



The North Carolina Bulletin

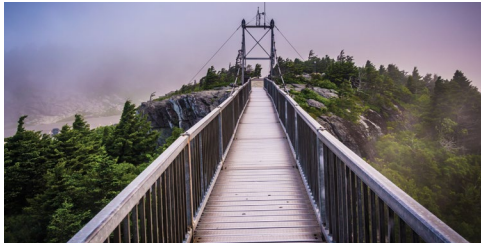
The Newsletter of the North Carolina Board of Examiners for Engineers and Surveyors

May 2016 Spring 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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ON THE COVER: The mile-high swinging bridge at Grandfather Mountain, N.C.



“Never But Never Question The Engineer’s Judgment”

*by Stacey A. Smith, PE
Engineering Committee Chair*

Is what the sign says and has so for over 25 years in my office. I first looked at this sign as it hung in the office of Gregory N. Richardson, PhD, PE, our firm’s founder. Upon his retirement he left this sign behind to remind us of professional judgment. Perhaps the definition can be simply “googled” but I chose to pull out my worn Webster’s dictionary to define judgment as “an opinion or decision that is based on careful thought”.

Professional Conduct

In my first year on the Board, I have come to a deeper appreciation of just how important judgment is for our industry as engineers and surveyors. The complexity of our work not only increases yearly with technology but the speed with which decisions must be accomplished can, at times, work in contrast. Just as the definition highlights “careful thought”, it is up to the professional to control the schedule to comply with 21 NCAC 56 .0701 (Rules of Professional Conduct). In review of our disciplinary cases last year, it is easy to see how the schedule, the client, or the budget may drive a project, yet, in every case, the Professional Engineer or Surveyor will ultimately be subject to Board disciplinary proceedings. We must remember that our charge is to “safeguard the life, health, property, and welfare of the public.” This charge is not an option, it is a given and will remain paramount to the character and integrity of the single professional and as a whole to our industry. Without this fundamental canon, the trust that the public has bestowed upon us is gone.

Professional Judgment

One of our other Board duties, under 89C of the NC General Statutes, is to evaluate when an engineer is required. I recall Ralph B. Peck, PhD, PE on engineering judgment where he notes “some problems cannot yet be solved by mathematical analysis.” Our

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Unmanned Aircraft Systems (UAS) in North Carolina

*by Richard M. Benton, PLS
Board Vice Chair & Surveying Committee Chair*

Unmanned Aircraft Systems (UAS), Unmanned Aerial Vehicle (UAV), Drone, no matter what you call them, it seems you can’t pick up a professional magazine anymore without being bombarded by advertisements and articles for this newly emerging technology. Currently UAS are being used for agriculture crop land analysis, quantities, stock pile measurement, topographic surveys, utility line inspection, mineral exploration, geophysical surveys, search and rescue and disaster analysis just to name a few. As UAS become less expensive and more precise, its use among licensed professionals will increase. With this new technology comes the added responsibility to protect the public both on the ground and in the air. The Federal Aviation Administration (FAA) has exclusive sovereignty over airspace in the United States (49 U.C. Code) including the airspace above private property. The FAA establishes the operating rules governing that airspace in the form of Federal Aviation Regulations (FAR’s) which cover pilot and aircraft certification requirements. UAS are considered aircraft by the FAA and, therefore, subject to the FAR’s. All UAS must meet airworthiness standards and be registered with the FAA. Once approved, the aircraft is issued an “N” number, the same as that issued to general aviation aircraft, and must be visibly displayed on the UAS. To date, the FAA has preapproved approximately 1,120 UAS with the list being updated monthly. Currently, the FAA requires any aircraft operating in the National Airspace System (NAS) to be a certificated and registered aircraft, and be operated by a licensed pilot. The FAA has a projected date of June 2016 to roll out their new UAV rules.

In 2014, the North Carolina General Assembly established regulations for the use of UAS within the state. In addition to these regulations, North Carolina General Statute (NCGS) 63-95 and 63-96 assigned the responsibility of overseeing these

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... the Engineer's Judgment

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society tends to utilize computer-based tools in design with a misconception that it is infallible. The judgment that is required in both the input and the resulting output relies on “careful thought” to generate an appropriate decision incorporating one’s total of education and experience. When a question is presented to our committees, we evaluate impact to the public and, fundamentally, if engineering judgment is required. The Board has established a number of policies and guidelines to help in determining when a situation may or may not require an engineer (www.ncbels.org/policies.html).

