(d)]; not being qualified in the specific technical field of engineering [.0701(c)(1)]; and performed services outside area of competence [.0701(c)(3)].

BOARD ACTION: Revoked the Engineering Certificate of Licensure.

CASE NO. V2014-110

Noah Fernando [non-licensed]
 Mooresville, NC

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

BOARD ACTION: Board issued a letter to place the individual on notice that practicing or offering to practice land surveying in North Carolina without being licensed is a violation of G.S. 89C-23.

CASE NO. V2014-111

Precise Surveying [non-licensed]
 Mooresville, NC

VIOLATION: Firm practiced or offered to practice land surveying without a license as required by G.S. 89C-24 and used the word “surveying” in violation of licensing required by G.S. 89C-23.

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

CASE NO. V2015-005

Roof Leak Detection Company, Inc. [non-licensed]
Lake Worth, FL

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

BOARD ACTION: Board issued a letter to place the company on notice that practicing or offering to practice engineering in North Carolina without being licensed is a violation of G.S. 89C-24 and 55B.

continued on next page

CASE NO. V2015-006

Steven M. Thomas [non-licensed]
Lake Worth, FL

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

BOARD ACTION: Board issued a letter to place the individual on notice that practicing or offering to practice engineering in North Carolina without being licensed is a violation of G.S. 89C-23.

CASE NO. V2015-018

Laser Scanning Services Company, Inc.
Davidson, NC

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

BOARD ACTION: Board issued a letter to place the company on notice that practicing or offering to practice land surveying in North Carolina without being licensed is a violation of G.S. 89C-24 and 55B.

CASE NO. V2015-019

Stephen P. Maslan [PE 13961 – Revoked]
Tulsa, OK

VIOLATION: License revoked in another jurisdiction [G. S. 89C, .0701(h)].

BOARD ACTION: Revoked the Engineering Certificate of Licensure.

CASE NO. V2015-036

W. Robert Murphy, PLS [L-4677]
Raleigh, NC

VIOLATION: Aided or abetted another to evade or attempt to evade the provisions of G.S. 89C [G.S. 89C-16]; knowingly associated with a firm that is 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 by using a facsimile (digitized) signature [.1103(a)(3)].

Board Action: Reprimand, \$2,000 civil penalty and ethics course.



Board Meetings

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.