

# *The* North Carolina Bulletin

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

*October 2017 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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## Unmanned Aircraft Systems: Old Dog Learns New Trick

by Richard M. Benton, PLS  
Board Chair

*"It has become appallingly obvious that our technology has exceeded our humanity." –Albert Einstein*

I can only imagine what Mr. Einstein would say about technology if he were alive today. Gordon Moore, co-founder of Intel, predicted in 1965 that the number of components in integrated circuit chips would double every 18 months. According to a recent study by researchers at MIT, Mr. Moore was correct in his prediction. This is clearly evident in the emerging technologies used by our professions. One such technology is the Unmanned Aerial Systems (UAS) or drones. In a report by Business Insider, drone sales are expected to top 12 billion by 2021 with shipments of commercial drones quadrupling over the next five years. Advances in software and hardware such as flight planning, geo fencing and collision avoidance are making it easier for beginners to enter the market, in some cases, too easy. I recently attended a seminar that spent the better part of the day focusing on UAS technology. The instructor responsible for the UAS portion was a veteran photogrammetrist with over 300 UAS flights. In his presentation he demonstrated how simple the software made the preflight planning and post processing of the data. The final results of the UAS derived data as compared to the previously established GPS control points were amazingly accurate and considering we had just flown a five acre site in less than an hour made it even more enticing. What the instructor did not explain was how his extensive knowledge of photogrammetry enabled him to make competent decisions on how to setup the software so it could make those preflight and post processing decisions.

A friend of mine, who happens to be a PLS with over 30 years of experience in photogrammetry, recently relayed an experience he had while attending a two week class on the rules and regulations for operating commercial UAS in North Carolina. His company was considering implementing UAS technology as a service and wanted additional education and training before making

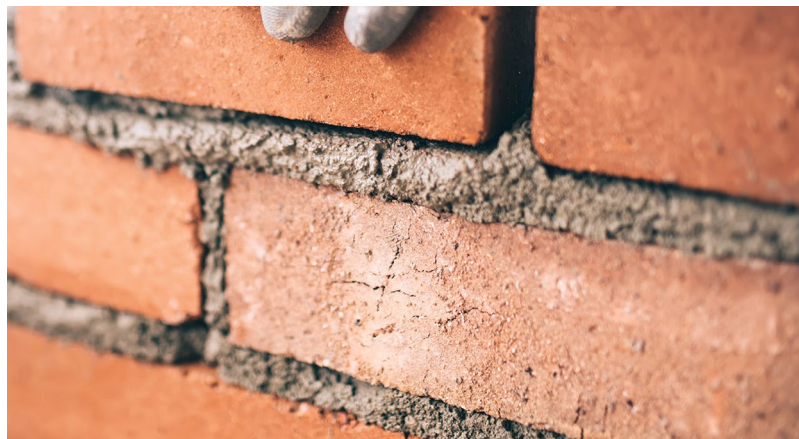
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## Firm Foundations

by Stacey A. Smith, P.E.  
Board Secretary

How many times have you, as the Professional Engineer, been asked to provide construction certification but discouraged from going to the site? How many times have you come behind another engineer on a project and been requested to accept their work? These situations are similar to many that the Professional Engineer faces due to misunderstandings in Responsible Charge. Just as we physically develop our projects, we must develop our design file on a "firm foundation."

We discussed the premise of Responsible Charge<sup>1</sup> in our last newsletter and will further explore this concept by way of example. NCEES Model Law and NC General Statute 89C-3(10) defines "Responsible Charge" as the *direct control and personal supervision of engineering or surveying work, as the case may be*. Board rule 21 NCAC 56.0701(c)(3) provides the requirements for responsible charge. The Board remains focused on proactive education and assistance to aid our licensees through these situations.



### Design Basis

When undertaking a renovation project, what is the burden of the engineer to confirm base elements as acceptable? Perhaps the renovation is a second floor addition, or partial removal of walls for lateral expansions previously designed by others.