The Details

In this case, judgment vs. judgement and what is the difference. As for the sign, purchased in Philadelphia, we consider the difference in spelling something akin to old English. Noah Webster first stated the spelling of “judgment” in his American Dictionary of the English Language in 1828. Perhaps, he initiated the difference to American English from British English, but judgment is generally accepted in our language today.

A Reminder

In business day traffic, we find a simple reminder of what our sign means to us as follows:

- Develop one’s judgment through experience and education;
- Work with those that respect the profession and use good judgment;
- Develop a reputation built around character and integrity;
- Manage projects to never sacrifice our true charge to safeguarding the public;
- Recognize the Professional Engineer in each situation will bear the ultimate responsibility; and
- Pay attention to the details.

In my first year, I have gained greater respect for our industry and its professionals and have been proud to serve this Board and all of its committed members and staff. We endeavor each day to maintain North Carolina as a national leader and each professional can do their part. In the words of Dr. Peck, “Engineering is indeed a noble sport, and the legacy of good engineers is a better physical works for those who follow them.” I agree.

Unmanned Aircraft Systems

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regulations to the North Carolina Department of Transportation Division of Aviation (NCDOT/DOA). Although North Carolina’s UAS regulations are not intended to duplicate the federal regulations, they do establish the types of UAS activities allowed and govern the use of UAS technology in the state. NCDOT/DOA is responsible for regulating all government (public) and commercial UAS operations including implementing the Knowledge Test, issuing NC commercial and government UAS operator permits, and serving as the primary point of contact for all state-related UAS issues. In addition to federal and state regulations, local governments may also adopt ordinances concerning UAS launch and recovery. Certain national parks, including some of those located in North Carolina, prohibit UAS unless approved in writing by the park superintendent.

As mentioned earlier, NCDOT/DOA is responsible for administering the Knowledge Test for anyone planning to use a UAS in North Carolina. This test must be passed by anyone desiring to operate a UAS, regardless of type or purpose, prior to any operation within the state. The only exception to this is if the UAS will be operated under the authority of a federal agency (owned and operated by the agency) or operated under contract to the agency.

All UAS operations are classified as either Recreational, Government, or Commercial. Recreational Operation (model aircraft) is defined in G.S. 63-1 as an aircraft that is mechanically driven or launched into flight and that meets the following requirements: a) is flown solely for hobby or recreational purposes, and b) is not used for payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected by any person for the use of the aircraft or any photographic or video produced by the aircraft. Federal statute requires model aircraft to be flown strictly for hobby or recreational purposes. Government Operation (public aircraft) is defined as government entities that use UAS to carry out their functions including public schools and universities. Government operators must obtain a federal Certificate of Authorization (COA) from the FAA, take and pass the NCDOT’s Knowledge Test and apply for a state permit. Commercial Operators (civil or non-government) are defined as a person or company using UAS technology for compensation or business purposes. This includes any person or company using a UAS in any way to advertise, promote or demonstrate a

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product or service even if the product or service itself does not include a UAS, UAS derived photography, etc. An example of this would be a developer using a UAS to photograph aerial views of a subdivision development for use in a sales brochure. In this case the UAS was used for advertisement and is therefore considered commercial use. Engineers and Surveyors using UAS for inspections, aerial photography, topographic surveys, etc. is considered commercial use even if intended for in-house use only. All Commercial Operators must receive a Section 333 Exemption or a Special Airworthiness Certificate from the FAA. All Commercial Operators are required to take and pass the NCDOT's Knowledge Test and then apply for a state permit prior to using the UAS on any project in North Carolina. Commercial Operators must follow all legal requirements to ensure safe and responsible flight and agree to the following terms and conditions:

- Permit valid for Commercial UAS Flight Operations in N.C.
- This permit shall not be represented as a valid Airman's Certificate, Pilot's License or the like and is not a valid substitute for those credentials.
- This permit shall be in the possession of the Permitted Operator during all Commercial UAS Operations conducted in N.C. Operator must be able to produce this permit upon demand when conducting UAS operations.
- Permitted Operator must obtain from the FAA a valid Airspace Authorization for Commercial Operations covering the type of UAS being operated, the type of operation being conducted, and the geographic area, airspace and altitudes at which the UAS is being operated.
- This permit shall not be used as proof of valid Airspace Authorization from the FAA. Proof of valid FAA-issued Airspace Authorization must be in the possession of Permitted Operator during all Commercial UAS Operations.
- All documentation and credentials required by the FAA and the State for Commercial UAS Operations must be in the possession of the operator during UAS operations to include; driver's license, N.C. UAS Operator Permit, FAA-issued Airspace Authorization documents and Airman's Certificate for the pilot in command if required by the operator's FAA-issued Airspace Authorization.
- By accepting this permit and operating a UAS for commercial purposes in N.C., operator agrees to abide by all



federal, state, and local laws, regulations and ordinances governing commercial UAS operations in the operational area.

