

The North Carolina Bulletin

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

May 2015 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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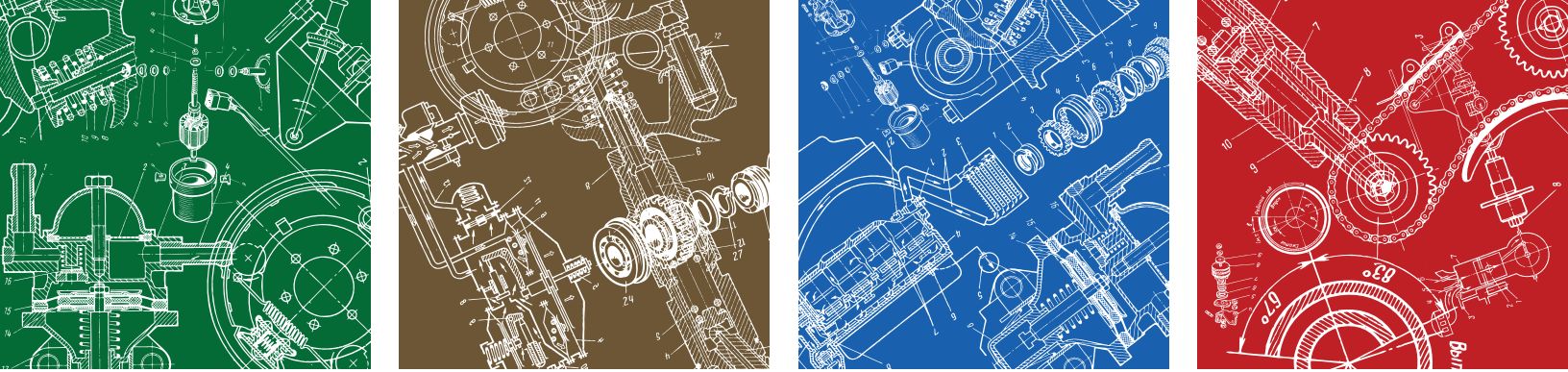
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Board Proposes Legislation H-742

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

NCBELS has introduced legislation that changes the process to become a licensed Professional Engineer.

In August 2013 the NCEES National Model Law was changed to incorporate what is known as “decoupling.” The current PE licensure process at that time was to pass the FE exam, graduate from college and with an **additional** four years of progressive engineering experience be eligible to sit for the PE. The national model law was changed to remove the word “additional” – in essence to “decouple” experience from the exam.

The new language in the national model law reads that to become a PE, an applicant must:

- Pass the FE and PE
- Graduate from college
- Have four years' progressive engineering experience (or more depending on the degree obtained).

North Carolina House Bill 742 changes 89C in order to incorporate the NCEES model law language. The change eliminates the need to wait four years to take the PE exam. An applicant can take the PE exam at any time after passing the FE and graduating from college. The law still requires a minimum of four years' progressive engineering experience before becoming a licensed PE – it just “decouples” the experience from the exam process.

The proposed law also cleans up language in the PE application process but no other changes to the law have been proposed. If you have any questions regarding the proposed change, please contact Executive Director Andrew Ritter via email at aritter@ncbels.org.

If the law passes, it will go into effect for the Spring 2016 exam administration.

H-742

A copy of the proposed legislation may be found here:

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

NEWSMAKERS

Board Honors Departing Member



Willy E. Stewart, PE

On April 7, the Board held a Farewell Celebration for outgoing member Willy E. Stewart, PE. Mr. Stewart was appointed to his term in February 2010 and the term expired on December 31, 2014. He served as Secretary of the Board in 2012 and held the position of Board Chair in 2014.

Those present for the festivities included seven current Board members and three Emeritus Board members: J. Glenn Haynes, PLS; John S. Tunstall, PE; and Gary W. Thompson, PLS.

