



# *The North Carolina Bulletin*

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

*April 2011 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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Gary W. Thompson, PLS	
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## *View from the Chair*

*By J. Glenn Haynes, PLS*



Having served on the Board for almost ten years, I have witnessed a lot of changes which the Board initiated to better serve the licensees and the public. Some of the most notable changes have been:

- Changes to Board Rules
- The posting of Board policies online
- The option of online license renewal
- The switch to an online News Bulletin
- The creation of a sample map to assist surveying applicants with initial applications

I have served with 17 Board members since my appointment in December 2001 and have found that each new Board member brings new thoughts and ideas which are needed to keep up with all the new technologies that are constantly being developed. With each new technology that can affect engineering or surveying, the Board must determine if any new rules should be applied to protect the public. As the Board examines the impact of technological changes, it looks to the licensees and their concerns as sources of information.

The Engineering and Surveying Committees meet with their respective state societies each year to discuss any changes or issues that may affect the professions. This partnership has developed better relations between the Board and the societies due to the improvements in communication and information sharing.

The number of complaints filed with the Board has remained fairly consistent although the number of licensees has increased by several thousand. I believe this relative stability in caseload comes from the ongoing education of licensees through the involvement of Board members and staff as they take part in seminars and make presentations at many meetings of the professional societies.

Ethics is always an issue of foremost concern for the Board. If licensees are deliberately unethical in their practices, they surely know that the public can be harmed. This kind of activity can be much more severe than unintentional mistakes and the Board takes intent into consideration when issuing disciplinary actions against licensees.

Most complaints filed with the Board could be resolved before reaching the Board if better communication existed between the licensee and the complainant. When issues arise between professionals, communication is vital in defining and solving problems before harm comes to the public.

One comment a surveying licensee might make when facing a complaint is, "My client didn't want to show [it] on the plans or map." During these difficult economic times when income is lower, it is hard not to do what the client asks. But it is also an unethical practice. If a licensee is asked by a client to do something that is wrong, the licensee should examine the ethics of the client.

The NC Board is respected among all the Boards across the nation for many of our policies and for the system the Board has developed over the years to process investigations. All of the Board members I have served with have always put the protection of the public first and foremost in any of the decisions they have made. The Board was created in 1921 and the reason for its creation was for the safety and welfare of the public. That mission will never change.

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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 for speaking should be made as far in advance as possible to Andrew Ritter, Executive Director, at the Board office: 4601 Six Forks Road, Suite 310, Raleigh, NC 27609.

# *Faces & Events 1*

## *Interior Secretary Appoints Thompson to NGAC*

Secretary of the Interior Ken Salazar has appointed Board member Gary W. Thompson, PLS, to serve a three-year term on the National Geospatial Advisory Committee (NGAC), which provides recommendations on federal geospatial policy and management issues and advice on development of the National Spatial Data Infrastructure (NSDI). The NSDI promotes sharing of geospatial data throughout all levels of government, the private and non-profit sectors, and the academic community.



Gary W. Thompson, PLS

The NGAC was created under the Federal Advisory Committee Act, which was enacted by Congress in 1972 to ensure that advice rendered to the executive branch by advisory committees, task forces, boards, and commissions formed by Congress and the President, be both objective and accessible to the public. The U.S. Geological Survey provides support services for the NGAC. The NGAC functions solely as an advisory body.

The NGAC provides a forum to convey views representative of partners in the geospatial community. The members of the NGAC report to the chair of the Federal Geographic Data Committee (FGDC), which is the Federal interagency executive group responsible for providing leadership and

direction in Federal geospatial programs. The FGDC is chaired by the Secretary of the Interior or the Secretary's designee. Geospatial data and products, including maps, simulations, and databases, are invaluable tools in the effective management of utility infrastructures, transportation, energy, emergency management and response, natural resource management, climate analysis, disaster recovery, homeland defense, law enforcement, protection planning and other civilian or military strategic issues.

Gary Thompson was first appointed to the NC Board of Examiners in February 2004 and then reappointed to a second five-year term in December 2008. He served as Board Chair in 2007 and has also served as Chair of the Surveying Committee in 2004, 2005, 2006 and 2010. Mr. Thompson is Chief of the Geodetic Survey for the NC Department of Environment and Natural Resources.

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## *New Face at the Board*

Christina M. (Tina) Curran joined the Board staff as an Investigator on November 1, 2010. Tina came to the Board with six years of experience at the Johnston County Department of Social Services and had worked as an Investigator in its Child Protective Services unit. Tina lives in Clayton with her husband and daughter.

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## *February Certificate Ceremony*

Subsequent to the October 2010 PE and PLS exams, a group of the successful candidates received their wall certificates at the Raleigh ceremony, held on February 3, 2011 at The State Club, located on Centennial Campus at NC State University.