- By accepting and using this permit, operator agrees to operate according to all requirements, restrictions and guidelines outlined in the operator's FAA-issued Airspace Authorization for Commercial UAS Operations.
- The Permitted Operator assumes all risks and liability associated with the operation of a UAS and the use of the products associated with or derived from each UAS operation.
- Through the issuance of this permit, the NCDOT makes no representation as to the skill of the operator as it relates to operation of a particular UAS type or the skill of the operator in conducting a particular type of mission.
- NCDOT shall not be held liable for any conduct of Permitted Operator or resulting effects of the UAS operation before, during or after UAS operations. Furthermore, Permitted Operator agrees to indemnify and hold harmless NCDOT for any action or result of a UAS operation conducted under this permit.

These requirements, terms, and conditions emphasize the legal gravity of using UAS in North Carolina. The public's safety, on the ground and in the air, depends on us as professionals adhering to all requirements set forth by the FAA and the NCDOT/DOA. As professional engineers and surveyors we have an obligation to protect the health, safety and welfare of the public. Licensees who operate UAS without all the proper certifications and license are in violation of federal and/or state regulations and place not only the public safety in jeopardy, but their professional license as well. The FAA has multiple options available for enforcing

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regulations. These range from education to administrative actions in the form of a formal warning notice or letter of correction, to the ability to access civil penalties up to \$27,500. Criminal penalties include fines up to \$250,000 and/or imprisonment for up to three years. 89C-21(a)(3) authorizes the North Carolina Board of Examiners for Engineers and Surveyors to discipline licensees by reexamination, revocation, suspension, reprimand, or civil penalty for "Conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony, whether or not related to the practice of engineering or surveying; conviction of, or entry of a plea of guilty or nolo contendere to, any crime, whether a felony, misdemeanor, or otherwise, where an essential element of the crime is dishonesty or when the crime is directly related to the practice of engineering or surveying; or conviction of, or entry of a plea of guilty or nolo contendere, of any crime involving moral turpitude."

It is the responsibility of the professional licensee to mitigate potential violations involving the use of UAS in North Carolina by ensuring all federal, state, and local requirements have been met prior to the use of UAS technology. It is important to note that UAS technology is like any other tool available to the professional and, therefore, must be used in a way that meet current engineering, surveying, and mapping standards and procedures. The Rules of Professional Conduct per 21 NCAC 56 .0701(g)(2) requires a licensee who has knowledge or reason to believe that another person or firm may be in violation of the Board Rules (21 NCAC 56) or of the North Carolina Engineering and Land Surveying Act (G.S. 89C), to present such information to the Board in writing in the form of a complaint and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board. This should in no way be construed as an attempt to limit competition in this rapidly growing technology but as a duty to protect the public as charged under North Carolina General Statute Chapter 89C-2 *"In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering and the practice of land surveying in this State are hereby declared to be subject to regulation in the public interest."*

For more detailed information concerning the use of Unmanned Aircraft Systems please visit the Federal Aviation Administration's website at www.faa.gov/uas/ and the North Carolina Department of Transportation, Division of Aviation's website at www.ncdot.gov/aviation/uas/.

Business Firm Renewals

The 2016 Online Firm Renewals will begin June 1, 2016. No Firm may renew before June 1, 2016. Effective last year, firms are no longer mailed an annual license. All firms will complete the online renewal and submit it the same as last year. The submitted renewal goes into queue until Board staff reviews it for compliance with North Carolina Statutes and Board Rules. Once the firm renewal is reviewed and approved by staff, an email will be sent to the primary email address listed on the firm renewal notifying the firm that the renewal was processed and a copy of the annual license can be printed by going to the Board website (www.ncbels.org) and clicking on License Lookup. The email will contain directions to print the annual license.

Since the approval notification will be sent via email, it is important that all firms provide an updated email address on the renewal when submitted. In addition, firms should make sure that the Board email is on the firm's safe list to avoid the email being sent to a spam folder.



All Professional Corporations and Professional Limited Liability Companies must account for 100 percent of the total shares of stock or membership of the entity on the renewal. If shares or membership do not total 100 percent, the entity will not be permitted to submit the online renewal.

At the end of May each licensed firm will be mailed a postcard to the address the Board has on file containing instructions on how to renew the firm's license online. The firm renewal fee for 2015-2016 is \$75. Unless renewed, all firm licenses expire on June 30, 2016.