Board Chair Nils W. Joyner, Jr., PLS, acted as Master of Ceremonies for the event. Other speakers included Board members Teresa H. Ratcliff, PE, PhD, and David L. Pond, PE. Mr. Stewart spoke about his enjoyment of Board experiences and his pride in the engineering profession. An evening of good food and fellowship was enjoyed by 24 attendees.

Board Member Appointments



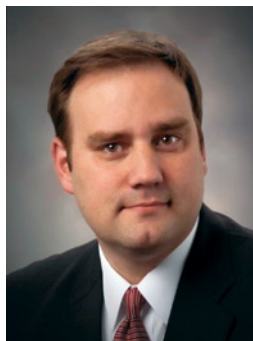
Stacey A. Smith, PE

Stacey A. Smith, PE was appointed by Governor Pat McCrory on December 17, 2014 to fill the Board vacancy created by the departure of Willy E. Stewart, PE, after the expiration of Mr. Stewart's five-year term on December 31, 2014. Mr. Smith's term will expire on December 31, 2019.

Mr. Smith holds a BS in Civil Engineering - Construction Option and a Master's Degree in Geotechnical Engineering from NC State University. He has been a licensed NC Professional Engineer since July 8, 1997. Mr. Smith is the President and Chairman of Smith Gardner Inc., a solid waste consulting firm in Raleigh.

Jonathan S. Care was appointed as a Public Member by Governor McCrory on April 30, 2015 to fill the seat vacated by Gary S. Pendleton's resignation on July 30, 2014. Mr. Care's term will expire on December 31, 2018.

Mr. Care received both his undergraduate and law degrees from Campbell University. In addition to his private practice in Henderson, Mr. Care has also served as the County Attorney for Vance County since 2007.



Jonathan S. Care



Masato Fujiwara, PE

New PE Licensees in Japan

On December 18, 2013, Andrew Ritter, Executive Director of the NC Board of Examiners and acting on the Board's behalf, signed a Memorandum of Understanding with the Japan PE/FE Examiners Council (JPEC) to allow for those candidates who have successfully completed NCEES licensing exams in Japan to seek licensure as Professional Engineers in North Carolina. The Kentucky and Texas Boards signed MOUs with JPEC at the same time. (See the April 2014 issue of the NewsBulletin for the full story.)

NCEES exams have been offered in Japan since 1992. Since 2006, they have been offered through an agreement between NCEES and JPEC.

In December 2014, the NC Board licensed its first PE candidate under the MOU with JPEC: Feng Chen of Chiba. In February 2015, Masato Fujiwara of Shizuoka was licensed; he had taken and passed the PE exam in Japan in October 2010. The Board licensed its third candidate under the MOU, Tatsuya Amano of Kanagawa, in April.

Mr. Fujiwara graciously agreed to share a picture of himself and his newly-arrived NC PE certificate for publication. The beautiful location is a green tea farm in Shizuoka (central Japan – 120 miles west of Tokyo).

NEWSMAKERS

Certificate Ceremonies: Winter 2015

Candidates who sat for and passed the October 2014 PE and PLS exams were invited to certificate presentation events sponsored by the Board in Charlotte and Raleigh.

The **Charlotte ceremony** was held on January 28, 2015 at the William States Lee College of Engineering in the Halton Arena on the UNC-Charlotte campus. Guest speaker was John L. Daniels, D. Eng., PE, Chair of the Department of Civil and Environmental Engineering at UNC-Charlotte. Executive Director Andrew Ritter assisted Board members Carl M. Ellington, Jr., PE; David L. Pond, PE; Andrew G. Zoutewelle, PLS; and Linda A. Thurman, Public Member, as they recognized approximately 16



new Professional Engineers and three new Professional Land Surveyors. The new licensees were joined by more than 40 friends, family members and official guests. Refreshments were enjoyed by the attendees after the ceremony. Board member Linda A. Thurman handled all planning and coordination for this very successful event.