Andrew Ritter, Executive Director for the Board, welcomed the attendees and introduced the speaker, Board member Teresa H. Ratcliff, PE, PhD, an Assistant Vice Chancellor at NC State University and Executive Director of its Industrial Extension Service.

Certificates were presented by Mr. Ritter, Dr. Ratcliff, and Board member Gary W. Thompson, PLS, to 31 new Professional Engineers and four new Professional Land Surveyors. The 35 new licensees were accompanied by just over 100 guests. All attendees enjoyed an array of beverages and light refreshments both before and after the certificate presentations.



# Faces & Events 2

## *UAE Delegation Visits NCBELS for Training*



On March 23, the Board staff hosted a delegation from the Department of Economic Development of the United Arab Emirates. Our visitors spent the day training with NCBELS staff and several Board members.

The UAE is developing a licensure model that they hope will be one of the best in the world. They are in the process of using the NCEES engineering exams and are interested in the NCBELS programs for CPC and law enforcement.

Our UAE visitors presented a symbol of their country to the Board. Left to right: Executive Director Andrew Ritter; Dr. Khalil AL-Hosani, UAE Society of Engineers – Vice Chair; Ahmed Abdulrahman Al Burkani, Director of Contractors & Consultants Classification & Engineers Registration Office for the Department of Economic Development; Board Vice Chair David L. Pond, PE; Board member Gary W. Thompson, PLS; Ghulam Rasool Wani, Advisor – Projects H. E. Chairman's Office for the Department of Economic Development; Assistant Executive Director David Evans; and Fahad Bin Ishaq, Senior Civil Engineer for the Department of Economic Development.

## *First FE Exams Given in Saudi Arabia*

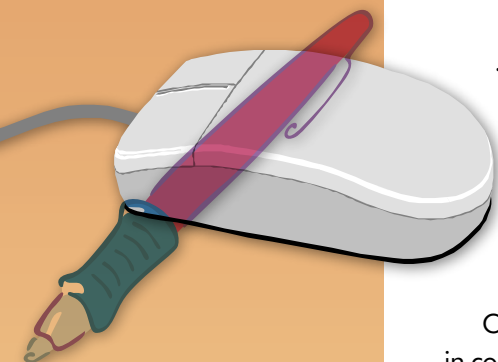
Executive Director Andrew Ritter, along with NCEES Past-President Dave Whitman, administered the first-ever engineering exams in Saudi Arabia in October 2010 in Damman.

The exam was taken by 114 applicants – all employees of Aramco, the world's largest oil company. Saudi Arabia became the third foreign country to administer the NCEES exams; the others are Japan and Egypt.



## To Sign, or Not...

By David S. Tuttle, Board Counsel



### ...to sign? That is one of the questions.

Beyond that, when and how you, as a licensee, sign raises questions about facsimile signatures and also about electronic or digital signatures. What do the Board Rules allow and require? First, some definitions.

Certified means signed, sealed, and dated in compliance with the Board Rules. Facsimile means a replica or copy, other than an original. A facsimile would include the rubber stamp seal or computer generated seal, which are both acceptable by the Board Rules. However, the signature must be an original written signature on the original or reproducible document from which copies will be made; a facsimile signature is not acceptable.

All final drawings and plats must be signed and sealed; but, when is it optional to sign and seal drawings and plats? By the Board Rules, it is when they are either "Preliminary" or the documents are copies of previously certified documents. The Board Rules, which are easily found from the link on the Board's website to the North Carolina Administrative Code, give the answer in 21-56.1103(c). Of the seven statements, the first four are in the "Preliminary" category. The fifth was added by the Board in 1998 to accommodate submittals to regulatory agencies that were required to be certified to be reviewed, realizing that revisions might result from the review. The last two statements were added in 2002 to cover situations where the licensee is no longer available to certify previously certified work. Board Rule .1103(c)(6) allows for issuing a copy when the original licensee who certified the document is not available. Board Rule .1103(c)(7) provides language that can be modified to fit a situation where revisions are made to a document and the original licensee is no longer available to sign and seal as to the original design drawings and the successor licensee is only certifying as to the revisions. An article that applies this to

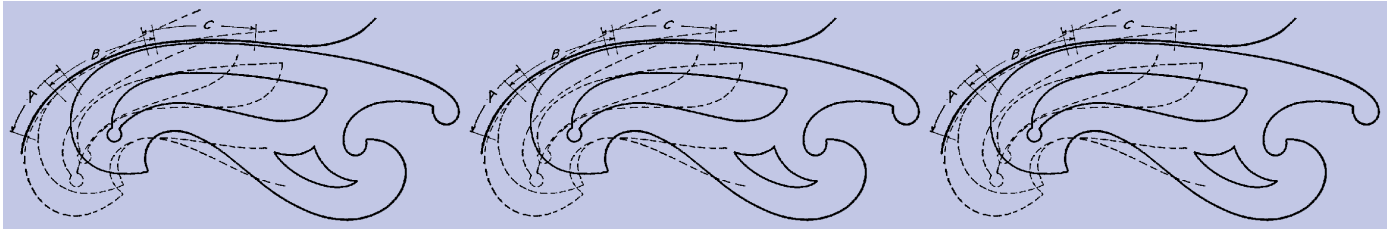
as-built or record drawings, titled "Certifying Record Drawings," is available from the search function on the Board's website.

