

Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

From: Wes Tripp <wtripp@ncbels.org>
Sent: Friday, April 26, 2024 9:54 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>
Subject: Re: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

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Travis,

I will be in attendance to answer any questions the Commissioners may have but other than that I do not plan to say anything.

—Wes



S. Wesley Tripp III
Board Counsel
North Carolina Board of Examiners for Engineers and Surveyors
wtripp@ncbels.org
Office: (919) 791-2000 Ext. 111
Mobile: (919) 906-9518

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Date: Friday, April 26, 2024 at 9:52 AM
To: Wes Tripp <wtripp@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>, Cora Houston <chouston@ncbels.org>
Subject: RE: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

[EXTERNAL]
Wes,

Is anyone from your agency planning to attend the RRC meeting next week? If so, does anyone want to speak?

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Friday, April 26, 2024 9:22 AM
To: Wes Tripp
Cc: Burgos, Alexander N
Subject: RE: [External] RRC NCBELS Agenda Item

Thank you for letting us know. We will make that change.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Wes Tripp <wtripp@ncbels.org>
Sent: Thursday, April 25, 2024 9:39 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: [External] RRC NCBELS Agenda Item

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis,

FYI, the link to communication with agency under my Board's agenda item for next week's RRC meeting links to email correspondence with the Board of Optometry.

—Wes



S. Wesley Tripp III
Board Counsel
North Carolina Board of Examiners for Engineers and Surveyors
wtripp@ncbels.org
Office: (919) 791-2000 Ext. 111
Mobile: (919) 906-9518

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Thursday, April 18, 2024 9:23 AM

To: Wes Tripp <wtripp@ncbels.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>

Subject: RE: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

Thanks, Wes. No need to send again.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules
Attachments: 21 NCAC 56 - Board of Examiners for Engineers and Surveyors - Submission for Permanent Rules.eml

From: Wes Tripp <wtripp@ncbels.org>
Sent: Thursday, April 18, 2024 9:18 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>
Subject: Re: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis,

I sent the attached email on March 18. It was sent to oah.rules@oah.nc.gov but I did not include you on the To: or Cc: line. If you need me to send again, please let me know.

—Wes



S. Wesley Tripp III
Board Counsel
North Carolina Board of Examiners for Engineers and Surveyors
wtripp@ncbels.org
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Mobile: (919) 906-9518

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21 NCAC 56 .0502 is amended with changes as published in 38:08 NCR 500-505 as follows:

21 NCAC 56 .0502 APPLICATION PROCEDURE: INDIVIDUAL

(a) General. A person desiring to become licensed as a Professional Engineer must make submit an application to the Board on a form prescribed and furnished by the Board.

(b) Request. A request for an appropriate application form may be made to the Board office or obtained from the website. Applicants may obtain Engineer Intern certification forms at <https://www.ncbels.org/application/engineer-intern-certification/>. Applicants may obtain Professional Engineer licensure forms at <https://www.ncbels.org/applications/professional-engineers/>.

(c) Applicable Forms:

(1) Engineer Intern Certification Form. After passing the fundamentals of engineering examination Fundamentals of Engineering Examination, an applicant may make submit an application to the Board to become certified as an “Engineer Intern.” This form requires the applicant to set forth their personal history, educational background, engineering experience, and character references. A passport-type photographic quality portrait that is adequate for current identification purposes is also required.

(2) Professional Engineer Form:

(A) All persons, including comity applicants and certified Engineer Interns, shall apply for licensure using the Professional Engineer form Form. The submission of this form shall signify that the applicant has passed the Fundamentals of [engineering examination] Engineering Examination, and seeks licensure as a Professional Engineer, seeks licensure, and shall result in seating for the principles and practice of engineering examination, when the applicant has met the requirements as set out in Rule .0501 of this Section. This form The Professional Engineering Form requires the applicant to set forth their personal and educational background, engineering experience and character references. A passport-type photographic quality portrait that is adequate for current identification purposes is required.

(B) Persons who previously completed the fundamentals examination passed the Fundamentals of Engineering Examination by use of the Engineer Intern Certification Form shall submit the Professional Engineer Certification Application Form to request licensure when qualified to take the examination as a Professional [Engineer,] Engineer when the applicant has met the requirements as set out in Rule .0501 of this Section.

(3) Supplemental Form. Persons who initially applied for the fundamentals of engineering exam Fundamentals of Engineering Exam using the Professional Engineer form Form shall supplement the initial application with this form Form upon applying for the principles and practice examination Principles and Practice of Engineering Exam. The supplemental form Supplemental Form requires that all engineering experience from the date of the initial application until the date of the

1 supplemental application be listed. Five references shall be submitted that are current to within one
2 year of the examination date.

3 (4) Reference Forms:

- 4 (A) Persons applying for certification as an Engineer Intern shall submit to the Board ~~the~~ names
5 of three ~~individuals~~ individuals, one of whom is a professional engineer, who are familiar
6 with the applicant's work, character and ~~reputation, one of whom is a professional~~
7 ~~engineer.~~ reputation. Persons applying to take the ~~examination for principles and practice~~
8 ~~of engineering~~ Principles and Practice of Engineering Examination shall submit to the
9 Board ~~the~~ names of five individuals who are familiar with the applicant's work, character
10 and reputation. Three of these individuals shall be Professional Engineers.
- 11 (B) In addition to the applicant submitting names to the Board of individuals familiar with the
12 applicant's work, character and reputation, those individuals listed shall submit to the
13 Board their evaluations of the applicant on forms supplied to them by the applicant.
- 14 (C) The reference form requires the individual evaluating the applicant to state the evaluating
15 individual's profession, knowledge of the applicant and information concerning the
16 applicant's engineering experience, character and reputation.
- 17 (D) The Board shall provide the reference forms to the applicant with the application. The
18 reference forms shall then be distributed by the applicant to the persons listed on the
19 application as references. The applicant shall ensure that the individuals listed as references
20 return the completed reference forms to the Board prior to the filing deadline for the
21 examination.

22 (d) Fees:

- 23 (1) Engineer Intern Certification Form. ~~Once the applicant passes the examination on the fundamentals~~
24 ~~of engineering and makes application to the Board~~ No application fee is required to become certified
25 as an ~~"Engineer Intern"~~ "Engineer Intern." ~~the application fee of one hundred dollars (\$100.00) is payable.~~
26 Intern."
- 27 (2) Professional Engineer Form. The application fee of one hundred dollars (\$100.00) is payable with
28 the filing of the application.
- 29 (3) Comity. The licensure fee of one hundred dollars (\$100.00) is payable with the filing of the
30 application.
- 31 (4) Examination. The examination fee for any applicant is payable to the National Council of Examiners
32 for Engineering and Surveying (NCEES) at the time of registering to take the exam in accordance
33 with G.S. 89C-14.

34 (e) The Board shall accept the records maintained by the National Council of Examiners for Engineering and
35 Surveying (NCEES) as evidence of licensure in another state. For comity licensure, the NCEES record shall be
36 accepted in lieu of completing the experience, education and references sections of the application. A comity
37 application, with or without a NCEES record, shall be administratively approved by the Executive ~~Director~~ Director

1 ~~without waiting for the next regular meeting of the Board.~~ The Executive Director's approval shall be based upon
2 evidence of current licensure in another jurisdiction ~~based on~~ with comparable qualifications, ~~the~~ required ~~references~~
3 ~~references,~~ and ~~no record of disciplinary action,~~ the comity applicant's disciplinary record in other jurisdictions.
4 ~~without waiting for the next regular meeting of the Board at which time the action~~ Each administrative approval shall
5 be reported to the Board ~~at its next regular meeting~~ for final approval.