We know the old adage about assumptions, but we also understand that design basis begins with what is given and what must be determined. So, how may an engineer be prudent in their discovery and satisfaction? Our fundamental purpose is to *safeguard the life, health, property and welfare of the public* as recited in our rules of

<sup>1</sup> "Responsible Charge" by Stacey A. Smith, P.E., *The North Carolina Bulletin* (newsletter of NCBELS) in the fall issue dated October 2016.

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# Unmanned Aircraft Systems

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the decision. He said there was a licensee attending the class who admitted to already using UAS in his business. During one of the breaks the licensee approached my friend and began asking him questions. My friend, being curious about the licensee's experience in photogrammetry, began asking him questions about how he handles certain situations based upon existing conditions. The licensee's response was *"I don't have to know that, the software does it for me."* Herein lies the problem. As professionals we must practice in the area of our competency. Relying on technology to give us answers without an understanding of how the technology is determining those answers is not practicing within the area of our competency.

The practice of land surveying as defined in § 89C-3 (7) a. 5. states *"Determining the configuration or contour of the earth's surface or the position of fixed objects on the earth's surface by measuring lines and angles and applying the principles of mathematics or photogrammetry."*

Photogrammetry has been defined by the American Society for Photogrammetry and Remote Sensing (ASPRS) as the art, science, and *technology of obtaining reliable information about physical objects and the environment, through processes of recording, measuring, and interpreting images* and patterns of electromagnetic radiant energy and other phenomena.

I remember very well when photogrammetrists were grandfathered in as surveyors. The concern among many of the "traditional land surveyors" was that these individuals would start practicing boundary surveying without having the required experience and education to do so. That turned out not to be the case. Now it seems the tables have turned. Because of this new technology, the "traditional land surveyor" has decided to practice photogrammetry, and in most cases, without the required education and experience. UAS technology is photogrammetry from A to Z. It is incumbent upon the licensee to acquire the additional education and experience needed to competently offer this service. Can that education and experience be acquired through an eight hour seminar or a two hour sales presentation? The Board does not regulate tools but does regulate the practice of engineering and surveying. Should the licensee find themselves in a position having to explain their procedures, an answer like *"the software did it for me"* will not bode well. Remember, it's your license on the line, or in this case, in the air.



## Firm Foundations

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professional conduct<sup>2</sup>. Therefore, engineering judgment must be applied based on the collective of our knowledge, experience, and the situation at hand.

### The Successor Engineer

In the case of new projects, the design investigation may be straightforward but when projects seek to modify or assume prior work, the concept of the "successor engineer" comes into play. 21 NCAC 56.0701(c)(4) describes the successor engineer in cases *where a licensee in responsible charge of the work is unavailable to complete the work*. The regulation states *a successor licensee may take responsible charge by performing and documenting all professional services to include developing a design file including work or design criteria, calculations, code research, and any necessary and appropriate changes to the work*. Three (3) categories where succession may be foreseen are as follows:

- Installation of another engineer's work without modification;
- Installation of another engineer's work where modification is required;
- Completion of another engineer's work that may be incomplete or adapting prior work.

In **Category 1**, the original design remains unchanged and is constructed properly without modification. A third party engineer may verify acceptance through certification under seal and signature without becoming the "successor engineer." This may be normal practice for some for quality assurance and to generate unbiased opinions on projects. It is noted that 21 NCAC 56.0701(e)

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<sup>2</sup> 21 NCAC 56.0701

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## Firm Foundations

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(7) shall also be considered whereby an engineer *shall not attempt to supplant another engineer*. The author recommends personal contact between the two engineers in this case to clearly understand what was considered in design and what is happening during construction.

In **Category 2**, if the modification is not performed by the original engineer, a successor will apply and all documentation for the modification must be prepared. **Category 3** is clear that the new engineer becomes successor and must perform all work necessary to perform the design as if it were the original design. Significant engineering judgment must be applied in the last category as it may be common for clients to encourage acceptance of prior work as is. Although non-professional elements may be utilized, the successor engineer must be clear and obvious in their work. The burden will remain with the successor engineer.