The **Raleigh ceremony** was held on February 3, 2015 at The State Club on Centennial Campus at NC State University. Guest speaker was former Board member Willy E. Stewart, PE, Chairman and CEO of Stewart Engineering and President and CEO of i2 Integrated Intelligence. Executive Director Andrew Ritter assisted Board members Richard M. Benton, PLS; Teresa Helmlinger Ratcliff, PE, PhD; and Stacey A. Smith, PE as they presented certificates to approximately 41 new Professional Engineers and four new Professional Land Surveyors. Emeritus Board member Dana H. Rucker, PE (1986-1995) also attended the ceremony and received a special Chairman's gift for serving the Board in this capacity for the year 1991. Approximately 150 total attendees enjoyed the reception both before and after the certificate program.



Left to right: Stacey A. Smith, PE; Teresa H. Ratcliff, PE, PhD; Dana H. Rucker, PE; Richard M. Benton, PLS; and Willy E. Stewart, PE.

Exams

» Stats

» Dates

» News



October 2014 Exam Statistics

The results from the October 2014 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) 59.94% pass rate

Principles & Practice of Surveying (PS)

	<u>October 2014</u>	<u>January 2015</u>
Part A:	75.00% pass rate	-----
Part B:	52.94% pass rate	100.00% pass rate
Part C:	73.08% pass rate	100.00% pass rate

Examination Dates

National examinations are to be conducted on the following dates:

<u>Examination Date</u>	<u>Deadline</u>
October 30, 2015	August 3, 2015 PE & PLS Exams
April 15, 2016	January 4, 2016 PE & PLS Exams

2015 FE & FS: Computer-based testing – See NCEES for complete details and scheduling at www.ncees.org.



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



Examination dates for Out-of-State Surveying Applicants

<u>Examination Date</u>	<u>Deadline</u>
July 20, 2015	May 1, 2015
January 25, 2016	November 2, 2015

The usual April and October examination periods also apply.

BUSINESS FIRM RENEWALS

It is almost time for the 2015 Online Firm Renewal process to begin and there will be some significant changes to the renewal process this year.

Firms will no longer be mailed an annual license. A firm will complete its online renewal and submit it the same as last year. Once the renewal is submitted, it is put 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 logging onto the Board website. The email will contain directions on how to log on and print out the annual license.

IMPORTANT

Since the notification will be sent via email, it is important that all firms provide an updated email address on the renewal. In addition, firms



should make sure that the Board's email is on the firm's safe list to avoid the email being sent to a spam folder.

Do you need to update your Firm Address?

To ensure the firm receives its renewal postcard reminder, the firm must have the correct mailing address on file in Board records. If a firm needs to update its information, such as addresses, it can do so by going to the Business Section of the Board website (www.ncbels.org) and completing the appropriate change form and emailing or mailing it to the Director of Business Licensure.

Statutory Requirements:

N.C.G.S. 55B (Professional Corporation Act) – All Professional Corporations and Professional Limited Liability Companies are required to meet the licensure requirements of G.S. 55B. This means that all firms with license numbers of "C-XXX" or "P-XXX" must be at least two-thirds owned by licensees (in the professions authorized in North Carolina). The only professions authorized in the same entity are engineering, land surveying, architecture,

landscape architecture, geology and soil science. If an entity is not licensed in the profession(s) listed but has shareholders licensed in that profession, their shares cannot count towards the two-thirds ownership and they are considered non-licensed and should be reflected as such on the renewal.

At least one North Carolina licensee for each profession authorized and regulated by the Board (Engineering and Land Surveying) must be an Officer, Director (Board of Directors) and Shareholder of the corporation. If the entity is a Professional Limited Liability Company, there must be at least one North Carolina licensee for each profession authorized (Engineering and Land Surveying) who is a Member and Manager of the firm. If a firm has multiple licensees in the same profession, the firm may have one licensee who is only a Director and a second in the same profession who is an Officer and Shareholder.