6 (f) Model Law Engineer. The term "Model Law Engineer" refers to a person who meets the requirements of this
7 Section by meeting the requirements of ~~NCEES and NCEES,~~ has a current NCEES record on ~~file~~ file, and is designated
8 as a "Model Law Engineer." A "Model Law Engineer" application shall be administratively approved by the Executive
9 Director based upon the designation, without waiting for the next regular meeting of the ~~Board~~ Board, at which time
10 the action shall be reported to the Board for final approval.

11 (g) Personal interview. During the application process, the applicant may be interviewed by the Board members if
12 the members have questions regarding the applicant's education, experience or character, based upon the information
13 submitted in the application.

14
15 *History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15;*
16 *Eff. February 1, 1976;*
17 *Readopted Eff. September 29, 1977;*
18 *Amended Eff. May 1, 1994; November 2, 1992; April 1, 1989; December 1, 1984;*
19 *RRC Objection due to lack of Statutory Authority Eff. November 17, 1994;*
20 *Amended Eff. ~~May 1, 2024~~; August 1, 2014; May 1, 2009; August 1, 2002; August 1, 2000; August*
21 *1, 1998; January 1, 1995;*
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
23 *2019.*
24
25

1 21 NCAC 56 .0701 is amended with changes as published in 38:08 NCAC 500-505 as follows:

2
3 **SECTION .0700 – RULES OF PROFESSIONAL CONDUCT**
4

5 **21 NCAC 56 .0701 RULES OF PROFESSIONAL CONDUCT**

6 (a) In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high
7 standard of integrity, skills, and practice in the professions of engineering and land surveying, the Rules of Professional
8 Conduct in this Rule are adopted in accordance with G.S. 89C-20 and are binding upon every person holding a
9 certificate of licensure as a Professional Engineer or Professional Land Surveyor (licensee), and on all business entities
10 authorized to offer or perform engineering or land surveying services in this state. All persons licensed under the
11 provisions of Chapter 89C of the General Statutes are charged with having knowledge of the Board Rules, including
12 the Rules of Professional Conduct, and are deemed to be familiar with their provisions and to understand them.

13 (b) A licensee shall conduct the practice in order to protect the public health, safety and welfare. A licensee's practice
14 shall not violate the rules of this Chapter or G.S. 89C and shall be conducted in a manner to protect the public health,
15 safety, and welfare. The licensee shall at all times recognize the primary obligation to protect the public in the
16 performance of ~~the~~ their professional duties. If the licensee's engineering or land surveying judgment is overruled
17 under circumstances where the safety, health and welfare of the public are endangered, the licensee shall inform the
18 employer, the client, the contractor, other affected parties and any appropriate regulatory agency of the possible
19 consequences of the situation.

20 (c) A licensee shall perform services only in areas of the licensee's competence and:

- 21 (1) Shall undertake to perform engineering and land surveying assignments only when qualified by
22 education or experience in the specific technical field of professional engineering or land surveying
23 involved;
- 24 (2) May accept an assignment or project requiring education or experience outside of the licensee's own
25 ~~field~~ areas of competence, but only to the extent that the services are restricted to those portions or
26 disciplines of the ~~project assignment~~ in which the licensee is qualified. All other portions or
27 disciplines of such ~~project assignment~~ shall be performed by associates, consultants, or employees
28 who are licensed and competent in those portions or ~~disciplines;~~ disciplines.
- 29 ~~(3) Shall not affix the signature or seal to any engineering or land surveying plan or document dealing~~
30 ~~with subject matter for which the licensee lacks competence by virtue of education or experience,~~
31 ~~nor to any such plan or document not prepared under the licensee's direct supervisory control. Direct~~
32 ~~supervisory control (responsible charge) requires a licensee or employee to carry out all client~~
33 ~~contacts, provide internal and external financial control, oversee employee training, and exercise~~
34 ~~control and supervision over all job requirements to include research, planning, design, field~~
35 ~~supervision and work product review. Direct supervisory control may be accomplished face to face~~
36 ~~or by other means of communication. A licensee shall not contract with a non licensed individual~~
37 ~~to provide these professional services. Research, such as title searches and soil testing, may be~~

1 contracted to a non-licensed individual, provided that individual is qualified or licensed to provide
2 such service and provided the licensee reviews the work. The licensee may affix the seal and
3 signature to drawings and documents depicting the work of two or more professionals provided it is
4 designated by a note under the seal the specific subject matter for which each is responsible; and

5 (4) ~~In circumstances where a licensee in responsible charge of the work is unavailable to complete the~~
6 ~~work, or the work is a design plan signed and sealed by an out of jurisdiction licensee (not a site~~
7 ~~adaptation of a standard design plan under Rule 21 NCAC 56 .1106) a successor licensee may take~~
8 ~~responsible charge by performing and documenting all professional services to include developing~~
9 ~~a design file including work or design criteria, calculations, code research, and any necessary and~~
10 ~~appropriate changes to the work. The non-professional services, such as drafting, need not be redone~~
11 ~~by the successor licensee but must distinguish in a clean and obvious manner and accurately reflect~~
12 ~~the successor licensee's work. The burden is on the successor licensee to show such compliance.~~
13 ~~The successor licensee shall have control of and responsibility for the work product and the signed~~
14 ~~and sealed originals of all documents.~~

15 (d) A licensee shall not affix his or her signature or seal to any engineering or land surveying plan or document for
16 which the licensee was not in responsible charge of the work through direct control and personal supervision. In order
17 to exercise responsible charge of engineering or surveying work, either (a) when delegating tasks to others, (b) in
18 circumstances where a licensee in responsible charge of the work is unavailable to [completed] complete the work, or
19 (c) the work is a design plan signed and sealed by an out-of-jurisdiction licensee (not a site adaptation of a standard
20 design plan under Rule 21 NCAC 56 .1106), the licensee must possess full professional knowledge of and control
21 over the work and shall:

22 (1) Have and exercise the authority to review and to change, reject or approve both the work in progress
23 and the final work product, through examination, evaluation, communication and direction
24 throughout the development of the work;

25 (2) Be personally aware of the scope of the work, its needs, parameters, limitations and special
26 requirements;

27 (3) Be capable of answering questions relevant to the surveying or engineering decisions made as part
28 of the services provided, in sufficient detail to demonstrate knowledge of the proficiency in the
29 work; and

30 (4) Accept full responsibility for the work.

31 (A) The [Burden] burden for demonstrating responsible charge lies with the licensee, including
32 maintaining records, calculations, drawings, surveys, specifications, and other documents
33 associated with the work.

34 (B) A licensee may affix his or her seal and signature to drawings and documents depicting the
35 work of two or more professionals, provided it is designated by a note under the seal stating
36 the specific subject matter for which each is responsible.

37 ~~(d)(c)~~ A licensee shall issue public statements only in an objective and truthful manner and:

- 1 (1) Shall be objective and truthful in all professional reports, statements or testimony. The licensee shall
2 include all relevant and pertinent information in such reports, statements or testimony;
- 3 (2) When serving as an expert or technical witness before any court, commission, or other tribunal, shall
4 express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a
5 background of technical competence in the subject matter, and upon honest conviction of the
6 accuracy and propriety of the licensee's testimony;
- 7 (3) Shall issue no statements, criticisms, or arguments on engineering or land surveying matters
8 connected with public policy which are inspired or paid for by an interested party, or parties, unless
9 the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing
10 the identities of the party or parties on whose behalf the licensee is speaking, and by revealing the
11 existence of any pecuniary interest the licensee may have in the matters; and
- 12 (4) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation,
13 prospects, practice or employment of another engineer or land surveyor, nor indiscriminately
14 criticize another engineer or land surveyor's work in public. Indiscriminate criticism includes
15 statements without valid basis or ~~cause cause, or~~ that are not objective and ~~truthful truthful~~, or that
16 fail to include all relevant and pertinent information. If the licensee believes that another engineer
17 or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to
18 the North Carolina Board of Examiners in the form of a complaint.