### Existing Conditions Review

In recent inquiries to the Board, verification of existing conditions was addressed through the Engineering Committee. For example, can assumptions that a structure was built to code be considered as satisfactory design basis without verification? Confirmation by a non-licensed individual is not considered acceptable responsible charge. Therefore, the engineer must make necessary pre-design inspections or provide sufficient notice on the design and construction documents requiring pre-work verification. This answer may still be gray, yet professional judgment defines our industry. The rules and statutes only carry our burden so far and our comparison is then referred as a “standard of care.” Have



you as an engineer performed the logical steps and procedures commensurate with your colleagues? From time to time, the Board may require other assistance from our engineering community to make opinion on the standard of care of a licensee. Creating a strong design file with supporting calculations, research, and assumptions will establish a “firm foundation” in the case when design work is questioned.

### Field Verification

Assumptions have been established by the Professional Engineer and must be verified to complete the design file. A common practice appears to simply provide a drawing noting an element must be “verified during construction”. The Board agrees this is acceptable notice since some pre-construction demolition may be required to accurately confirm conditions. At this point in a project, the contractor sees the note and sends some pictures to the engineer for review. Can the engineer rely on these pictures to complete the design? Can the contractor, owner, or code official provide these pictures?



21 NCAC 56.0701(c)(3) explains that an engineer may not accept (by way of signature or seal) work not prepared under the *licensee's direct supervisory control*. *Direct supervisory control may be accomplished face to face or by other means of communication*. *A licensee shall not contract with a non-licensed individual to provide these professional services*. Therefore, in the case above, the Professional Engineer would have the following options for verification with design:

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## Firm Foundations

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- perform the verification in person;
- perform the verification by an employee under the engineer's responsible charge; or
- hire a third-party engineer for verification under seal and signature.

The initial question was, can this verification be determined by photographic evidence? The Board has discussed "*other means of communication*" recognizing technology is expanding with the use of wireless devices for pictures, video, and real time applications. However, the element of responsible charge remains the test on whatever means are utilized. It has been determined a non-licensed, non-employee who takes pictures or video is not considered under responsible charge, yet an employee that has been trained by and is under supervisory control of the professional engineer may perform inspections by picture or video. The

relationship between the Professional Engineer and the employee is key to the acceptability of this situation as further described in the board article "Responsible Charge" previously referenced.

### Board Guidance

A primary function of NCBEES is to assist our licensee's with compliance of our rules and statutes. If the situation becomes another "shade of gray", please contact us for assistance. Prudent and responsible services should be considered standard operating procedure. Each licensee should understand their role and responsibility under the Rules of Professional Conduct. In the words of Dr. Ralph B. Peck: "*Our personal, individual attitudes toward engineering and toward society have potential impact on our country's future. However, small that impact, each of us should try to make it for good.*" Just as we build the physical monuments of our society, so should we build our judgement; on firm foundations.



## Raleigh



## Certificate Ceremonies Winter 2017

Subsequent to the October 2016 PE and PLS exams, two groups of successful candidates received their official certificates of licensure at events sponsored by the Board in Charlotte and Raleigh.

**The Charlotte ceremony** was held on January 18, 2017 at the William States Lee College of Engineering in the Halton Arena on the UNC-Charlotte campus. Guest speaker was Jeff McSwain, PE, Assistant Aviation Director for Development at Charlotte Douglas International Airport. Executive Director Andrew Ritter assisted Board Vice Chair and Public Member Linda A. Thurman as she and Board members Carl M. Ellington, Jr., PE and Bobbie Shields, PE congratulated 26 new Professional Engineers. The new licensees were joined by more than 85 friends, family members and official guests. Refreshments were enjoyed by the attendees after the ceremony. Board Vice Chair Linda A. Thurman directed all planning and coordination for this very successful and meaningful event.