Resident/Responsible Licensee Requirements – Each location offering/providing services on North Carolina projects must be listed with the Board. In addition, each location in the State of North Carolina must have a Resident licensee designated on the renewal (for each profession regulated by the Board and offered from the location) who is the licensee meeting the Board Rule Resident Licensee requirement [NCAC Title 21, Chapter 56 (Board Rules), Section .0901(c)]. For out-of-state locations offering/providing services on North Carolina projects, each location listed on the renewal must have a Responsible licensee designated on the renewal. A Resident licensee for in-state locations may only be the resident at one location; however, the same licensee may be a Responsible licensee for multiple out-of-state locations.

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

At the end of May, a postcard will be mailed to each licensed firm which will be sent 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 \$75.00. All firm licenses expire on June 30, 2015.

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

Disciplinary Actions 2015-1

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.

Questions or requests for information concerning specific cases should be directed to

David S. Tuttle, Board Counsel, at (919) 791-2000, extension 111 or via email at dstuttle@ncbels.org.

CASE NO. V2013-071

Mark D. Pruden, PLS [L-3065]
Edenton, NC

VIOLATION: Performed inaccurate or substandard surveys, failing to protect the public [.0701(b)]; failed to report the results of surveys in a clear and factual manner [.1602(f)]; and failed to make adequate investigations [.1602(a)].

BOARD ACTION: Reprimand, \$500 civil penalty, CPC audit (2013 and 2014) and audit CPC the next year renewed as current.

CASE NO. V2013-104

Larry D. Booth [PE 008260 – Suspended]
Chapel Hill, NC

VIOLATION: Failed to comply with annual CPC requirements [.1712]; submitted false information on renewal form [G.S. 89C-23, .0701(d)(1)]; failed to maintain CPC records [.1706]; firm practiced or offered to practice engineering in violation of G.S. 89C-24; and failed to be completely objective and truthful in professional statements [.0701(d)(1)].

BOARD ACTION: Suspend the Engineering Certificate of Licensure for six months, continuing until proof of 45 PDHs, and audit CPC for the next three years renewed as current.

CASE NO. V2014-003

Mark D. Pruden, PLS [L-3065]
Edenton, NC

VIOLATION: Performed inaccurate or substandard surveys, failing to protect the public [.0701(b)]; failed to make adequate investigation [.1602(a)]; and failed to report the results of surveys in a clear and factual manner [.1602(f)].

BOARD ACTION: Reprimand, \$2,000 civil penalty, and require proof of passing the Professional Ethics Course offered by New Mexico State University.

CASE NO. V2014-015

The Hartgen Group, Inc. [non-licensed]
Charlotte, NC

VIOLATION: Corporation practiced or offered to practice engineering in violation of G.S. 89C-24 and 55B and used the words “engineer” or “engineering” in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Board issued letter to cause respondent to cease and desist offering or practicing engineering to include but not limited to holding out engineering credentials in support of the work that is offered that requires engineering knowledge to adequately perform the traffic studies or using the engineer title until licensed with the Board.

CASE NO. V2014-016

David T. Hartgen, Ph.D. [non-licensed]
Charlotte, NC

VIOLATION: Practiced or offered to practice engineering without a license as required by G.S. 89C-23 and used the Professional Engineer designation, P.E., in violation of licensing required by G.S. 89C-23.

BOARD ACTION: Board issued letter to cause respondent to cease and desist practicing or offering to practice engineering in North Carolina to include but not limited to holding out engineering credentials in support of the work that is offered that requires engineering knowledge to adequately perform the traffic studies or using the engineer title until licensed with the Board.

continued on next page

CASE NO. V2014-020

C. Gregory Bagley, PE [012276]
Fuquay-Varina, NC

VIOLATION: Affixed seal to inadequate design documents, failing to protect the public [.0701(b)]; performed services outside area of competence [.0701(c)(3)]; failed to properly certify documents [.1103]; practiced on an expired or inactive certificate [G.S. 89C-16, 23]; and firm practiced or offered to practice engineering without a license as required by G.S. 89C-24.

BOARD ACTION: Suspend Engineering Certificate of Licensure for three months and continuing until proof of completing 30 PDHs of NC DOI approved continuing education related to the building code.