19 ~~(e)~~(f) A licensee shall avoid conflicts of interest and:

- 20 (1) Shall inform the employer or client, and any reviewing agency, of any business association,
21 interests, or circumstances which could influence judgment or the quality of services;
- 22 (2) Shall not accept compensation, financial or otherwise, from more than one party for services on the
23 same project, or for services pertaining to the same project, unless the circumstances are disclosed
24 to, and agreed to, in writing, by all interested parties;
- 25 (3) Shall not solicit or accept financial or other valuable considerations from material or equipment
26 suppliers for specifying their products;
- 27 (4) Shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other
28 parties dealing with the client or employer in connection with work for which the licensee is
29 responsible;
- 30 (5) When in public service as a member, advisor, or employee of a governmental body or department,
31 shall not participate in considerations or actions with respect to services provided by the licensee or
32 the licensee's firm in private engineering and land surveying practices;
- 33 (6) Shall not solicit or accept an engineering or land surveying contract from a governmental body on
34 which a principal or officer of the licensee's firm serves as a member; and
- 35 (7) Shall not attempt to supplant another engineer or land surveyor in a particular employment after
36 becoming aware that the other has been selected for the employment.

37 ~~(f)~~(g) A licensee shall solicit or accept work only on the basis of qualifications and:

- 1 (1) Shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or
2 other consideration in order to secure work, exclusive of securing salaried positions through
3 employment agencies;
- 4 (2) Shall compete for employment on the basis of professional qualification and competence to perform
5 the work. The licensee shall not solicit or submit proposals for professional services containing a
6 false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or
7 extent of services to be rendered;
- 8 (3) Shall, with regard to fee bidding on public projects, comply with the provisions of G.S. 143-64.31
9 et seq., (or for federal projects, the Brooks Act, 40 U.S. Code 541 et seq.) and shall not knowingly
10 cooperate in a violation of any provision of G.S. 143-64.31 et seq. (or of 40 U.S. Code 541 et seq.);
11 and
- 12 (4) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall
13 only report educational qualifications when a degree or certificate was awarded, unless it is stated
14 that no degree or certificate was awarded. The licensee shall not misrepresent degree of
15 responsibility in or for the subject matter of prior assignments. Brochures or other presentations
16 incident to the solicitation of employment shall not misrepresent pertinent facts concerning
17 employers, employees, associates, joint ventures, or past accomplishments with the intent and
18 purpose of enhancing qualifications and work.

19 ~~(g)~~(h) A licensee shall perform services in an ethical manner, as required by the Rules of Professional Conduct (21
20 NCAC 56 .0701), and in a lawful manner and:

- 21 (1) Shall not knowingly associate with or permit the use of the licensee's name or firm name in a
22 business venture by any person or firm which the licensee knows, or has reason to believe, is
23 engaging in business or professional practices of a fraudulent or dishonest nature or is not properly
24 licensed; and
- 25 (2) If the licensee has knowledge or reason to believe that another person or firm may be in violation
26 of the Board Rules (21 NCAC 56) or of the North Carolina Engineering and Land Surveying Act
27 (G.S. 89C), shall present such information to the Board in writing in the form of a complaint and
28 shall cooperate with the Board in furnishing such further information or assistance as may be
29 required by the Board. The licensee shall timely respond to all inquiries and correspondence from
30 the Board and shall timely claim correspondence from the U. S. Postal Service, or other delivery
31 service, sent to the licensee from the Board. Timely is defined as within the time specified in the
32 correspondence, or if no time is specified, within 30 days of receipt. Certified mail is timely claimed
33 if prior to being returned by the Post Office to the Board office.

34 ~~(h)~~(i) A Professional Engineer or Professional Land Surveyor who has received a reprimand or civil penalty or whose
35 professional license is revoked, suspended, denied, refused renewal, refused reinstatement, put on probation,
36 restricted, or surrendered as a result of disciplinary action by another jurisdiction is subject to discipline by the Board
37 if the licensee's action constitutes a violation of G.S. 89C or the rules adopted by the Board.

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History Note: Authority G.S. 89C-17; 89C-20;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
*Amended Eff. **May 1, 2024**; September 1, 2011; May 1, 2009; August 1, 2002; August 1, 2000;*
August 1, 1998; November 2, 1992; April 1, 1989; January 1, 1982; March 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,
2019.

Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Thursday, April 18, 2024 9:15 AM

To: Wes Tripp <wtripp@ncbels.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>

Subject: RE: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

Wes,

Good morning. Have the final revised rules been emailed as instructed below? If not, please do so and cc me.

Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Monday, March 18, 2024 10:47 AM

To: Wes Tripp <wtripp@ncbels.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>

Subject: RE: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

We will leave these rules on the April agenda. Please submit the revised rules via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

From: Wes Tripp <wtripp@ncbels.org>

Sent: Monday, March 18, 2024 10:37 AM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>

Subject: Re: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

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Travis,

That's great news. Thank you for your work and review. Let's leave this on the April agenda for a May 1 effective date.

—Wes



S. Wesley Tripp III

Board Counsel

North Carolina Board of Examiners for Engineers and Surveyors

wtripp@ncbels.org

Office: (919) 791-2000 Ext. 111

Mobile: (919) 906-9518

Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Monday, March 18, 2024 10:25 AM

To: Wes Tripp <wtripp@ncbels.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>

Subject: RE: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

Wes,

I'm satisfied with the revisions to 21 NCAC 56 .0502 and 21 NCAC 56 .0701. I intend to recommend that the RRC approve both rules.

At the last RRC meeting, an extension was granted until the April 30, 2024 meeting. Do you want the RRC to address these rules at the March 27th meeting or leave them on for April 30th?

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules
Attachments: 21 NCAC 56 .0502 - Revised (2).docx; 21 NCAC 56 .0502 - Revised (2).pdf

From: Wes Tripp <wtripp@ncbels.org>
Sent: Friday, March 15, 2024 4:32 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>
Subject: Re: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

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Travis,

See attached.

—Wes



S. Wesley Tripp III
Board Counsel
North Carolina Board of Examiners for Engineers and Surveyors
wtripp@ncbels.org
Office: (919) 791-2000 Ext. 111
Mobile: (919) 906-9518

1 21 NCAC 56 .0502 is amended with changes as published in 38:08 NCR 500-505 as follows:

2
3 **21 NCAC 56 .0502 APPLICATION PROCEDURE: INDIVIDUAL**

4 (a) General. A person desiring to become licensed as a Professional Engineer must make submit an application to the
5 Board on a form prescribed and furnished by the Board.

6 (b) Request. A request for an appropriate application form may be made to the Board office or obtained from the
7 website. Applicants may obtain Engineer Intern certification forms at [https://www.ncbels.org/application/engineer-](https://www.ncbels.org/application/engineer-intern-certification/)
8 [intern-certification/](https://www.ncbels.org/application/engineer-intern-certification/). Applicants may obtain Professional Engineer licensure forms at
9 <https://www.ncbels.org/applications/professional-engineers/>.

10 (c) Applicable Forms:

11 (1) Engineer Intern Certification Form. After passing the fundamentals of engineering examination
12 Fundamentals of Engineering Examination, an applicant may make submit an application to the
13 Board to become certified as an “Engineer Intern.” This form requires the applicant to set forth their
14 personal history, educational background, engineering experience, and character references. A
15 passport-type photographic quality portrait that is adequate for current identification purposes is
16 also required.