What about reports and letters? Board Rule 21-56.1103(b) applies the same requirements for drawings to specifications and reports, including letter reports. Any issued document that sets forth analysis or recommendations of an engineering or land surveying nature, or held out as an engineering or land surveying work product, and not marked "Preliminary," must be certified.

Electronic transmittal of copies of signed and sealed originals or reproduces are allowed under Board Rule 21-56.1103(d). This includes electronic transmittal of a scan of the signed and sealed document, perhaps the easiest way of providing an electronic copy. A CAD file or other easily modified document can only be transmitted electronically if the seal is removed and the statement from the Board Rule is added to refer to the certified version of the document.

Electronic or Digital signing of documents under Board Rule 21-56.1103(e) is distinguished from a "digitized" signature that is merely a scan of a signature or one that is placed from a pen pad and is not allowed. However, a digitized signature may be used in conjunction with the authentication process. Converting a file to a PDF, even applying an encryption, certificate, and ID signature, does not meet the requirements in Board Rule 21-56.1103(e). Not only must the document be authenticated upon receipt as not having been modified, but the signature must be authenticated as well. At the present time, this requires a subscription service to a signature verification service, just as is used for documents in commerce. One that is familiar is VeriSign. There must be physical evidence that it is the document as issued by the licensee. Built into the authentication

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## *Proposed Statute and Rule Changes*

*By David S. Tuttle, Board Counsel*

### **Statute Changes**

The Board is proposing a number of revisions to G.S. 89C (The Engineering and Surveying Act) this legislative session. The proposed changes fall into two categories: "housekeeping" and changes to more closely align G.S. 89C with the NCEES Model Law.

The changes that relate to the NCEES Model Law include the following:

1. Allow full-time engineering faculty members who teach in an approved engineering program and an individual possessing a doctoral degree in engineering, where the undergraduate program is accredited, to request and be granted a waiver of the Fundamentals of Engineering exam.
2. Eliminate the provisions for a temporary permit, since the fee and time involved for a full license are essentially the same, and it subjects those individuals to the jurisdiction of the Board.
3. Allow the Board to consider foreign engineering experience towards the experience requirement for licensing.
4. Allow foreigners (other than Canadians who are currently allowed) to seek engineering licensure by comity.
5. Adds to the list of disciplinary actions that may be imposed on an engineer or surveyor "refusal to reinstate" and "require additional education." The list currently includes reexamination, revocation, suspension, reprimand, or civil penalty.

The proposed "housekeeping" changes include:

1. Certain routine duties that may be delegated by the Board to the Executive Director to require majority approval by the Board rather than unanimous approval.
2. Allow students in an engineering curriculum or related science curriculum of four years or more to take the Fundamentals exam when within two semesters of

graduation, as is now allowed for students in ABET accredited engineering curriculums, instead of waiting four years after graduation.

3. Provide a better definition of "retired" to add that the honorific designation of a "Professional Engineer, Retired" or "Professional Land Surveyor, Retired" be granted after review of record, including any disciplinary action.
4. Eliminate the requirement to print and distribute a roster of licensees, and instead it is made available electronically.

### **Rule Changes**

The Board is proposing a number of revisions to the Board Rules in Title 21 Chapter 56 of the North Carolina Administrative Code with a proposed effective date of August 1, 2011. The proposed changes fall into two categories: adoption of new rules and revisions to existing rules. These are summarized as follows (each rule is prefaced by 21-56):

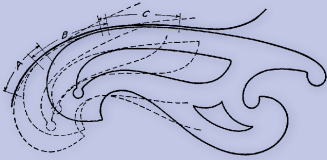
#### **Adopt:**

- .0506 and .0607 to provide for waiver of renewal fees and continuing education for licensees serving on active duty in the Armed Forces of the U.S. as required by G.S. 93B-15.