For any business firm questions, email Mark Mazanek, Director of Business Licensure & Compliance, at mmazanek@ncbels.org or call (919) 791-2000 x 102.

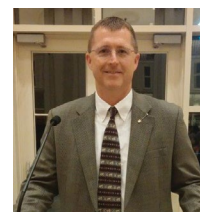
Certificate Ceremonies: Winter 2016

Subsequent to the October 2015 PE and PLS exams, two groups of successful candidates received their official certificates at events sponsored by the Board in Charlotte and Raleigh.

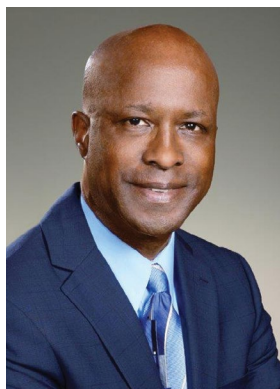


were joined by more than 60 friends, family members and official guests. Refreshments were enjoyed by the attendees after the ceremony. Board member Linda A. Thurman directed all planning and coordination for this very successful event.

The **Raleigh** ceremony was held on February 2, 2016 at The State Club on Centennial Campus at NC State University. Guest speaker was Tyler W. Highfill, PE, President of Highfill Infrastructure Engineering PC. Executive Director Andrew Ritter assisted Board Chair Carl M. Ellington, Jr., PE; Vice Chair Richard M. Benton, PLS; and Board members David L. Pond, PE; Stacey A. Smith, PE; Teresa H. Ratcliff, PE, PhD; and Jonathan S. Care, Public Member, as they presented certificates to approximately 30 new Professional Engineers and one new Professional Land Surveyor. Approximately 100 total attendees enjoyed the reception held before and after the certificate program.



New Board Members Appointed



Bobbie Shields, PE

Bobbie Shields, PE was appointed by Governor Pat McCrory on February 25, 2016 to fill the Board vacancy created by the expiration of the second term of Teresa H. Ratcliff, PE, PhD on December 31, 2015. The term expiration date for Mr. Shields is December 31, 2020.

Mr. Shields holds a BS in Civil Engineering from NC State University as well as a Master's in Engineering from the University of South Carolina and an MBA from UNC-Charlotte. He has been a licensed NC Professional Engineer since February 7, 1980. Mr. Shields is the owner and manager of SHIELB PLLC – a planning, engineering and management consulting firm in Charlotte.

John M. Logsdon, PLS was also appointed by Governor McCrory on February 25, 2016 to fill the seat vacated by Nils W. Joyner, Jr., PLS at the expiration of his second term on December 31, 2015. Mr. Logsdon's term will expire on December 31, 2020.

Mr. Logsdon obtained a BS in Civil Engineering from Duke University and earned his law degree from NC Central University. He has been a licensed NC Professional Land Surveyor since January 2, 1987. Mr. Logsdon has also practiced law at the McElwee Firm, PLLC in North Wilkesboro since 1995.



John M. Logsdon, PLS

What is the Board doing when it comes to proactive enforcement?

by David J. Evans
Assistant Executive Director/Investigations

The most important aspect of regulating any profession, including the engineering and surveying professions, is to protect the health, safety, and welfare of the public.

When it comes to enforcement, should the Board only respond to complaints, or should it also actively look for potential violations?

In the interest of public protection, the Board of Examiners for Engineers and Surveyors does both.

Public protection is largely accomplished through the rigors of the licensing process and enforcement of The North Carolina Engineering and Land Surveying Act, Chapter 89C, of the North Carolina General Statutes, and the Board Rules (NCAC Title 21, Chapter 56). To facilitate compliance, the Board is proactive in educating applicants, licensees, regulators, and the public at large about the Board and its role in policing the professions. Aside from information disseminated by its newsletter, website, Facebook page and Twitter feed, the Board provides valuable information through the many presentations it conducts throughout the year.

With future licensees

The Board routinely communicates with engineering students, many of whom are seniors on the path to licensure. Board members and staff meet with classes at the state's engineering schools to discuss licensure and to promote the Fundamentals of Engineering examination. To a lesser extent, the Board has also done presentations for colleges that offer surveying programs. The Board also makes regular presentations on ethics and the *Rules of Professional Conduct*, often by way of disciplinary case studies.

These programs have been well received by faculty and students alike. They are an effective way to introduce students to the Board's role in the professions as well as the rules and regulations Professional Engineers and Professional Land Surveyors are subject to.