17 (2) Professional Engineer Form:

18 (A) All persons, including comity applicants and certified Engineer Interns, shall apply for
19 licensure using the Professional Engineer form Form. The submission of this form shall
20 signify that the applicant has passed the Fundamentals of [engineering examination]
21 Engineering Examination, and seeks licensure as a Professional Engineer, seeks licensure,
22 and shall result in seating for the principles and practice of engineering examination, when
23 the applicant has met the requirements as set out in Rule .0501 of this Section. This form
24 The Professional Engineering Form requires the applicant to set forth their personal and
25 educational background, engineering experience and character references. A passport-type
26 photographic quality portrait that is adequate for current identification purposes is required.

27 (B) Persons who previously completed the fundamentals examination passed the Fundamentals
28 of Engineering Examination by use of the Engineer Intern Certification Form shall
29 submit the Professional Engineer Certification Application Form to request licensure when
30 qualified to take the examination as a Professional [Engineer,] Engineer when the applicant
31 has met the requirements as set out in Rule .0501 of this Section.

32 (3) Supplemental Form. Persons who initially applied for the fundamentals of engineering exam
33 Fundamentals of Engineering Exam using the Professional Engineer form Form shall supplement
34 the initial application with this form Form upon applying for the principles and practice examination
35 Principles and Practice of Engineering Exam. The supplemental form Supplemental Form requires
36 that all engineering experience from the date of the initial application until the date of the

1 supplemental application be listed. Five references shall be submitted that are current to within one
2 year of the examination date.

3 (4) Reference Forms:

- 4 (A) Persons applying for certification as an Engineer Intern shall submit to the Board ~~the~~ names
5 of three ~~individuals~~ individuals, one of whom is a professional engineer, who are familiar
6 with the applicant's work, character and ~~reputation, one of whom is a professional~~
7 ~~engineer.~~ reputation. Persons applying to take the ~~examination for principles and practice~~
8 ~~of engineering~~ Principles and Practice of Engineering Examination shall submit to the
9 Board ~~the~~ names of five individuals who are familiar with the applicant's work, character
10 and reputation. Three of these individuals shall be Professional Engineers.
- 11 (B) In addition to the applicant submitting names to the Board of individuals familiar with the
12 applicant's work, character and reputation, those individuals listed shall submit to the
13 Board their evaluations of the applicant on forms supplied to them by the applicant.
- 14 (C) The reference form requires the individual evaluating the applicant to state the evaluating
15 individual's profession, knowledge of the applicant and information concerning the
16 applicant's engineering experience, character and reputation.
- 17 (D) The Board shall provide the reference forms to the applicant with the application. The
18 reference forms shall then be distributed by the applicant to the persons listed on the
19 application as references. The applicant shall ensure that the individuals listed as references
20 return the completed reference forms to the Board prior to the filing deadline for the
21 examination.

22 (d) Fees:

- 23 (1) Engineer Intern Certification Form. ~~Once the applicant passes the examination on the fundamentals~~
24 ~~of engineering and makes application to the Board~~ No application fee is required to become certified
25 as an ~~"Engineer Intern"~~ "Engineer Intern." ~~the application fee of one hundred dollars (\$100.00) is payable.~~
26 "Engineer Intern."
- 27 (2) Professional Engineer Form. The application fee of one hundred dollars (\$100.00) is payable with
28 the filing of the application.
- 29 (3) Comity. The licensure fee of one hundred dollars (\$100.00) is payable with the filing of the
30 application.
- 31 (4) Examination. The examination fee for any applicant is payable to the National Council of Examiners
32 for Engineering and Surveying (NCEES) at the time of registering to take the exam in accordance
33 with G.S. 89C-14.

34 (e) The Board shall accept the records maintained by the National Council of Examiners for Engineering and
35 Surveying (NCEES) as evidence of licensure in another state. For comity licensure, the NCEES record shall be
36 accepted in lieu of completing the experience, education and references sections of the application. A comity
37 application, with or without a NCEES record, shall be administratively approved by the Executive ~~Director~~ Director

1 ~~without waiting for the next regular meeting of the Board.~~ The Executive Director's approval shall be based upon
2 evidence of current licensure in another jurisdiction ~~based on~~ with comparable qualifications, ~~the~~ required ~~references~~
3 ~~references,~~ and ~~no record of disciplinary action,~~ the comity applicant's disciplinary record in other jurisdictions.
4 ~~without waiting for the next regular meeting of the Board at which time the action~~ Each administrative approval shall
5 be reported to the Board ~~at its next regular meeting~~ for final approval.

6 (f) Model Law Engineer. The term "Model Law Engineer" refers to a person who meets the requirements of this
7 Section by meeting the requirements of ~~NCEES and NCEES,~~ has a current NCEES record on ~~file~~ file, and is designated
8 as a "Model Law Engineer." A "Model Law Engineer" application shall be administratively approved by the Executive
9 Director based upon the designation, without waiting for the next regular meeting of the ~~Board~~ Board, at which time
10 the action shall be reported to the Board for final approval.

11 (g) Personal interview. During the application process, the applicant may be interviewed by the Board members if
12 the members have questions regarding the applicant's education, experience or character, based upon the information
13 submitted in the application.

14
15 *History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15;*
16 *Eff. February 1, 1976;*
17 *Readopted Eff. September 29, 1977;*
18 *Amended Eff. May 1, 1994; November 2, 1992; April 1, 1989; December 1, 1984;*
19 *RRC Objection due to lack of Statutory Authority Eff. November 17, 1994;*
20 *Amended Eff. ~~May 1, 2024~~; August 1, 2014; May 1, 2009; August 1, 2002; August 1, 2000; August*
21 *1, 1998; January 1, 1995;*
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
23 *2019.*
24
25

Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

From: Wes Tripp <wtripp@ncbels.org>
Sent: Thursday, March 14, 2024 4:21 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>
Subject: Re: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis,

The Board's URL is only listed in 21 NCAC 56 .0802(a) concerning where to obtain an application for firm licensure as a professional corporation or professional limited liability company.

If we add the URL to Rule .0502, would the URL to the Board's website (www.ncbels.org) be acceptable or do you mean the URL to the specific page where the form can be found?

When I refer to a licensee's judgment being overruled by an AHJ, I'm referring to a situation when engineering plans (or surveying plans) have been submitted to a reviewing entity, usually a government permitting or planning office, and the reviewing official informs the licensee that their plans—if constructed per the plans—would result in a threat to public safety. In that situation, the licensee must inform all parties involved of the situation.

Let me know which URL needs to be included and I will submit a revised rule to you.

Thanks,

—Wes



S. Wesley Tripp III
Board Counsel
North Carolina Board of Examiners for Engineers and Surveyors
wtripp@ncbels.org
Office: (919) 791-2000 Ext. 111
Mobile: (919) 906-9518

Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Thursday, March 14, 2024 3:08 PM

To: Wes Tripp <wtripp@ncbels.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>

Subject: RE: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

Wes,

Thank you for the revisions and explanations. I have a couple of follow-up questions.

In 21 NCAC 56 .0502 (b), is the Board's website, where an application can be found, located in another rule? If not, the website's URL should be inserted into (b).

In 21 NCAC 56 .0701 (b), your explanation regarding a licensee's judgment being overruled says it can be done by an "Authority Having Jurisdiction (AJH)." Can you please elaborate or give an example?

Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

Attachments: 2_2024 Engineers and Land Surveyors Request for Technical Changes[30].docx; 2_2024 Engineers and Land Surveyors Request for Technical Changes[30].pdf; 21 NCAC 56 .0502 - Revised.docx; 21 NCAC 56 .0502 - Revised.pdf; 21 NCAC 56 .0701 - Revised.docx; 21 NCAC 56 .0701 - Revised.pdf

From: Wes Tripp <wtripp@ncbels.org>
Sent: Thursday, March 14, 2024 1:11 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>
Subject: Re: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis,

Attached are the Request for Changes document with my answers in red as well as the revised versions of 21 NCAC 56 .0502 and 21 NCAC 56 .0701. I've included Word and PDF versions of each document.

The Board accepted all of your requested changes save for one. I explained why in one of my responses in the Request for Changes document.

If you have any questions or need anything further from me, please let me know.

—Wes



S. Wesley Tripp III
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wtripp@ncbels.org
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Mobile: (919) 906-9518

Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

The imposition of a question implies that the rule as written is unclear or there is some ambiguity. If the request includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "~~a~~Association"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day;; and"
 - Right: "~~day,~~ day, and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0502

DEADLINE FOR RECEIPT: February 22, 2024

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4, (a): Consider replacing “make application” with “submit an application.”

Lines 6-7, (b): How does someone “request” an application? Where can a phone number or email address be found? What is the website where the application can be obtained?

An individual may request an application for licensure as a professional engineer (PE) in North Carolina in a number of ways. First, an applicant may come by the Board office located at 4601 Six Forks Road, Suite 310, Raleigh, N.C. 27609. Additionally, an applicant may call the Board at 919-791-2000. Further, an applicant may request an application through the “Contact Us” online portal and select “PE Applications, License Reinstatement and EI Certification.” The Board’s address, phone number, and Contact Us portal is located at <https://www.ncbels.org/about-us/contact-us/>. Finally, an applicant may obtain the application form and fill out the online application on the Board’s website at <https://www.ncbels.org/applications/professional-engineers/>.

Line 8, (c): For all of the “Applicable Forms” under (c), are the contents or substantive requirements of the forms prescribed by rule or statute?

Engineer Intern Certification Form - The Engineer Intern Certification form seeks information to ensure compliance with N.C. Gen. Stat. § 89C-13(a). The substantive requirements of the form are prescribed by 21 NCAC 56.0502(c)(1).

Professional Engineer Form – The Professional Engineer Form seeks information to ensure compliance with either N.C. Gen. Stat. § 89C-13(a1) for initial applicants or N.C. Gen. Stat. § 89C-13(a2) for comity applicants. The substantive requirements of the form are prescribed by 21 NCAC 56.0502(c)(2)(A).

Supplemental Form – The Supplemental Form seeks information to ensure that an applicant for licensure meets the experience requirements of N.C. Gen. Stat. § 89C-13(a1)(3) for experience gained during the time between graduation and the date of application for licensure. The substantive requirements of the form are prescribed by 21 NCAC 56.0502(c)(3).

Reference Forms – N.C. Gen. Stat. § 89C-13(a) requires applicants seeking certification as an Engineer Intern to submit references and N.C. Gen. Stat. § 89C-13(a1) requires Engineer applicants to submit references. The substantive requirements of the form are prescribed by 21 NCAC 56.0502(c)(4)(C).

Line 9, (c)(1): Capitalize “fundamentals of engineering examination” and add a comma after “Examination”.

Line 10, (c)(1): Replace “may make application” with “shall submit an application.” Also, how does someone submit an application to the Board? Is there a particular method?

The Board declined to accept this request for change. Certification as an Engineer Intern pursuant to N.C. Gen. Stat. § 89C-13(a) is not a prerequisite to obtaining licensure as a Professional Engineer pursuant to N.C. Gen. Stat. § 89C-13(a1). It is completely optional. The Board felt that the requested change to use the mandatory “shall” would communicate that certification as an Engineer Intern is a requirement. However, the Board did approve revising the language from “may make application” to “may submit an application.”

An individual seeking initial or comity PE licensure has two options to submit their application. If the individual intends to practice in multiple states, including North Carolina, the Board recommends that the applicant use the National Council of Examiners for Engineering and Surveying (NCEES) records program in lieu of using our form as this method speeds up the process for licensure in multiple states. The Board’s website includes a link for the applicant to use the NCEES records program to send their information to the Board and a North Carolina short electronic form to be submitted to the Board. The second option is for individuals who desire only to be licensed and practice in North Carolina. For this second option, a PDF-fillable electronic form is available on the Board’s website. Any forms then are submitted hard copy to the Board’s office via U.S. Mail or third-party shipping service. The Board is in the process of making this short form application an online application.

Line 11, (c)(1): Add “their” before “personal.”

Lines 12-13, (c)(1): What does “adequate for current identification purposes” mean? How recent does the photo have to be?

This rule is seeking a photograph that depicts the applicant’s facial features akin to a passport or driver’s license photograph for accurate identification purposes.

Lines 12-13, (c)(D): Explain the Board’s authority to empower an applicant to “ensure” that the “individuals” return the reference forms “prior to the filing deadline?”

If the Board does not receive the statutorily required number of reference forms, the Board cannot act on the application and grant an individual a PE license. This section of the rule is intended to communicate that the burden is on the applicant to ensure that their chosen references submit the form to the Board.

Line 15, (2)(A): What are “comity applicants”? Is this term defined in another rule?

A comity applicant is an individual seeking PE licensure in North Carolina who possesses a PE license in another state, territory, or possession of the United States, the District of Columbia, or of any foreign country. See N.C. Gen. Stat. § 89C-13(a2).

Line 16, (2)(A): Capitalize “form” after “Engineer.”

Line 17, (2)(A): Capitalize “engineering examination”.

Line 20, (2)(A): Consider replacing “This form” with “The Professional Engineer Form.”

Line 21, (2)(A): Add “their” before “personal.”

Lines 22-23, (2)(A): What does “adequate for current identification purposes” mean? How recent does the photo have to be?

This rule is seeking a photograph that depicts the applicant’s facial features akin to a passport or driver’s license photograph for accurate identification purposes.

Line 24, (2)(B): Replace “completed the fundamentals examination” with “passed the Fundamentals of Engineering Examination.”

Lines 26-27, (2)(B): Delete “when” and delete the comma after “Engineer.”

Lines 29-31, (3): Capitalize “fundamentals of engineering exam”, “form”, “principles and practice examination”, and “supplemental form.”

Line 31, (3): Add “any” or “all” before engineering.

Line 35, (4)(A): Add “the” before “names.”

Line 36-37, (4)(A): Consider moving “,one of whom is a professional engineer,” to between “individuals” and “who”.

Line 37, (4)(A): Consider changing “examination for principles and practice” to “Principles and Practice Examination.”

Line 1, (4)(A): Add “the” before “names”.

Line 7, (4)(C): Is there a specific “reference form?” How can it be obtained?

A link to the Engineer Intern Reference Form is located at <https://www.ncbels.org/application/engineer-intern-certification/>

A link to the Engineer Applicant Reference Form is located at <https://www.ncbels.org/applications/professional-engineers/>.

Line 13, (4)(D): Consider adding “completed” before “reference forms.”

Lines 15-16, (d)(1): Replace “examination on the fundamentals of engineering” with “Fundamentals of Engineering Examination.”

Lines 15-16, (d)(1): This is not a complete sentence. Please change it.

Lines 27-31, (e): Consider breaking the third sentence into two sentences. It’s a bit unclear.

Line 33 (f): What are the requirements of “NCEES”? Where can the requirements be found?