#### **Amend:**

- .0401 to align with records retention requirements;
- .0501 to clarify engineering education and experience requirements;
- .0505 and .0606 to make business and residence addresses be the physical location to conform to "place" in G.S. 89C-12; require reporting criminal conviction or disciplinary action to the Board within 30 days of conviction, and provide rules for "retired" status;
- .0701 to add successor licensee requirements, revisions to education and experience requirements for engineering licensure, and add grounds for disciplinary action based

*continued on page 8*

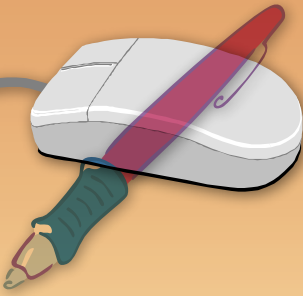
- 
- on action by another jurisdiction;
  - .0804 to make firm address be the physical location to conform to "place" in G.S. 89C-12, require reporting disciplinary action to the Board within 30 days, and to provide for waiver of renewal fees for a business entity that ceases business while licensee is serving on active duty in the Armed Forces of the U.S.;
  - .1103 to clarify individual license number to be used for exempt sole proprietorship;
  - .1301 and .1302 to allow for Assistant Executive Director to serve in lieu of Executive Director in Review Committees and Settlement Conferences;
  - .1602 to update that coordinates of geodetic monuments are on file in the North Carolina Geodetic Survey Section in the Division of Land Resources of the Department of Environment and Natural Resources;

- .1605 and .1606 to revise vertical accuracy standards and certification statements;
- .1607 to correct omitted item, "Units;"
- .1608 to add a GIS accuracy classification and a certification statement;
- .1703 and .1705 to eliminate exam for webinar course;
- .1707 to waive continuing education for licensees serving on active duty in the Armed Forces of the U.S. as required by G.S. 93B-15;
- .1713 to eliminate CPC sponsor quarterly reporting.

The rule-making process will include publishing the proposed changes in the April 15, 2011 North Carolina Register, allowing for a 60 day written comment period that ends on June 14, 2011 and a public hearing for comments at the May 19, 2011 Board meeting. The proposed rule revisions may be viewed after April 15 on our website.

## To Sign, or Not...

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process is a voiding of the document if anything has been changed in the document or if the signature is not verified by a third party source. AutoCAD, through AutoDesk, and Adobe Acrobat each have an authentication process that meets the Board Rules. Many others do, as well. The signature cannot be forged unless the licensee gives the key or password to someone else, just as a debit card cannot be used without a PIN. Similar to verification of a debit card, the signature is verified as valid and uncompromised at time of receipt.

The recent eRecording of plats uses a process that meets these requirements. Plats are now being recorded electronically in some counties by a process developed under the leadership of Tom Morgan, PLS, Manager of

Land Records, and Ozie Stallworth, Director of Electronic Notarization and Enforcement, both in the Office of the Secretary of State. They worked closely with the Board to conform to the Board Rules. The process includes the electronic sign-offs by reviewers.

Plan submittals for permit application review will be allowed under a process developed jointly by the City of Raleigh (Jim Tschupp, AIA) and Mecklenburg County (James N. Bartl, AIA). A committee assisted in assuring compliance with the Board Rules. The process was also reviewed by the Board of Architecture and Board of Landscape Architects.

Licensees are encouraged to contact the Board with any questions and for review of any proposed methods of compliance.





## *Notice of Future Changes to NCEES Exams and Supporting Materials*

*By Tim Miller, PE, Director of Examination Services*

In the October 2011 exam administration, NCEES will implement changes to two examinations. Reminders about upcoming changes to the April 2011 exams, first reported to Member Boards and testing services in April 2010, are described below.

### **October 2011 Administration**

In the October 2011 exam administration, NCEES will implement changes to the following Principles and Practice of Engineering (PE) exams.

- **PE Control Systems**—The PE Control Systems exam has revised specifications. The new exam specifications are posted online at [ncees.org](http://ncees.org).
- **PE Civil Geotechnical**—The PE Civil Geotechnical afternoon module has revised specifications. Several topic areas have been reorganized. No knowledge areas were added or deleted; they were simply reorganized to provide clarity during item development. The reorganized specification will be posted online 6 months before the October 2011 exam.

### **April 2011 Administration**

In the April 2011 exam administration, NCEES will implement changes to the following exams. The new exam specifications, design standards, and *Sample Questions and Solutions* are available online at [ncees.org](http://ncees.org).

- **PE Chemical**—The PE Chemical exam has revised specifications.
- **PE Civil**—The design standards for the Construction, Transportation, and Structural modules of the PE Civil exam have been revised.
- **PE Environmental**—The PE Environmental exam has revised specifications.
- **Structural Engineering**—The 16-hour Structural Engineering exam will be offered for the first time in the April 2011 administration.

The Structural Engineering exam is a two-component exam with the Vertical Forces component offered on Friday

and the Lateral Forces component offered on Saturday. Examinees may take either or both components in any exam administration. They must obtain acceptable results on **both** components before passing the exam.