Gregory Knott Photographer

*Left to right: Matthew Miller, Meredith Miller, Lauren Wilson and Elliott Wilson.*

**The Raleigh ceremony** was held on February 21, 2017 at The State Club on Centennial Campus at NC State University. Guest speaker was James H. Trogdon, PE, Secretary of the NC Department of Transportation. Executive Director Andrew Ritter assisted Board Chair Richard M. Benton, PLS; Vice Chair Linda A. Thurman and Public Member Jonathan Care as they

presented certificates to 42 new Professional Engineers and two new Professional Land Surveyors. A highlight of the evening was the presentation of certificates to two married couples (see picture above). Approximately 175 total attendees enjoyed the reception held before and after the certificate ceremony.

## Charlotte



# EXAMS

» Stats

» Dates

» News



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## October 2016 Exam Statistics

**Principles & Practice of Engineering (PE)** 60.06% pass rate

**Structural Engineering (SE)**

Vertical Component	42.86% pass rate
Lateral Component	66.67% pass rate

**Principles & Practice of Surveying (PS)**

	<u>October 2016</u>	<u>January 2017</u>
Part B:	100% pass rate	100% pass rate
Part C:	50% pass rate	75% pass rate

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## April 2017 Exam Statistics

**Principles & Practice of Engineering (PE)** 65.55% pass rate

**Structural Engineering (SE)**

Vertical Component	35.29% pass rate
Lateral Component	33.33% pass rate

**Principles & Practice of Surveying (PS)**

	<u>April 2017</u>	<u>July 2017</u>
Part B:	87.50% pass rate	72.73% pass rate
Part C:	91.67% pass rate	80.00% pass rate

**Intern Certifications:** October 18, 2016 through October 20, 2017

Engineer Interns 193

Surveyor Interns 4

**Principles & Practice of Surveying (PS) – Computer-Based**

October 1, 2016 to October 16, 2017: 61.90% pass rate



# TRANSITIONS & NOTES

## *Lou Ann Buck Honored at Retirement*



Lou Ann Buck, who came to work with the Board on April 1, 1995, retired on September 29, 2017. On September 13, Lou Ann's 22½-year tenure was celebrated with a luncheon at the Board office.

Board Chair Richard M. Benton, PLS welcomed everyone and voiced his appreciation for Lou Ann's years of service and recognized her

special relationship with past and present Board members. The full Board presented a plaque to Lou Ann to recognize her service and dedication to the Board and to the engineering and surveying professions.

Those in attendance included six former Board members: Doris Rodgers Bowman and Elizabeth W. Harrell, Public Members; J. Albert Bass, Jr., PE; David L. Peeler, PE; M. Frank Tyndall, PE; and Nils W. Joyner, Jr., PLS; Lou Ann's son Trevor Buck; former Board employee Laverne Barbour and current staff members.

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## *New Face at the Board*

Nicole M. Scarborough joined the Board staff as the Director of Administration on August 16, 2017. Nicole came to the Board with twelve years of accounting experience between a CPA firm and a non-profit in Upstate New York. Nicole lives in Cary with her husband, son and two dogs.

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## *Need a Speaker?*

Board members and staff are available to speak at meetings of professional and technical societies, as well as community-based organizations. Requests should be made as far in advance as possible to Andrew Ritter, Executive Director, at the Board office.

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## *Business Firm Questions?*

**For any business firm questions, contact:** Mark Mazanek, Director of Firm Licensure, via email to [mmazanek@ncbels.org](mailto:mmazanek@ncbels.org) or by phone at (919) 791-2000 x102.

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## *Renewals for 2018*

License renewals for 2018 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.

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## *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.

# BOARD ACTIONS 2017

The following summaries represent 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](mailto:dstuttle@ncbels.org).

## **CASE NO. V2012-050**

J. Randy Herron [PLS No. L-3202 – Revoked]  
Waynesville, NC

VIOLATION: Practiced on an expired or inactive certificate [G. S. 89C-16, 17, 23]; failed to provide adequate legend [.1604(d)(1)] as to line types and weights; failed to accurately locate all apparent rights-of-way, roadways and improvements on boundary [.1604(d)(8)]; failed to provide adequate tie [.1602(g), .1604(d)(9)]; failed to report the results of a survey in a clear and factual manner as to right-of-way [.1602(f)]; failed to properly monument or show monuments for inaccessible points [.1602(e)]; failed to identify all reference sources for right-of-way [.1602(f)]; and failed to monument corners [.1602(d)].