CASE NO. V2014-030

Alan B. Styles PLS [L-2985]
Candler, NC

VIOLATION: Performed inaccurate or substandard surveys, failing to protect the public [.0701(b)]; failed to make adequate investigation [.1602(a)]; failed to report the results of surveys in a clear and factual manner [.1602(f)]; and failed to identify all reference sources [.1602(f)].

BOARD ACTION: Reprimand, \$2,000 civil penalty, and require proof of passing the Professional Ethics Course offered by New Mexico State University.

CASE NO. V2014-031

Lloyd M. Stewart [PLS L-3631 – Refused]
Vass, NC

VIOLATION: Failed to conduct practice in order to protect the public health, safety and welfare [.0701(b)]; failed to be completely objective and truthful in professional statements [.0701(d)(1)]; failed to timely claim Board correspondence from Postal or delivery service [.0701(g)(2)]; and offered to practice land surveying on an expired or inactive certificate [G.S. 89C-16, 23].

BOARD ACTION: Refusal to renew or reinstate Land Surveying Certificate of Licensure.

CASE NO. V2014-032

Rodney L. Axtman, II, PE [040236]
Raleigh, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand.

CASE NO. V2014-039

Steven L. Buie, PLS [L-3402]
Jacksonville, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to identify all reference sources [.1602(f)]; failed to provide adequate tie [.1602(g), .1604(d)(9)]; and failed to make adequate investigation [.1602(a)].

BOARD ACTION: Reprimand and \$500 civil penalty.

CASE NO. V2014-040

IHS Consultations [non-licensed]
Burlington, NC

VIOLATION: Firm practiced or offered to practice engineering without a license as required by G.S. 89C-24.

BOARD ACTION: Board issued letter to cause respondent to cease and desist offering or practicing engineering, or holding out engineering services in marketing materials, to include the company's web site, until licensed with the Board.

CASE NO. V2014-043

Patrick G. Davis [PLS L-3748 – Suspended]
 Mooresville, NC

VIOLATION: Failed to notify the Board of a criminal conviction within 30 days [.0606(a)] and was found guilty of a felony [G.S. 89C-21(a)(3)].

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

CASE NO. V2014-044

Patrick G. Davis, PLS, PA [C-2696]
 Mooresville, NC

VIOLATION: Submitted false information on its renewal form [G.S. 89C-23] and failed to have a resident licensed professional in responsible charge in each office [.0901].

BOARD ACTION: Reprimand.

continued on next page

CASE NO. V2014-051

Craig A. DeWitt, PE [028077]
Clemson, SC

VIOLATION: Failed to properly certify a document [.1103].

BOARD ACTION: Reprimand, \$500 civil penalty and require proof of passing the Engineering Ethics Intermediate Course offered by the Murdough Center of Texas Tech University.

CASE NO. V2014-052

Donan Engineering Co., Inc. [C-3417]
Louisville, KY

VIOLATION: Failed to include its firm license number on a document [.1103(b)(5)] and failed to properly certify a document [.1103].

BOARD ACTION: Reprimand.

CASE NO. V2014-054

Nicholas A. Ramphos, PE [029645]
Canton, OH

VIOLATION: Submitted false information on license renewal forms [G.S. 89C-23, .0701(d)(1)]; disciplined by other jurisdictions, violating G.S. 89C and the Board Rules [.0701(h)]; and failed to notify the Board of license discipline within 30 days [.0505(a)].

BOARD ACTION: Reprimand and \$1000 civil penalty.

CASE NO. V2014-063

Siraj M. Chohan, PE [023478]
Raleigh, NC

VIOLATION: Produced a deficient, substandard or inaccurate report, failing to protect the public [.0701(b)] and performed services outside area of competence [.0701(c)(3)].

BOARD ACTION: Reprimand and restricts his practice to civil engineering only and not to allow structural or residential or commercial building plans, including but not limited to floor plans and elevations, until such time as he satisfies to the Board by examination, education, training or experience that he is competent to do so.