NCEES will use the Examinee Management System to track the attempts each examinee makes on a component and report results to the boards. Once an examinee receives acceptable results on both components, NCEES will send an exam pass notice to the board to indicate the candidate has passed the Structural Engineering exam.

Examinees will be required to select either or both components of the Structural Engineering exam in the Examinee Management System when they register with NCEES. They will also be required to select Buildings or Bridges for the PM module of each component. Examinees will not be allowed to change components or modules on exam day.

Additional information about the Structural Engineering exam is posted on [ncees.org](http://ncees.org).

### **Examinee Management System**

NCEES will continue to use the Examinee Management System to register all NCEES examinees.

- Registration for the October 2011 exams will be open from **early June to September 9**. **All examinees must be registered in the NCEES Examinee Management System by September 9, 2011.**
- Examinees will log into the NCEES Web site, obtain a unique ID number, and register for the exam they intend to take. For the PE Civil, PE Mechanical, Structural Engineering, and Fundamentals of Engineering exams, examinees must also select an afternoon module when they register.

Additional information about the Structural Engineering exam is posted on [ncees.org](http://ncees.org).

# Examination Statistics & Dates

## October 2010 Exam Statistics

The results from the October 2010 administration of the licensure exams and the most recent seating for the state-specific surveying exam have been received and processed by the Board. Those results are as follows:

Fundamentals of Engineering (FE)	65.75% pass rate
Principles & Practice of Engineering (PE)	61.79% pass rate
Fundamentals of Land Surveying (FLS)	69.44% pass rate
Principles & Practice of Land Surveying (PLS)	

	October 2010	January 2011 (PLS B+C only)
Part A:	47.83% pass rate	-----
Part B:	91.67% pass rate	60% pass rate
Part C:	72.50% pass rate	90% pass rate

## 2011-2012 Examination Dates

**National examinations** are to be conducted on the following dates:

April 8 & 9, 2011	Deadline: January 3, 2011
October 28 & 29, 2011	Deadline: August 1, 2011
April 13 & 14, 2012	Deadline: January 3, 2012

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

### Examination dates for Out-of-State Surveying Applicants

The Board of Examiners has added additional exam dates for **Out-of-State Surveying Applicants ONLY**. The usual April and October examination periods also apply.

July 11, 2011	Application Deadline: May 2, 2011
January 23, 2012	Application Deadline: November 2, 2011
July 23, 2012	Application Deadline: May 1, 2012

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## *Disciplinary Actions 2011*

*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 to [dstuttle@ncbels.org](mailto:dstuttle@ncbels.org).*

### **CASE NO. V2004-046**

Harshadray D. Padia, PE [9069]  
Cary, NC

VIOLATION: Guilty of misconduct by aiding and abetting another to evade or attempt to evade G. S. 89C [G. S. 89C-16].

BOARD ACTION: Reprimand.

### **CASE NO. V2007-028**

Forensic Analysis Corporation [F-0716]  
Raleigh, NC

VIOLATION: Failed to comply with Decision and Order dated September 3, 2009, by resident professionals not completing Engineering Ethics I & II Courses offered by the Murdough Center at Texas Tech University.

BOARD ACTION: Suspension of license for non-compliance of Decision and Order dated September 3, 2009, continuing until proof of completion of courses is furnished to the Board.

### **CASE NO. V2007-100**

Danny R. Taylor, PE [17698]  
Stokes, NC

VIOLATION: Guilty of a felony or crime involving moral turpitude [G.S. 89C-21(a)(3)].

BOARD ACTION: Revocation.

### **CASE NO. V2009-006**

B. Gail Freeman, PE [9076]  
Durham, NC

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

BOARD ACTION: Suspended her Certificate of Licensure until such time as she furnishes proof of having obtained 26 PDHs beyond the 19 PDHs previously submitted for 2009 and will audit her CPC for the next three years that she renews as current.

### **CASE NO. V2009-020**

Bruster B. Lanier, PLS [L-1223]  
Jacksonville, NC

VIOLATION: Performed an inaccurate or substandard survey by surveying wrong lot, failing to protect the public [.0701(b)]; failed to provide accurate north arrow [.1604(d)(1)]; and failed to provide adequate tie sufficient to accurately reproduce the subject lands [.1602(g), .1604(d)(9)].

BOARD ACTION: Reprimand, civil penalty of \$2000, furnish proof of passing the Professional Ethics Course offered by New Mexico State University and require proof of successfully completing the entire Section, to be determined by the Board, that includes Boundary Retracement at the NC Society of Surveyors Institute.

### **CASE NO. V2009-029**

Lester Stancil & Associates Professional Land Surveyor, P.A. [C-0831]  
Angier, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to protect the public by deviating from engineer's plans without instructions from the PE [.0701(b)].