With licensees

Board members and staff, including legal counsel, make numerous presentations to professional and technical associations every year. The Board will even go into a licensee's place of business to conduct "lunch and learn" continuing education programs. This has resulted in improved communication with our licensees. Most presentations qualify for Continuing Professional Competency credit, so it's a "win-win" situation. The Board gets an opportunity to educate licensees about the rules, laws, policies and guidelines, and the organization sponsoring the seminar gets a speaker at no charge. The Board is frequently contacted after these meetings and seminars to provide rule clarifications or is alerted to potential unlawful practice.

In addition to keeping licensees informed through continuing education programs, the Board publicizes disciplinary actions in its newsletters and on its website. By publicizing its formal actions, referrals to other agencies and notices of non-compliance letters, the Board highlights which rules and regulations are being violated and educates others about potential violations. The Board strives to be transparent and its staff is eager to assist if it can keep matters from becoming violations. It is important for the public,

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What is the Board doing when it comes to proactive enforcement?

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regulators and licensees to see that the Board disciplines for non-compliance and that it takes appropriate disciplinary actions based upon the facts and evidence surrounding a particular case.

With regulators

The Board sees a “regulator” as any entity that reviews or approves licensees’ work on any level – local, state or federal. The Board engages these entities through presentations, meetings, publications, and correspondence. The Department of Environmental Quality (DEQ), Department of Transportation, State Construction Office, Register of Deeds, and local planning and inspections departments are a few of the entities the Board engages.

Recent meetings with the Department of Environmental Quality and Board representatives have highlighted concerns about the quality of work being submitted by Professional Engineers. As part of the Board’s regular investigative program, the Engineering Committee of the Board requested assistance from DEQ to review Professional Engineers’ work that has been submitted for permitting. Of particular interest to the Board is work that has been rejected multiple times, where the nature of the review comments indicates the engineers may be practicing outside their areas of competence.

In cooperation with the Department of Environmental Quality, the Board is seeking to improve upon the quality of work submitted and to ensure that engineers practice within their areas of competence. Through these efforts the Board expects increased compliance with all applicable regulations in order to better protect the health, safety and welfare of the public. Public protection is not only the Board’s principle mission, but it is the primary obligation of all licensees under the *Rules of Professional Conduct*.

Representatives from the Board will be visiting the Central and Regional DEQ offices in the coming months to discuss the Board’s concerns and to review examples of possible deficient work. When appropriate, the Board will pursue action against licensees who have violated the rules and regulations.

Outreach efforts include working with other agencies. For example, the Board recently updated a brochure it wrote in

cooperation with the North Carolina Board of Architecture. It addresses the most common questions building officials have about the professions. This document can be found on the Board’s website under Policies/Guidelines and was disseminated to building officials around the state.

Our investigative staff routinely meets with regulatory officials. The Board has found this to be a practical way to interact with regulators and encourage positive dialogue with those in contact with licensees on a daily basis. The Board also sends notices of revocations, suspensions, and restrictions to alert local officials of its actions.

With the public

The Board’s very reason for existence is to protect the public, so it is important that the public can communicate with the Board. Many people make their first contact with the Board through its website, as such there are some basic things the public is able to do online such as look up licensees and disciplinary actions, review complaint procedures and jurisdictional information, obtain rules and laws, and contact enforcement personnel.

The Board staff also regularly communicates with the public by way of e-mail and telephone inquiries. Often members of the public will reach out to the Board when they are experiencing difficulty with licensees. The staff takes the time to explain the authority of the Board and the process followed should they choose to file complaints. The Board does not have the authority to settle civil disputes, which is often what the public is seeking. However, we do convey to the complainant or potential complainant that the goal is public protection. While discipline by the Board as a result of a complaint may not make the complainant whole financially, it can result in public protection by keeping the licensee from committing future violations and by deterring others. Licensees should take note that the Board does consider corrective actions when determining the appropriate outcome of a case.

Over the years the Board has found that enforcement involves much more than simply responding to complaints and disciplining violators. Being proactive and incorporating education and outreach programs help the Board more effectively enforce its licensure law and protect the public.