BOARD ACTION: Revoked Land Surveying Certificate of Licensure.

## **CASE NO. V2013-103**

Sylvia E. Higdon, PLS [L-4369]  
Bryson City, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to properly note a revision [.1103(a)(7)]; failed to provide adequate tie [.1602(g), .1604(d)(9)]; failed to include firm license number on document [.1103(a)(6)]; and failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)] by providing copyright notice restricting use of a map.

BOARD ACTION: Suspend Land Surveying Certificate of Licensure for 12 months.

## **CASE NO. V2015-054**

Wesley A. Smith, PE [035723]  
Lewis Center, OH

VIOLATION: Failed to properly certify documents [.1103] by using a facsimile signature and affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)].

BOARD ACTION: Reprimand.

## **CASE NO. V2015-090**

William G. Bradley [PLS No. L-2653 – Surrendered]  
Mills River, NC

VIOLATION: Performed a substandard survey, failing to protect the public [.0701(b)]; 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)] by failing to show potential overlaps, gaps or conflicts with adjoining properties, and failing to identify inaccessible areas; failed to show improvements where crossing the boundary [.1604(d)(8)]; failed to provide adequate tie [.1602(g), .1604(d)(9)]; failed to clearly indicate and note source of lines not actually surveyed [.1604(b)]; failed to monument corners [.1602(d)]; failed to indicate whether a corner was found or set [.1602(f)]; failed to provide adequate north arrow reference [.1604(d)(1)]; failed to set monuments in the boundary so that the inaccessible points could be located accurately [.1602(e)]; failed to make adequate investigation [.1602(a)]; and failed to identify all reference sources [.1602(f)].

BOARD ACTION: Permanent surrender of Land Surveying Certificate of Licensure.

## **CASE NO. V2015-099**

Clinton D. Robertson, PE [032084]  
Concord, NC

VIOLATION: Affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)] by certifying a structural assessment report without visual observation by the licensee or someone under direct supervisory control; and failed to obtain agreement in writing for payment from more than one party for services on the same project, or pertaining to the same project [.0701(e)(2)].

BOARD ACTION: Reprimand.

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**CASE NO. V2015-101**

Rodney A. Norton, PLS [L-4931]  
Clyde, NC

VIOLATION: Performed an inaccurate or substandard survey, by determining boundaries that, admittedly could not be determined and were lines of contention and would require a boundary agreement or determination by the Courts, and based survey on use of a preliminary map, failing to protect the public [.0701(b)]; failed to conform to the Standards of Practice for Land Surveying in North Carolina [.1600] by failing to report the results of a survey in a clear and factual manner [.1602(f)] by not having sufficient evidence to establish the corners for the property surveyed; failed to properly reference north arrow [.1604(d)(1)]; and failed to accurately locate all apparent rights-of-way and improvements on boundary [.1604(d)(8)].

BOARD ACTION: Reprimand.

**CASE NO. V2015-113**

James W. Holland, PE [033716]  
Dallas, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)] and failed to be completely objective and truthful in professional statements [.0701(d)].

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

**CASE NO. V2016-018**

Wesley A. Jamison, PE [033717]  
Sylva, NC

VIOLATION: Produced a deficient, substandard or inaccurate report and affixed seal to inadequate design documents and calculations, failing to protect the public [.0701(b)]; failed to include all relevant and pertinent information in a report or statement [.0701(d)]; and performed services outside area of competence [.0701(c)(3)].

BOARD ACTION: Reprimand, restrict practice from structural engineering until competency is evidenced to the Board and ethics course.

**CASE NO. V2016-019**

Renu Energy Solutions, LLC [Non-licensed]  
Charlotte, NC

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

BOARD ACTION: 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.

**CASE NO. V2016-020**

Gary L. Sunderland, PE [017441]  
Durham, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public [.0701(b)]; represented himself as capable of providing architectural services or as an Architect [G. S. 83A, .0701(b)]; affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; submitted false information on license renewal form [G. S. 89C-23, .0701(d)(1)]; and failed to notify of convictions within 30 days [.0505(a)].