BOARD ACTION: Reprimand.

### **CASE NO. V2009-037**

Walter W. Van Meter, PLS [L-2528]  
North Wilkesboro, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)] by reporting overlap without providing basis or dimensions and giving greater line weight to client's line.

BOARD ACTION: Reprimand.

### **CASE NO. V2009-045**

Kraig M. Blim, PLS [L-4334]  
Clayton, NC

VIOLATION: Attempted to supplant or supplanted another firm in a particular employment after becoming aware of the selection [.0701(e)(7)]; failed to properly certify survey documents not marked as preliminary [.1103]; and failed to comply with the Standards of Practice for Land Surveying in



NC [.1600].  
BOARD ACTION: Reprimand and civil penalty of \$2000.

**CASE NO. V2009-046**

KB Land Surveying, PLLC [P-0593]  
Clayton, NC

VIOLATION: Attempted to supplant or supplanted another firm in a particular employment after becoming aware of the selection [.0701(e)(7)].  
BOARD ACTION: Reprimand and civil penalty of \$1000.

**CASE NO. V2009-050**

Frederick W. Jones, PLS [L-4503]  
Burgaw, NC

VIOLATION: Performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; certified a plat which does not comply with the requirements of G.S. 47-30; and performed services outside his area of competence [.0701(c)(3)].  
BOARD ACTION: Reprimand and restrict practice from any drainage design, until he completes college level courses in drainage and hydraulics and passes the drainage portion of the Principles and Practice of Land Surveying examination.

**CASE NO. V2009-055**

Bulldog Foundation Repair, Inc., unlicensed  
Wilmington, NC

VIOLATION: Practiced or offered to practice engineering in NC without being licensed with the NC Board in violation of G.S. 89C-24 and 55B.  
BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering in NC, to include but not limited to, analysis and recommendations for foundations, slabs or other structural elements, until such time as the company becomes properly licensed with the Board.

**CASE NO. V2009-062**

Custom Design Group, PLLC [P-0727]  
Land O'Lakes, FL

VIOLATION: Failed to inform the Board of branch office; failed to have resident professional in NC office [.0901(a)]; and failed to notify the Board of change of address [.0804(c)].  
BOARD ACTION: Reprimand and civil penalty of \$2,500.

**CASE NO. V2009-067**

Ram Jack of Charlotte LLC  
Huntersville, NC

VIOLATION: Practiced or offered to practice engineering in

NC without being licensed in violation of G.S. 89C-24, 57C and 55B.

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering in NC, to include but not limited to analysis and recommendations for foundation repairs without reference to actual design by a Professional Engineer, until licensed with the Board.

**CASE NO. V2009-068**

Steven M. Rice, PE [8293]  
Beaufort, NC

VIOLATION: Performed services outside his area of competence and undertook an engineering assignment when not qualified by education or experience in the specific technical field of professional engineering [.0701(c)(1)].  
BOARD ACTION: Reprimand, civil penalty of \$1,000 and restricted his practice from planning, design or cost estimating of bascule bridges, until such time as he satisfies the Board by education, training or experience that he is competent to do so.

**CASE NO. V2009-071**

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

VIOLATION: Practiced or offered to practice land surveying while suspended in violation of G.S. 89C-23.  
BOARD ACTION: Suspended his Land Surveying Certificate of Licensure until such time as proof is shown of passing the Principles and Practice of Surveying (Exam II) Parts A and B (requires submitting complete application with map review) and of passing the Professional Ethics Course offered by New Mexico State University.

**CASE NO. V2009-078**

Brent Willett, unlicensed  
Durham, NC

VIOLATION: Practiced or offered to practice engineering in NC without being licensed with the Board as required by G.S. 89C-23.  
BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering in NC, to include but not limited to, recommendations of structural repairs required, until licensed with the Board.

**CASE NO. V2010-011**

Charles G. Evans, PE [29659]  
Cheswick, PA

(1st Decision and Order)

VIOLATION: Failed to comply with annual CPC requirements [.1712].  
BOARD ACTION: Reprimand and required him to furnish proof of make-up hours within one month from the date



of the Decision and Order or his license is suspended until such time as proof of two new PDHs is furnished, and the Board will audit his CPC for the next three years he renews as current.

(2nd Decision and Order)

VIOLATION: Violated the conditions of the Decision and Order by not furnishing proof of the completion of two new PDHs.

BOARD ACTION: Suspended his Engineering Certificate of Licensure continuing until such time as he furnishes proof of make-up hours.

**CASE NO. V2010-012**

Kanu R. Patel, PE [18540]  
Cary, NC

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

BOARD ACTION: Suspended his Engineering Certificate of Licensure until such time as proof is shown of passing the NCEES Structural Exam (16 hour exam).