N.C. Gen. Stat. § 89C-13(a2) permits the Board to license comity applicants. Comity applicants are individuals who hold a license to engage in the practice of engineering issued by a state or jurisdiction other than North Carolina. Pursuant to N.C. Gen. Stat. § 89C-13(a2), the Board “on the basis of comparable qualifications” may license a comity applicant from another jurisdiction who “possessing credentials that, based on verifiable evidence, in the opinion of the Board, [is] of a standard not lower than that in effect in this State at the time the certificate is issued.” For comity applicants from other jurisdictions within the United States, it is the opinion of the Board, as expressed by rule, that someone deemed a model law engineer possesses the credentials required by N.C. Gen. Stat. § 89C-13(a2) to be licensed as a comity applicant.

NCEES publishes the “Model Law,” which reflects the best practices for engineering and surveying as determined by NCEES member boards and is a model for state legislation. Most states in the country, including North Carolina, follow the model law requirements concerning education, examinations, and experience required to gain licensure in their respective states. Following the model law ensures that engineers and surveyors who want to practice in multiple states will easily be able to gain licensure. The NCEES Records program reviews applicants for designation as a Model Law Engineer (MLE) and Model Law Surveyor (MLS). These designations indicate

to state licensing boards that the applicant's education, experience, and examinations meet the NCEES Model Law requirements. In many states, this will further expedite the comity licensure process.

The NCEES Model Law is located at https://ncees.org/wp-content/uploads/2024/01/Model_Law_January-2024_web.pdf.

Model Law Designation FAQ's are found here: <https://help.ncees.org/article/73-model-law-designation-faqs>.

Line 33 (f): Replace the first "and" with a comma. Add a comma after "file."

Line 35 (f): Add a comma after "Board."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0701

DEADLINE FOR RECEIPT: February 22, 2024

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 13, (b): Consider rewriting this sentence to make it clearer. "A licensee's practice shall not violate the rules of this Chapter or G.S. 89C and shall be conducted in a manner to protect the public health, safety and welfare."

Line 14, (b): Consider changing "the" to "their" before "professional."

Line 15, (b): How is a licensee's judgment "overruled?" Who decides if a licensee's judgment should be overruled?

The intent of this rule is to require that when a licensee is required to change a design or a report which potentially results in an adverse impact to the public health, safety and, welfare, the licensee must notify the appropriate parties of the implications of their professional judgment being overruled. A licensee's judgment may be overruled by an Authority Having Jurisdiction (AHJ) or the licensee's employer.

Line 17, (b): What is meant by the "possible consequences of the situation?" How should the regulated public interpret this phrase?

The answer to this question is dependent on the area of practice of the licensee. If a structural engineer learns that the design plans he prepared for a structure are inadequate and that the building poses a threat of collapse if the building is constructed according to those plans, then the licensee is obligated to inform interested parties of the threat so that appropriate action can be taken to avoid injury and threats to public safety. This principle can be applied to other areas of engineering as well.

Line 24, (c)(2): What are the standards to determine if the "licensee is qualified" and who makes that determination?

North Carolina is not a discipline specific state, which means that we do not require licensed engineers to declare a specific field of engineering as their practice area or require that an engineer pass a discipline specific exam. However, we do require that a licensee be competent in their area of practice. See 21 NCAC 56.0701(c)(1). Competency is established through education and experience. If an individual has not taken course work in college or continuing education courses after college related to their desired practice area or has not worked under the supervision of a licensee in their desired practice area, then the licensee is not competent to practice in that field.

If a complaint is filed against a licensee alleging that they are practicing outside their area of competence, the Board is the ultimate entity that determines whether a licensee is qualified to practice in any given area.

Lines 33, (d)(4)(B): Add “stating” after “seal”.

Lines 13, (e)(4): Add a comma after “cause” and after “truthful.”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel

1 21 NCAC 56 .0502 is amended with changes as published in 38:08 NCR 500-505 as follows:

2
3 **21 NCAC 56 .0502 APPLICATION PROCEDURE: INDIVIDUAL**

4 (a) General. A person desiring to become licensed as a Professional Engineer must make submit an application to the
5 Board on a form prescribed and furnished by the Board.

6 (b) Request. A request for an appropriate application form may be made to the Board office or obtained from the
7 website.

8 (c) Applicable Forms:

9 (1) Engineer Intern Certification Form. After passing the fundamentals of engineering examination
10 Fundamentals of Engineering Examination, an applicant may make submit an application to the
11 Board to become certified as an “Engineer Intern.” This form requires the applicant to set forth their
12 personal history, educational background, engineering experience, and character references. A
13 passport-type photographic quality portrait that is adequate for current identification purposes is
14 also required.

15 (2) Professional Engineer Form:

16 (A) All persons, including comity applicants and certified Engineer Interns, shall apply for
17 licensure using the Professional Engineer form Form. The submission of this form shall
18 signify that the applicant has passed the Fundamentals of [engineering examination]
19 Engineering Examination, and seeks licensure as a Professional Engineer, seeks licensure,
20 and shall result in seating for the principles and practice of engineering examination, when
21 the applicant has met the requirements as set out in Rule .0501 of this Section. This form
22 The Professional Engineering Form requires the applicant to set forth their personal and
23 educational background, engineering experience and character references. A passport-type
24 photographic quality portrait that is adequate for current identification purposes is required.

25 (B) Persons who previously completed the fundamentals examination passed the Fundamentals
26 of Engineering Examination by use of the Engineer Intern Certification Form shall
27 submit the Professional Engineer Certification Application Form to request licensure when
28 qualified to take the examination as a Professional [Engineer,] Engineer when the applicant
29 has met the requirements as set out in Rule .0501 of this Section.

30 (3) Supplemental Form. Persons who initially applied for the fundamentals of engineering exam
31 Fundamentals of Engineering Exam using the Professional Engineer form Form shall supplement
32 the initial application with this form Form upon applying for the principles and practice examination
33 Principles and Practice of Engineering Exam. The supplemental form Supplemental Form requires
34 that all engineering experience from the date of the initial application until the date of the
35 supplemental application be listed. Five references shall be submitted that are current to within one
36 year of the examination date.

37 (4) Reference Forms:

- 1 (A) Persons applying for certification as an Engineer Intern shall submit to the Board ~~the~~ names
2 of three ~~individuals~~ individuals, one of whom is a professional engineer, who are familiar
3 with the applicant's work, character and ~~reputation, one of whom is a professional~~
4 ~~engineer, reputation.~~ Persons applying to take the ~~examination for principles and practice~~
5 ~~of engineering~~ Principles and Practice of Engineering Examination shall submit to the
6 Board ~~the~~ names of five individuals who are familiar with the applicant's work, character
7 and reputation. Three of these individuals shall be Professional Engineers.
- 8 (B) In addition to the applicant submitting names to the Board of individuals familiar with the
9 applicant's work, character and reputation, those individuals listed shall submit to the
10 Board their evaluations of the applicant on forms supplied to them by the applicant.
- 11 (C) The reference form requires the individual evaluating the applicant to state the evaluating
12 individual's profession, knowledge of the applicant and information concerning the
13 applicant's engineering experience, character and reputation.
- 14 (D) The Board shall provide the reference forms to the applicant with the application. The
15 reference forms shall then be distributed by the applicant to the persons listed on the
16 application as references. The applicant shall ensure that the individuals listed as references
17 return the ~~completed~~ reference forms to the Board prior to the filing deadline for the
18 examination.

19 (d) Fees:

- 20 (1) Engineer Intern Certification Form. ~~Once the applicant passes the examination on the fundamentals~~
21 ~~of engineering and makes application to the Board~~ No application fee is required to become certified
22 as an ~~"Engineer Intern"~~ the application fee of one hundred dollars (\$100.00) is payable. ~~"Engineer~~
23 ~~Intern."~~
- 24 (2) Professional Engineer Form. The application fee of one hundred dollars (\$100.00) is payable with
25 the filing of the application.
- 26 (3) Comity. The licensure fee of one hundred dollars (\$100.00) is payable with the filing of the
27 application.
- 28 (4) Examination. The examination fee for any applicant is payable to the National Council of Examiners
29 for Engineering and Surveying (NCEES) at the time of registering to take the exam in accordance
30 with G.S. 89C-14.