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

**CASE NO. V2016-021**

Richard J. Rogers, PE [039046]  
Columbia, SC

VIOLATION: Failed to notify the Board of license discipline within 30 days [.0505(a)]; submitted false information on renewal forms [G. S. 89C-23, .0701(d)]; and disciplined in other jurisdictions [G. S. 89C, .0701(h)].

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

**CASE NO. V2016-022**

Michael A. Robinson, PE [025850]  
Lakeland, FL

VIOLATION: Failed to notify the Board of license discipline within 30 days [.0505(a)]; submitted false information on license renewal form [G. S. 89C, .0701(d)]; and was disciplined in another jurisdiction [G. S. 89C, .0701(h)].

BOARD ACTION: Reprimand and \$500 civil penalty.

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**CASE NO. V2016-023**

John B. Regen, PE [010520]  
Knoxville, TN

VIOLATION: Failed to notify the Board of license discipline within 30 days [.0505(a)]; submitted false information on license renewal form [G. S. 89C-23, .0701(d)]; and was disciplined in another jurisdiction [G. S. 89C, .0701(h)].

BOARD ACTION: Reprimand and \$500 civil penalty.

**CASE NO. V2016-024**

Ram A. Goel, PE [039591]  
Tampa, FL

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

BOARD ACTION: Reprimand and restriction from creating, producing, or certifying any engineering documents related to sinkhole investigations, or remediation or any other form of geotechnical engineering, until passing the NCEES Geotechnical Engineering examination.

**CASE NO. V2016-030**

Jason L. Panciera, PLS [L-3835]  
Wake Forest, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to conduct practice in order to protect the public health, safety and welfare [.0701(b)], by knowingly issuing a map reflecting a boundary not supported by deed, creating an encroachment on the adjacent property [.1602(a)]; and failed to report the results of a survey in a clear and factual manner [.1602(f)] as to property boundary and abandoned line.

BOARD ACTION: Reprimand.

**CASE NO. V2016-032**

Larry K. Allen, PLS [L-2454]  
Sanford, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; knowingly associated with a person or firm that is not properly licensed [.0701(g)(1)]; aided and abetted another to evade or attempt to evade

the provisions of G. S. 89C [G. S. 89C-16]; failed to conform to the Standards of Practice for Land Surveying in North Carolina [.1600] by failing to accurately locate all apparent rights-of-way on a boundary [.1604(d)(8)] and failing to identify all reference sources [.1602(f)] to include easement; failed to exercise adequate direct supervisory control or responsible charge [.0701(c)(3)]; and failed to include firm name, address or license number on maps [.1103(a)(6)].

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

**CASE NO. V2016-033**

Larry K. Allen Land Surveying, PLLC [P-1004]  
Sanford, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; knowingly associated with a person or firm that is not properly licensed [.0701(g)(1)]; aided and abetted another to evade or attempt to evade the provisions of G. S. 89C [G. S. 89C-16]; and failed to include firm name, address or license number on maps [.1103(a)(6)].

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

**CASE NO. V2016-034**

James S. Wang, PE [007521]  
Cary, NC

VIOLATION: Failed to be completely objective and truthful in professional statements [.0701(d)(1)] on business firm change and renewal forms.

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

**CASE NO. V2016-035**

Wang Engineering Company, Inc. [C-0386]  
Cary, NC

VIOLATION: Failed to be completely objective and truthful in professional statements [.0701(d)(1)] on business firm change and renewal forms; failed to have a resident Professional Land Surveyor in responsible charge in the firm's office [.0901]; and failed to operate in compliance with G. S. 55B-14.

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



**CASE NO. V2016-040**

Andrew H. Joyner, PLS [L-2469]  
Dunn, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety, and welfare [.0701(b)] and failed to be completely objective and truthful in professional statements [.0701(d)(1)].