**CASE NO. V2010-013**

Mark S. Roy, PE [17348]  
Greenville, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)] and failed to properly certify a document [.1103].

BOARD ACTION: Reprimand and civil penalty of \$2,000.00.

**CASE NO. V2010-018**

Mark B. Lail, unlicensed  
Valdese, NC

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

BOARD ACTION: Issued letter to cause respondent to cease and desist practicing or offering to practice engineering in NC, to include but not limited to, providing the cost to cure deficiencies noted during property inspections, such as site, foundation, superstructure, HVAC, electrical and roof, other than like-kind replacements and any reference to providing structural assessments or engineering on web site that is currently suspended, until licensed with the Board, as required by G. S. 89C-23 and referred to Home Inspector Licensure Board.

**CASE NO. V2010-021**

Rodney R. Smith, PE [12526]  
Greenville, SC

VIOLATION: Had his engineering license revoked by another jurisdiction in violation of G.S. 89C and the Board

Rules [.0701(h)].

BOARD ACTION: Refusal to reinstate Engineering Certificate of Licensure.

**CASE NO. V2010-026**

Henry C. Cuninghame, PLS [L-1358]  
Elizabeth City, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to make adequate investigation [.1602(a)]; failed to show names of adjacent land owners, lot designation, or legal reference [.1604(d)(7)]; performed an inaccurate or substandard survey, failing to protect the public [.0701(b)]; failed to provide an adequate legend [.1604(d)(11)]; and failed to properly certify a document [.1103(a)(4)].

BOARD ACTION: Accepted his voluntary permanent surrender of his Land Surveying Certificate of Licensure.

**CASE NO. V2010-028**

R. Wayne McCoy, PE [15115]  
Chattanooga, TN

VIOLATION: Submitted false information on renewal form [G.S. 89C-23].

BOARD ACTION: Reprimand.

**CASE NO. V2010-029**

Clayton D. Berry, unlicensed  
d/b/a Clayber Designs  
Fayetteville, NC

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

BOARD ACTION: Issued letter to cause respondent and his company to cease and desist practicing or offering to practice engineering in NC, to include but not limited to, preliminary engineering plans, until respondent and his company are licensed with the Board as required by G. S. 89C.

**CASE NO. V2010-035**

Michael J. Evans, Sr., PLS [L-2929]  
Winston-Salem, NC

VIOLATION: Failed to make adequate investigation [.1602(a)] and performed an inaccurate or substandard survey, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand.

**CASE NO. V2010-036**

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

VIOLATION: Disciplined and restricted by another

jurisdiction in violation of G.S. 89C and the Board Rules [.0701(h)] and submitted false information on renewal form [G.S. 89C-23].

BOARD ACTION: Reprimand and restricted from practicing building design.

**CASE NO. V2010-042**

Landon M. Lovelace, PE [32674]  
Apex, NC

VIOLATION: Gave false evidence on his Application for Licensure [G.S. 89C-23].

BOARD ACTION: Reprimand.

**CASE NO. V2010-044**

John W. Warwick, PE [13127]  
Virginia Beach, VA

VIOLATION: Pled guilty to a felony or crime involving moral turpitude [G.S. 89C-21(a)(3)].

BOARD ACTION: Revocation.

**CASE NO. V2010-050**

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

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)]; performed services outside his area of competence [.0701(c)(3)]; and failed to place written signature on drawing [.1103(a)(3)].

BOARD ACTION: Suspended his Engineering Certificate of Licensure for a period of six months, and when license is reactivated, restricted his practice to civil and structural engineering until such time as he evidences to the Board competency in other disciplines by passing the NCEES Exam II Principles and Practices for that discipline.

**CASE NO. V2010-051**

Joel E. Whitley, PE [9036]  
Matthews, NC

VIOLATION: Failed to avoid a conflict of interest by accepting compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, without disclosing the circumstances and obtaining the agreement of, in writing, all interested parties [.0701(e)(2)].

BOARD ACTION: Reprimand.

**CASE NO. V2010-052**

Donald J. Moore, PLS [L-3482-Suspended]  
Clemmons, NC

VIOLATION: He and his firm practiced or offered to practice land surveying in NC while license was suspended

in violation of G.S. 89C.

BOARD ACTION: Issued letter to cause respondent and his firm to cease and desist practicing or offering to practice land surveying in NC and to remove any marketing materials, including web site, that refer to land surveying.

**CASE NO. V2010-055**

Jesus Gonzalez, PE [32549] d/b/a J. G. Business Consultants, LLC  
Stanley, NC

VIOLATION: He and his firm practiced or offered to practice engineering in violation of G.S. 89C-24, 57C and 55B and made exaggerated, misleading, deceptive or false statements of qualifications or experience [.0702] as related to the services offered on the firm's web site, to include but not limited to, structural design.