CASE NO. V2014-064

CF Steel, LLC [non-licensed]
Oakboro, NC

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

BOARD ACTION: Board issued letter to cause respondent to cease and desist offering or practicing engineering until licensed with the Board.

CASE NO. V2014-066

Foundation Xperts, LLC [non-licensed]
Durham, NC

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

BOARD ACTION: Board issued letter to cause respondent to cease and desist offering or practicing engineering, to include but not limited to, doing analysis and recommendations for foundation repair prior to providing repair proposals, until licensed with the Board.

CASE NO. V2014-074

Herron Associates, P.A. [C-1932]
Bryson City, NC

VIOLATION: Practiced or offered to practice land surveying without a current license as required by G.S. 89C-24 and 55B.

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

CASE NO. V2014-075

Pyle Land Surveying [non-licensed]
Fayetteville, NC

VIOLATION: Practiced or offered to practice land surveying without a license as required by G.S. 89C-24.

BOARD ACTION: Board issued letter to cause respondent to cease and desist offering or practicing land surveying until licensed with the Board.

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CASE NO. V2014-076

Dana W. Pyle [non-licensed]
Fayetteville, NC

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

BOARD ACTION: Board issued letter to cause respondent to cease and desist offering or practicing land surveying until licensed with the Board and require proof of passing the Professional Ethics Course offered by New Mexico State University prior to being seated for the Principles and Practice of Surveying Examination (Parts B & C).

CASE NO V2014-077

Charles D. Heiser, PE [010614]
Sanford, NC

VIOLATION: Failed to comply with annual CPC requirements [.1712]; submitted false information on the renewal form [G. S. 89C-23]; and failed to maintain CPC records [.1706].
BOARD ACTION: Reprimand and audit CPC for the next three years renewed as current.

CASE NO. V2014-078

Steven W. Womack [PLS L-5043
– Suspended]
Austin, TX

VIOLATION: Aided or abetted another person and firm to evade or attempt to evade the provisions of G. S. 89C [G. S. 89C-16]; knowingly associated with or permitted the use of name by a person or firm that is not properly licensed

[.0701(g)(1)]; failed to provide bargraph on map [.1604(d)(11)]; affixed seal to work not done under direct supervisory control or responsible charge [.0701(c)(3)]; failed to monument corners. [.1602(d)]; failed to properly reference north arrow by not indicating realization data [.1604(d)(1)]; failed to protect the public by not establishing control corners required by G.S. 39-32.1 [.0701(b)]; failed to identify reference sources [.1602(f)] for easements; and failed to properly certify documents by using facsimile signature [.1103].

BOARD ACTION: Suspend Land Surveying Certificate of Licensure until proof of passing the Professional Ethics Course offered by New Mexico State University is provided and \$2000 civil penalty.

CASE NO. V2014-079

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

VIOLATION: Failed to notify the Board of a license discipline within 30 days as required [.0505(a)]; had a license denied and revoked in other jurisdictions [.0701(h)]; and gave false evidence in obtaining certificate of licensure [G.S. 89C-23].

BOARD ACTION: Reprimand and require proof of passing Engineering Ethics Intermediate Course offered by the Murdough Center of Texas Tech University.

CASE NO V2014-091

Quang V. Phan [PE No. 038915
– Revoked]
San Jose, CA

VIOLATION: Failed to comply with the CPC audit requirements [.1712(a)]; failed to comply with the annual CPC requirements [.1703, .1712]; failed to cooperate fully with the Board in the course of an investigation [G.S. 89C-20]; and failed to timely claim Board correspondence from Postal or delivery service [.0701(g)(2)].

BOARD ACTION: Revocation of Engineering Certificate of Licensure.

CASE NO. V2014-102

Michael D. Goodfred [PLS L-3278
– Surrendered]
Raleigh, NC

VIOLATION: Failed to perform services in an ethical and lawful manner [.0701(g)].

BOARD ACTION: Voluntary permanent surrender of Land Surveying Certificate of Licensure.



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.