Exams

» Stats
» Dates
» News



October 2015 Exam Statistics

The results from the October 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) 60.43% pass rate

Structural Engineering (SE)

Vertical Component	60.00% pass rate
Lateral Component	75.00% pass rate

Principles & Practice of Surveying (PS)

	<u>October 2015</u>	<u>January 2016</u>
Part A:	50.00% pass rate	———
Part B:	90.91% pass rate	71.43% pass rate
Part C:	30.00% pass rate	25.00% pass rate

Intern Certifications: September 21, 2015 through April 21, 2015

Engineer Interns 83
Surveyor Interns 2

2016-2017 Examination Dates

National examinations are to be conducted on the following dates:

<u>Examination Date</u>	<u>Deadline</u>
October 28, 2016	August 1, 2016 PE Exams
April 21, 2017	January 2, 2017 PE Exams

FE, FS and PS Examination Changes

FE and FS Exams (No prior approval is needed to take exams)

- Beginning this year, the FE exam became available all 12 months of the year.
- Exam registrations and fees are handled through NCEES.
- Certifications for Engineer Intern {EI} and Surveyor Intern {SI} are done through applications with NC Board of Examiners after passing the exams.

PS Exam (April 2016 was the last paper and pencil exam for the Professional Surveyors {PS} exam)

- Beginning in October 2016 the PS exam will be offered as a computer-based test (CBT).
- No prior application or approval is needed to take this exam.
- Registration for the PS CBT will open June 20, 2016 and the first date available for scheduling a test time will be October 3.
- Testing will be done at Pearson Vue testing centers.
- The fee for the PS CBT will be \$300 paid to NCEES during registration.
- NC Board of Examiners will no longer be administering any portion of the PS exam.

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.

Dates for 2017 State-Specific Exam

January 23, 2017
April 17, 2017
July 24, 2017
October 23, 2017

Application Deadline

November 1, 2016
January 2, 2017
May 1, 2017
August 1, 2017

Renewals & Continuing Education

As part of the license renewal process, those renewing as Current are required to comply with the Continuing Professional Competency (CPC) requirements found in section .1700 of the Board Rules. Licensees are encouraged to contact the Board staff anytime they have questions about the requirements. The staff is ready to answer your questions about carryover Professional Development Hours (PDHs), taking courses from approved Sponsors, types of courses and activities that qualify for CPC credit, and the like. If the staff is unable to assist, the question can be referred to the Board's Continuing Professional Competency Committee for consideration.

Every licensee must obtain 15 PDHs per year, or comply with their resident jurisdiction's requirements, in order to satisfy the Continuing Professional Competency Rules in North Carolina. If the licensee's resident jurisdiction does not have CPC, or they are exempt in their resident jurisdiction, then the licensee must meet the North Carolina requirements.

If a licensee exceeds the annual requirement of 15 PDHs in any renewal period, a maximum of 15 PDHs may be carried forward into the subsequent renewal period. It is the licensee's responsibility to select courses and activities that comply with the Board Rules, which means that any course or activity must have a purpose and objective, which will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. A licensee may select courses other than those offered by Board-approved Sponsors. Evaluation by the Board through its audit process of courses offered by Sponsors, and others, may result in non-acceptance for CPC credit.

The Board does not automatically accept courses offered by Sponsors; rather, the Board approves the Sponsor as a continuing education provider. The benefit of taking courses from a Sponsor is that the Board has already reviewed the Sponsor's qualifications and sample courses. This review process is to ensure the Sponsor understands the CPC Rules adopted by the Board. The licensee has to make the determination if a course or activity will maintain, improve, or expand the skills and knowledge relevant to their field of practice. If a licensee is struggling to answer this question, they are encouraged to contact staff for guidance. Also, under CPC FAQs in the Continuing Education section of the website, there is valuable information about the types of courses and activities that are acceptable, or not, for CPC credit.

Most licensees are familiar with the Licensees Only section on the website from renewing their license online. A licensee can also obtain information on this page about the number of PDHs reported, as well as carryover hours. Given the number of calls to staff, some licensees experience difficulty figuring carryover PDHs.

To determine how many PDHs you'll need for the next renewal, simply take the Year Applied Hours and add them to the Previous Year's Carryover; then subtract 15 PDHs, which results in your carryover. Given the example below, this Professional Engineer will have 9 carryover PDHs and needs to obtain 6 PDHs in 2016 to renew as Current for 2017. Also, as a reminder, never add and report your carryover hours when renewing as the system does this for you. You should only report the hours earned in the year.

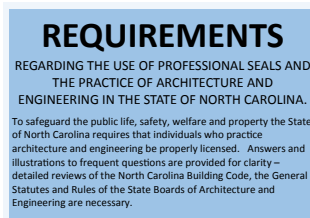
Example PDHs Reported on Renewal Form

Year Applied	License Type	Hours	Previous Year's Carryover
2016	PF	16	8
2015	PF	11	12
2014	PF	22	5
2013	PF	20	0

Licensees with questions are encouraged to contact Martha Michalowski, Continuing Education, at 919-791-2000 x104 or by e-mail at Mmichalowski@ncbels.org.