BOARD ACTION: Reprimand.

**CASE NO. V2010-056**

William C. Credle, PE [25522]  
Durham, NC

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

BOARD ACTION: Reprimand and civil penalty of \$1000.

**CASE NO. V2010-059**

A. Mark Esposito, PE [11593]  
Raleigh, NC

VIOLATION: Found guilty of a felony or crime involving moral turpitude in violation of G.S. 89C-21(a)(3).

BOARD ACTION: Revocation.

**CASE NO. V2010-060**

Victor L. Lowery, PLS [L-3614]  
Monroe, NC

VIOLATION: Failed to comply with annual CPC requirements [.1712] and submitted false information on renewal form [G.S. 89C-23].

BOARD ACTION: Reprimand, audit his CPC for next three years that he renews as current and required him to furnish proof of three PDHs in addition to the PDHs required to renew as active or to reinstate.

**CASE NO. V2010-065**

Bruce R. Frommel, PE [7444]  
Greenville, SC

VIOLATION: Found guilty of a felony or crime involving moral turpitude [G.S. 89C-21(a)(3)].

BOARD ACTION: Revocation.

**CASE NO. V2010-068**

Rodney S. Robinson d/b/a Appalachian Golf Technology, LLC, unlicensed  
Zirconia, NC

VIOLATION: Practiced or offered to practice land surveying in violation of G.S. 89C-24, 57C & 55B.

BOARD ACTION: Issued letter to cause respondent and his firm to cease and desist practicing or offering to practice land surveying in North Carolina, to include but not limited to, mapping for authoritative purposes (to be relied upon) or to a stated accuracy, including aerial and topographical maps, earthwork calculations, topographical maps of the green's sub grade and finished grade, and as-built maps of utilities, irrigation and drainage, until such time as he and the company becomes licensed with the Board. In addition, proof must be provided within 30 days, of modifying the web site and all marketing materials to delete references to these services and only list services rendered for inventory purposes that are not to be authoritative and not to any stated accuracy.

**CASE NO. V2010-078**

K. Craig Manawes, PE [27235]  
Abilene, TX

VIOLATION: Received a reprimand and civil penalty by another jurisdiction violating G. S. 89C or the Board Rules [.0701(h)]; failed to comply with annual CPC requirements [.1712]; submitted false information on renewal form [G.S. 89C-23]; and failed to maintain CPC records [.1706].

BOARD ACTION: Reprimand, civil penalty of \$1,000.00, required 15 additional PDHs beyond that required to return from inactive to active status on his license and required an audit for the next three years that he renews as active.

**CASE NO. V2010-080**

Dennis S. Nelson, PE [13153]  
Eau Claire, WI

VIOLATION: Had his license suspended and was put on probation by another jurisdiction violating G.S. 89C or the Board Rules [.0701(h)].

BOARD ACTION: Reprimand and civil penalty of \$1,000.00.

**CASE NO. V2010-087**

Michael P. Malachi, PLS [L-4496]  
Stanchfield, MN

VIOLATION:

Map 1

Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to provide a legend [.1604(d)(11)];

failed to tie to geodetic monument within 2000 feet of the property [.1602(g)]; failed to properly reference the north arrow [.1604(d)(1)]; failed to show calls of property lines [.1604(d)(2)]; failed to describe monuments as set or found [.1602(f)]; certified a plat which does not have a proper G. S. 47-30(f)(11) certification; and failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)].

Map 2

Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to tie to geodetic monument within 2000 feet of the property [.1602(g)]; and failed to properly reference the north arrow [.1604(d)(1)].

Map 3

Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to tie to geodetic monument within 2000 feet of the property [.1602(g)]; failed to show X and Y coordinates of geodetic monument and of referenced corner [.1602(g)]; failed to provide a legend [.1604(d)(11)]; failed to describe monuments as set or found [.1602(f)]; failed to properly reference north arrow [.1604(d)(1)]; and failed to comply with G. S. 47-30(f)(11) certificate requirements.

BOARD ACTION: Suspended his Land Surveying Certificate of Licensure until he passes Part B of the State portion of the Principles and Practice of Surveying Examination.

**CASE NO. V2010-088**

David L. Stout, Sr., PE [13272]  
Sanford, NC

VIOLATION: Failed to comply with annual CPC requirements [.1712]; submitted false information on renewal form [G.S. 89C-23]; and failed to maintain CPC records [.1706].

BOARD ACTION: Reprimand, civil penalty of \$1,000.00, required 15 additional PDHs beyond that required to return from inactive to active status on his license and required audit of his CPC for the next three years he renews as current.

***The NC Board of Examiners' Board meetings*** 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.



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