31 (e) The Board shall accept the records maintained by the National Council of Examiners for Engineering and
32 Surveying (NCEES) as evidence of licensure in another state. For comity licensure, the NCEES record shall be
33 accepted in lieu of completing the experience, education and references sections of the application. A comity
34 application, with or without a NCEES record, shall be administratively approved by the Executive ~~Director~~ Director
35 ~~without waiting for the next regular meeting of the Board.~~ The Executive Director's approval shall be based upon
36 evidence of current licensure in another jurisdiction ~~based on~~ with comparable qualifications, ~~the~~ required ~~references~~
37 ~~references.~~ and ~~no record of disciplinary action,~~ the comity applicant's disciplinary record in other jurisdictions.

1 without waiting for the next regular meeting of the Board at which time the action Each administrative approval shall
2 be reported to the Board at its next regular meeting for final approval.

3 (f) Model Law Engineer. The term “Model Law Engineer” refers to a person who meets the requirements of this
4 Section by meeting the requirements of NCEES and NCEES, has a current NCEES record on file file, and is designated
5 as a “Model Law Engineer.” A “Model Law Engineer” application shall be administratively approved by the Executive
6 Director based upon the designation, without waiting for the next regular meeting of the Board Board, at which time
7 the action shall be reported to the Board for final approval.

8 (g) Personal interview. During the application process, the applicant may be interviewed by the Board members if
9 the members have questions regarding the applicant’s education, experience or character, based upon the information
10 submitted in the application.

11
12 *History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15;*
13 *Eff. February 1, 1976;*
14 *Readopted Eff. September 29, 1977;*
15 *Amended Eff. May 1, 1994; November 2, 1992; April 1, 1989; December 1, 1984;*
16 *RRC Objection due to lack of Statutory Authority Eff. November 17, 1994;*
17 *Amended Eff. May 1, 2024; August 1, 2014; May 1, 2009; August 1, 2002; August 1, 2000; August*
18 *1, 1998; January 1, 1995;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
20 *2019.*

1 21 NCAC 56 .0701 is amended with changes as published in 38:08 NCAC 500-505 as follows:

2
3 **SECTION .0700 – RULES OF PROFESSIONAL CONDUCT**
4

5 **21 NCAC 56 .0701 RULES OF PROFESSIONAL CONDUCT**

6 (a) In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high
7 standard of integrity, skills, and practice in the professions of engineering and land surveying, the Rules of Professional
8 Conduct in this Rule are adopted in accordance with G.S. 89C-20 and are binding upon every person holding a
9 certificate of licensure as a Professional Engineer or Professional Land Surveyor (licensee), and on all business entities
10 authorized to offer or perform engineering or land surveying services in this state. All persons licensed under the
11 provisions of Chapter 89C of the General Statutes are charged with having knowledge of the Board Rules, including
12 the Rules of Professional Conduct, and are deemed to be familiar with their provisions and to understand them.

13 (b) A licensee shall conduct the practice in order to protect the public health, safety and welfare. A licensee's practice
14 shall not violate the rules of this Chapter or G.S. 89C and shall be conducted in a manner to protect the public health,
15 safety, and welfare. The licensee shall at all times recognize the primary obligation to protect the public in the
16 performance of ~~the~~ their professional duties. If the licensee's engineering or land surveying judgment is overruled
17 under circumstances where the safety, health and welfare of the public are endangered, the licensee shall inform the
18 employer, the client, the contractor, other affected parties and any appropriate regulatory agency of the possible
19 consequences of the situation.

20 (c) A licensee shall perform services only in areas of the licensee's competence and:

- 21 (1) Shall undertake to perform engineering and land surveying assignments only when qualified by
22 education or experience in the specific technical field of professional engineering or land surveying
23 involved;
- 24 (2) May accept an assignment or project requiring education or experience outside of the licensee's own
25 ~~field~~ areas of competence, but only to the extent that the services are restricted to those portions or
26 disciplines of the ~~project assignment~~ in which the licensee is qualified. All other portions or
27 disciplines of such ~~project assignment~~ shall be performed by associates, consultants, or employees
28 who are licensed and competent in those portions or ~~disciplines;~~ disciplines.
- 29 ~~(3) Shall not affix the signature or seal to any engineering or land surveying plan or document dealing~~
30 ~~with subject matter for which the licensee lacks competence by virtue of education or experience,~~
31 ~~nor to any such plan or document not prepared under the licensee's direct supervisory control. Direct~~
32 ~~supervisory control (responsible charge) requires a licensee or employee to carry out all client~~
33 ~~contacts, provide internal and external financial control, oversee employee training, and exercise~~
34 ~~control and supervision over all job requirements to include research, planning, design, field~~
35 ~~supervision and work product review. Direct supervisory control may be accomplished face to face~~
36 ~~or by other means of communication. A licensee shall not contract with a non licensed individual~~
37 ~~to provide these professional services. Research, such as title searches and soil testing, may be~~

1 contracted to a non-licensed individual, provided that individual is qualified or licensed to provide
2 such service and provided the licensee reviews the work. The licensee may affix the seal and
3 signature to drawings and documents depicting the work of two or more professionals provided it is
4 designated by a note under the seal the specific subject matter for which each is responsible; and

5 (4) ~~In circumstances where a licensee in responsible charge of the work is unavailable to complete the~~
6 ~~work, or the work is a design plan signed and sealed by an out of jurisdiction licensee (not a site~~
7 ~~adaptation of a standard design plan under Rule 21 NCAC 56 .1106) a successor licensee may take~~
8 ~~responsible charge by performing and documenting all professional services to include developing~~
9 ~~a design file including work or design criteria, calculations, code research, and any necessary and~~
10 ~~appropriate changes to the work. The non-professional services, such as drafting, need not be redone~~
11 ~~by the successor licensee but must distinguish in a clean and obvious manner and accurately reflect~~
12 ~~the successor licensee's work. The burden is on the successor licensee to show such compliance.~~
13 ~~The successor licensee shall have control of and responsibility for the work product and the signed~~
14 ~~and sealed originals of all documents.~~

15 (d) A licensee shall not affix his or her signature or seal to any engineering or land surveying plan or document for
16 which the licensee was not in responsible charge of the work through direct control and personal supervision. In order
17 to exercise responsible charge of engineering or surveying work, either (a) when delegating tasks to others, (b) in
18 circumstances where a licensee in responsible charge of the work is unavailable to [completed] complete the work, or
19 (c) the work is a design plan signed and sealed by an out-of-jurisdiction licensee (not a site adaptation of a standard
20 design plan under Rule 21 NCAC 56 .1106), the licensee must possess full professional knowledge of and control
21 over the work and shall:

22 (1) Have and exercise the authority to review and to change, reject or approve both the work in progress
23 and the final work product, through examination, evaluation, communication and direction
24 throughout the development of the work;

25 (2) Be personally aware of the scope of the work, its needs, parameters, limitations and special
26 requirements;

27 (3) Be capable of answering questions relevant to the surveying or engineering decisions made as part
28 of the services provided, in sufficient detail to demonstrate knowledge of the proficiency in the
29 work; and

30 (4) Accept full responsibility for the work.

31 (A) The [Burden] burden for demonstrating responsible charge lies with the licensee, including
32 maintaining records, calculations, drawings, surveys, specifications, and other documents
33 associated with the work.