Seal Brochure Updated

The Seal Brochure, a joint effort of the NC Board of Architecture and the Board of Examiners first published more than a decade ago, has been updated. The new version may be found on the Board's website under Policies/Guidelines by using the following link: <http://www.ncbels.org/forms/sealbrochure.pdf>



Disciplinary Actions 2016-1

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. V2014-088

Richard D. Tucker, PE [8664]
Locust, NC

VIOLATION: Submitted false information on renewal form [G. S. 89C-23, .0701(d)(1)] and failed to maintain CPC records [.1706].

BOARD ACTION: Reprimand, \$2000 civil penalty and audit CPC the next three years renewed as current.

CASE NO. V2014-116

G. Anderson Greene, PLS [L-3370]
Wilmington, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to report and show a lappage [.1602(a), (f)]; failed to monument corner [.1602(d)]; and failed to provide adequate tie [.1602(g), .1604(d)(9)].

BOARD ACTION: Reprimand, \$1000 civil penalty and ethics course.

CASE NO. V2015-002

Sitescapes, LLC [Non-licensed]
Raleigh, 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 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, 57D and 55B. The activities include, but are not limited to, holding out engineering qualifications in providing design services, without any disclaimer that the company is not providing engineering services.

CASE NO. V2015-003 & V2015-010

Mark J. Magrath, PE [24480]
Raleigh, NC

VIOLATION: Knowingly associated with a firm that is not properly licensed [.0701(g)(1)]; aided or abetted another to evade or attempt to evade the provisions of G. S. 89C [G. S. 89C-16]; produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)]; failed to be completely objective and truthful in a professional report [.0701(d)(1)]; failed to properly certify a report [.1103(b)]; failed to delineate work for which responsible [.0701(c)(3)]; failed to avoid conflicts of interest by not informing the client or reviewing agency of business association, interests, or circumstances, which could influence judgment or the quality of services [.0701(e)(1)]; and failed to certify changes and delineate what was revised under responsible charge [.1103(a)(7), .0701(c)(3)].

BOARD ACTION: Reprimand, \$5000 civil penalty and ethics course.

CASE NO V2015-004

Venture Engineering, P.A. [C-2590]
Raleigh, NC

VIOLATION: Knowingly associated with a firm that is not properly licensed [.0701(g)(1)] and aided or abetted another to evade or attempt to evade the provisions of G. S. 89C [G. S. 89C-16].

BOARD ACTION: Reprimand and \$5000 civil penalty.

CASE NO. V2015-007

David D. Gray [PE No. 9807 – Revoked]
Granite Falls, NC

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

BOARD ACTION: Respondent entered into Consent Agreement with the Board not to offer or practice engineering.

continued on next page

CASE NO. V2015-009

A & M Ventures Services, RLLP [F-1289]
Raleigh, NC

VIOLATION: Failed to have a resident licensed professional in responsible charge in the office [.0901].

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

CASE NO. V2015-017

Kevin L. Jones [PLS No. L-5016 – Suspended]
Candler, NC

VIOLATION: Guilty of a felony or crime involving moral turpitude [G. S. 89C-21(a)(3)]; failed to notify the Board of a criminal conviction within 30 days [.0606(a)]; and submitted false information on renewal form [G. S. 89C-23, .0701(d)(1)].

BOARD ACTION: Suspend Land Surveying Certificate of Licensure for six months and continue until proof of passing ethics course is furnished to the Board.

CASE NO. 2015-020

Gregory C. Bagley, PE [12276]
Fuquay-Varina, NC

VIOLATION: Violated an Order of the Board; practiced while license was suspended in violation of G. S. 89C; affixed seal to inadequate design documents, failing to protect the public [.0701(b)]; failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to properly certify documents [.1103(a)(3)] (digitized signature); representation as architectural services or as Architect [G. S. 83A, .0701(b)]; and failed to note and date revisions [.1103(a)(7)].

BOARD ACTION: Suspend Engineering Certificate of Licensure for two months.

CASE NO. V2015-034

Carter Land Surveyors & Planners, Inc. [C-3324]
Duluth, GA

VIOLATION: Submitted false information on a Professional Corporation change form [G. S. 89C-23, .0701(d)(1)] and did not operate the company in compliance with the Professional Corporation Act [G. S. 55B-4(3), 14].

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

CASE NO. V2015-037

Randolph S. Piersall, PE [35421]
Westerville, OH

VIOLATION: Received a reprimand, civil penalty, probation and restriction as a result of disciplinary action by another jurisdiction [G. S. 89C, .0701(h)] and failed to notify the Board of license discipline within 30 days [.0505(a)].