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

**CASE NO. V2016-042**

Daniel W. Donathan [PLS No. L-1192 – Revoked]  
Winston-Salem, NC

VIOLATION: Failed to conduct practice to protect the public health, safety and welfare [.0701(b)] by attempting to restrict reasonable and intended use of recorded maps; failed to conform to the Standards of Practice for Land Surveying in North Carolina [.1600] by failing to provide adequate tie [.1602(g), .1604(d)(g)]; failing to describe monuments as set or found [.1602(f)]; failing to make adequate investigation creating an overlap on adjacent property [.1602(a)]; failing to provide proper certificate language on survey by not including reference source on subject and adjoiner properties [.1604(d)(11)(G), (12)]; performing an inaccurate or substandard survey, failing to protect the public [.0701(b)] and failing to report the results of a survey in a clear and factual manner [.1602(f)] including not describing roads adjoining property as public or private or providing road widths, the purpose of map, incorrectly showing disposition of the town's property, surveyed areas and incorrect adjoiner information; failed to indicate firm license number on maps as required [.1103(a)(6)]; and failed to describe revisions [.1103(a)(7)].

BOARD ACTION: Revocation.

**CASE NO. V2016-043**

Marshall T. Ferrell, PE [015256]  
Birmingham, AL

VIOLATION: Failed to notify the Board of license discipline within 30 days [.0505(a)]; submitted false information on renewal form [G. S. 89C-23, .0701(d)]; and disciplined in another jurisdiction [G. S. 89C, .0701(h)].

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

**CASE NO. V2016-044**

Everett A. Horton, PE [028482]  
Cornelius, NC

VIOLATION: Disciplined in another jurisdiction [G. S. 89C, .0701(h)]; failed to notify the Board of license discipline within 30 days [.0505(a)]; and submitted false information on renewal form [G. S. 89C-23, .0701(d)].

BOARD ACTION: Reprimand and \$3,000 civil penalty.

**CASE NO. V2016-047**

Michael R. Bowden PLS [L-3811]  
Lincolnton, NC

VIOLATION: Failed to make adequate investigation [.1602(a)]; performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; and failed to be completely objective and truthful in professional statements [.0701(d)(1)].

BOARD ACTION: Reprimand and \$500 civil penalty.

**CASE NO. V2016-048**

James T. Simpson, PE [034069]  
Chino, CA

VIOLATION: Failed to notify the Board of license discipline within 30 days [.0505(a)] and submitted false information on renewal form [G.S. 89C-23, .0701(d)].

BOARD ACTION: Reprimand.

**CASE NO. V2016-050**

Kelly B. Taylor [Non-licensed]  
Charlotte, NC

VIOLATION: Practiced or offered to practice engineering in violation of G.S. 89C-23; used the words "engineer" or "engineering" in violation of licensing required by G. S. 89C-23; and falsely claimed to be licensed under G. S. 89C [G. S. 89C-23].

BOARD ACTION: Issued letter to place the individual 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-23.

**CASE NO. V2016-056**

William R. Christopher [Non-licensed]  
North Charleston, SC

VIOLATION: Practiced or offered to practice engineering without a license and used the word “engineer” in violation of licensing required by G. S. 89C-23.

BOARD ACTION: Issued letter to place the individual on notice that practicing or offering to practice engineering in North Carolina, or using the “engineer” title, without being licensed with the Board, is a violation of G. S. 89C-23.

**CASE NO. V2016-071**

W. L. Norris, Jr., PLS [L-4554]  
Kitty Hawk, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)] and knowingly associated with a firm that is not properly licensed [.0701(g)(1)].

BOARD ACTION: Reprimand.

**CASE NO. V2016-072**

Mid Eastern Surveyors and Associates, PC [C-2832]  
Kitty Hawk, NC

VIOLATION: Practiced or offered to practice land surveying without a current license [G. S. 89C-24, 55B].

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

**CASE NO. V2016-074**

Ram. A. Goel, PE [039591]  
Tampa, FL

VIOLATION: Submitted false information on renewal form [.0701(d)].

BOARD ACTION: Reprimand.

**CASE NO. V2016-075**

SONEY FM, PLLC [P-1148]  
Tampa, FL

VIOLATION: Submitted false information on renewal form [.0701(d)] and failed to notify of discipline within 30 days [.0804(c)].

BOARD ACTION: Reprimand.

**CASE NO. V2016-078**

Thomas J. Foldes, PE [042407]  
Johnston, IA

VIOLATION: Submitted false information on renewal form [.0701(d)].

BOARD ACTION: Reprimand.

**CASE NO. V2016-079**

Bluestone Engineering, PLLC [P-1483]  
Johnston, IA

VIOLATION: Submitted false information on a renewal form [.0701(d)(1)] and failed to notify the Board of discipline within 30 days [.0804(c)].

BOARD ACTION: Reprimand

**CASE NO. V2016-082**

Matthew T. Mokanyk, PE [032440]  
Grawn, MI

VIOLATION: Failed to notify the Board of discipline within 30 days [.0505(a)]; submitted false information on renewal form [G. S. 89C-23, .0701(d)(1)]; and was disciplined in another jurisdiction [G. S. 89C, .0701(h)].

BOARD ACTION: Reprimand.

**CASE NO. V2016-083**

Robin D. Bell, PE [034663]  
Greenville, SC

VIOLATION: Guilty of a felony or crime involving moral turpitude [G. S. 89C-21(a)(3)]; failed to notify the Board of criminal conviction and discipline within 30 days [.0505(a)]; and had license revoked by another jurisdiction [G. S. 89C, .0701(h)].

BOARD ACTION: Suspended license for the duration of the criminal probation with suspension stayed, provided he does not violate any of the terms of probation or violate any Board statutes or rules and remains current with license renewal and continuing education.



**CASE NO. V2016-084**

FHG Consultants, PLLC [P-1322]  
Greenville, SC

VIOLATION: Submitted false information on business firm renewal form [.0701(d)] and failed to have a resident licensed professional in responsible charge in each office [.0901].

BOARD ACTION: Reprimand and \$500 civil penalty.

**CASE NO. V2016-090**

AVH One, LLC [Non-licensed]  
Charlotte, NC

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

BOARD ACTION: Issued letter to place 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.

**CASE NO. V2016-094**

Richard J. Rudin, PE [042739]  
Cary, NC

VIOLATION: Failed to be completely objective and truthful in professional statements [.0701(d)].

BOARD ACTION: Reprimand.

**CASE NO. V2017-008**

H. Craig Daniel, PE [027564]  
Pawleys Island, SC

VIOLATION: Practiced or offered to practice engineering on an expired or inactive certificate [G. S. 89C-16, 23]; failed to properly certify plans [.1103(a)(3)] by using a facsimile signature; and knowingly associated with a firm that is not licensed [.0701(g)(1)] to practice engineering in North Carolina.

BOARD ACTION: Reprimand and \$1,500 civil penalty.

**CASE NO. V2017-010**

Dan W. Tanner, II, PLS [L-4787]  
Asheboro, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)] and failed to perform services in an ethical manner [.0701(g)] by registering domain names of other surveyors that were redirected to his firm's web site.

BOARD ACTION: Reprimand and ethics course.

**CASE NO. V2017-011**

Survey Carolina, PLLC [P-1110]  
Asheboro, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)] and failed to perform services in an ethical manner [.0701(g)] by registering domain names of other surveyors that were redirected to the firm's web site.

BOARD ACTION: Reprimand.

**CASE NO. V2017-024**

Jonathan F. Hollifield, PE [028922]  
Bostic, NC

VIOLATION: Failed to comply with annual CPC requirements [.1703, .1712] and failed to maintain adequate CPC records [.1706].

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

**CASE NO. V2017-053**

Roger L. Blue [PE No. 016250 – Suspended]  
Charlotte, NC

VIOLATION: Non-compliance with child support order as directed by Child Support Enforcement [G. S. 110-142.1(H)].

BOARD ACTION: Suspended license until the Board receives certification from the Clerk of Superior Court or Child Support Enforcement that licensee is no longer delinquent in child support payments.