BOARD ACTION: Reprimand.

CASE NO. V2015-040

Highland Mapping, Inc. [Non-licensed]
Banner Elk, NC

VIOLATION: 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. The activities include, but are not limited to, “parcel fabric - accuracy to clients because it incorporates surveyed monuments and other known reference points. By incorporating these points it allows for more positional accuracy”; topo clean-up; terrain modeling; data collection; data conversion; data manipulation; any subdivision planning; “transportation/network” if laying out roads; site location/analysis; and custom mapping, other than for recreational use without accuracy or reliance for location data. The requirement of a Professional Land Surveyor for these activities is determined by comparing the definition of land surveying in G. S. 89C-3(7) and the GIS Inclusions/Exclusions Guidelines.

CASE NO. V2015-045

Risk Management Associates, Inc., d/b/a Protus 3 [Non-licensed]
Raleigh, NC

VIOLATION: Practiced or offered to practice engineering 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. The activities include, but are not limited to, holding out engineering services and capabilities, and designing security systems that involve life safety.

CASE NO. V2015-048

Charles F. Knobeloch, PE [21010]
Lexington, SC

VIOLATION: Knowingly associated with a firm that is not properly licensed [.0701(g)(1)]; made exaggerated, misleading, deceptive or false statements of qualifications or experience [.0702]; and failed to properly sign, seal and date documents in violation of Board Rule .1103.

BOARD ACTION: Reprimand and \$2000 civil penalty.

CASE NO. V2015-049

K & P Engineering, Inc. [Non-licensed]
Lexington, SC

VIOLATION: Practiced or offered to practice engineering in violation of G. S. 89C-24 and 55B and used the word "engineering" in the company name without being licensed with the Board as required by G. S. 89C-23.

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 and using the word "engineering" in the company name without being licensed with the Board is a violation of G. S. 89C-23.

CASE NO. V2015-053

Timothy J. Middleton, PE [35067]
Pembroke, NC

VIOLATION: Failed to be completely objective and truthful in professional statements [.0701(d)(1)] and failed to conduct practice in order to protect the public health, safety and welfare [.0707(b)].

BOARD ACTION: Reprimand.

CASE NO V2015-058

Apex Industrial Group, LLC [Non-licensed]
Holly Springs, NC

VIOLATION: Practiced or offered to practice engineering 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 is a violation of G. S. 89C-24, 57D and 55B. The activities include, but are not limited to, references to services (automation, arc flash computation, and various analyses) on the web site that require engineering and references to a non-licensed company to do those engineering services.

CASE NO. V2015-079

Liberty Engineering and Machine, Inc. [Non-licensed]
Huntington, WV

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 is a violation of G. S. 89C-24 and 55B.

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CASE NO. V2015-080

US Bearing and Power Transmission Corporation [Non-licensed]
Scott Depot, WV

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 is a violation of G. S. 89C-24 and 55B.

CASE NO. V2015-083

Michael A. Moss, PLS [L-3794]
Wake Forest, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to show calls of lines surveyed [.1604(d)(2)]; failed to provide adequate tie [.1602(g), .1604(d)(9)]; failed to show the name of adjacent land owner, lot designation, or legal reference [.1604(d)(7)]; and failed to provide an adequate legend [.1604(d)(11)].

BOARD ACTION: Reprimand.

CASE NO. V2015-084

Adam Frazier, [Non-licensed]
Fayetteville, NC

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

BOARD ACTION: Board issued letter to place this individual on notice that practicing or offering to practice engineering in North Carolina without being licensed is a violation of G. S. 89C-23. The activities include, but are not limited to, holding out engineering services and capabilities, and designing commercial projects.

CASE NO. V2015-098

William E. Marlowe, PLS [L-3913]
Oriental, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; failed to conform to the Standards of Practice for Land Surveying in North Carolina [.1600] including failed to provide adequate tie [.1602(9), .1604(d)(9)], failed to properly reference north arrow [.1604(d)(1)] and failed to provide adequate vicinity map [.1604(d)(10)].

BOARD ACTION: Reprimand and \$2000 civil penalty.

CASE NO. V2015-103

Enrique J. Artiga [Non-licensed]
Southern Pines, NC

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

BOARD ACTION: Board issued letter to place the individual and his firm on notice that practicing or offering to practice engineering in North Carolina without being licensed is a violation of G. S. 89C-23, 24 as is using the words engineer or engineering in violation of licensing as required by G. S. 89C-23.

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.