34 (B) A licensee may affix his or her seal and signature to drawings and documents depicting the
35 work of two or more professionals, provided it is designated by a note under the seal stating
36 the specific subject matter for which each is responsible.

37 ~~(d)(c)~~ A licensee shall issue public statements only in an objective and truthful manner and:

- 1 (1) Shall be objective and truthful in all professional reports, statements or testimony. The licensee shall
2 include all relevant and pertinent information in such reports, statements or testimony;
- 3 (2) When serving as an expert or technical witness before any court, commission, or other tribunal, shall
4 express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a
5 background of technical competence in the subject matter, and upon honest conviction of the
6 accuracy and propriety of the licensee's testimony;
- 7 (3) Shall issue no statements, criticisms, or arguments on engineering or land surveying matters
8 connected with public policy which are inspired or paid for by an interested party, or parties, unless
9 the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing
10 the identities of the party or parties on whose behalf the licensee is speaking, and by revealing the
11 existence of any pecuniary interest the licensee may have in the matters; and
- 12 (4) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation,
13 prospects, practice or employment of another engineer or land surveyor, nor indiscriminately
14 criticize another engineer or land surveyor's work in public. Indiscriminate criticism includes
15 statements without valid basis or ~~cause cause, or~~ that are not objective and ~~truthful truthful,~~ or that
16 fail to include all relevant and pertinent information. If the licensee believes that another engineer
17 or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to
18 the North Carolina Board of Examiners in the form of a complaint.

19 ~~(e)~~(f) A licensee shall avoid conflicts of interest and:

- 20 (1) Shall inform the employer or client, and any reviewing agency, of any business association,
21 interests, or circumstances which could influence judgment or the quality of services;
- 22 (2) Shall not accept compensation, financial or otherwise, from more than one party for services on the
23 same project, or for services pertaining to the same project, unless the circumstances are disclosed
24 to, and agreed to, in writing, by all interested parties;
- 25 (3) Shall not solicit or accept financial or other valuable considerations from material or equipment
26 suppliers for specifying their products;
- 27 (4) Shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other
28 parties dealing with the client or employer in connection with work for which the licensee is
29 responsible;
- 30 (5) When in public service as a member, advisor, or employee of a governmental body or department,
31 shall not participate in considerations or actions with respect to services provided by the licensee or
32 the licensee's firm in private engineering and land surveying practices;
- 33 (6) Shall not solicit or accept an engineering or land surveying contract from a governmental body on
34 which a principal or officer of the licensee's firm serves as a member; and
- 35 (7) Shall not attempt to supplant another engineer or land surveyor in a particular employment after
36 becoming aware that the other has been selected for the employment.

37 ~~(f)~~(g) A licensee shall solicit or accept work only on the basis of qualifications and:

- 1 (1) Shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or
2 other consideration in order to secure work, exclusive of securing salaried positions through
3 employment agencies;
- 4 (2) Shall compete for employment on the basis of professional qualification and competence to perform
5 the work. The licensee shall not solicit or submit proposals for professional services containing a
6 false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or
7 extent of services to be rendered;
- 8 (3) Shall, with regard to fee bidding on public projects, comply with the provisions of G.S. 143-64.31
9 et seq., (or for federal projects, the Brooks Act, 40 U.S. Code 541 et seq.) and shall not knowingly
10 cooperate in a violation of any provision of G.S. 143-64.31 et seq. (or of 40 U.S. Code 541 et seq.);
11 and
- 12 (4) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall
13 only report educational qualifications when a degree or certificate was awarded, unless it is stated
14 that no degree or certificate was awarded. The licensee shall not misrepresent degree of
15 responsibility in or for the subject matter of prior assignments. Brochures or other presentations
16 incident to the solicitation of employment shall not misrepresent pertinent facts concerning
17 employers, employees, associates, joint ventures, or past accomplishments with the intent and
18 purpose of enhancing qualifications and work.

19 ~~(g)~~(h) A licensee shall perform services in an ethical manner, as required by the Rules of Professional Conduct (21
20 NCAC 56 .0701), and in a lawful manner and:

- 21 (1) Shall not knowingly associate with or permit the use of the licensee's name or firm name in a
22 business venture by any person or firm which the licensee knows, or has reason to believe, is
23 engaging in business or professional practices of a fraudulent or dishonest nature or is not properly
24 licensed; and
- 25 (2) If the licensee has knowledge or reason to believe that another person or firm may be in violation
26 of the Board Rules (21 NCAC 56) or of the North Carolina Engineering and Land Surveying Act
27 (G.S. 89C), shall present such information to the Board in writing in the form of a complaint and
28 shall cooperate with the Board in furnishing such further information or assistance as may be
29 required by the Board. The licensee shall timely respond to all inquiries and correspondence from
30 the Board and shall timely claim correspondence from the U. S. Postal Service, or other delivery
31 service, sent to the licensee from the Board. Timely is defined as within the time specified in the
32 correspondence, or if no time is specified, within 30 days of receipt. Certified mail is timely claimed
33 if prior to being returned by the Post Office to the Board office.

34 ~~(h)~~(i) A Professional Engineer or Professional Land Surveyor who has received a reprimand or civil penalty or whose
35 professional license is revoked, suspended, denied, refused renewal, refused reinstatement, put on probation,
36 restricted, or surrendered as a result of disciplinary action by another jurisdiction is subject to discipline by the Board
37 if the licensee's action constitutes a violation of G.S. 89C or the rules adopted by the Board.

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History Note: Authority G.S. 89C-17; 89C-20;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
*Amended Eff. **May 1, 2024**; September 1, 2011; May 1, 2009; August 1, 2002; August 1, 2000;*
August 1, 1998; November 2, 1992; April 1, 1989; January 1, 1982; March 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,
2019.

Burgos, Alexander N

Subject: FW: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, February 22, 2024 2:46 PM
To: Wes Tripp <wtripp@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

Wes,

Thank you for letting us know. We will see you then.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Wes Tripp <wtripp@ncbels.org>
Sent: Thursday, February 22, 2024 2:36 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

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Travis,

Even though I have requested an extension of time to respond to RRC's Request for Changes, I will be in attendance in person at next week's RRC meeting just in case any commission members have questions.

Thanks,

—Wes



S. Wesley Tripp III

Board Counsel

North Carolina Board of Examiners for Engineers and Surveyors

wtripp@ncbels.org

Office: (919) 791-2000 Ext. 111

Mobile: (919) 906-9518

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Friday, February 9, 2024 10:15 AM
To: Wes Tripp
Cc: Burgos, Alexander N
Subject: RE: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

Your current method is fine.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Wes Tripp <wtripp@ncbels.org>
Sent: Friday, February 9, 2024 10:13 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

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Thank you.

Is there a preferred way you'd like to receive responses to your questions? I'm currently drafting them under each question in red font.

—Wes



S. Wesley Tripp III
Board Counsel
North Carolina Board of Examiners for Engineers and Surveyors
wtripp@ncbels.org
Office: (919) 791-2000 Ext. 111
Mobile: (919) 906-9518

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Date: Friday, February 9, 2024 at 10:09 AM
To: Wes Tripp <wtripp@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

[EXTERNAL]
Wes,

Yes, it should be fine for you to submit them to me by March 20th. I will notify the RRC of the Board's request for an extension at the February 28th meeting. Pursuant to 150B-21.13, the RRC will likely grant the Board's request to extend the period of review until the April 30th meeting. I will notify you of the RRC's decision after the February 28th meeting.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Wes Tripp <wtripp@ncbels.org>
Sent: Friday, February 9, 2024 9:29 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis,

Thank you for your work reviewing these proposed rule changes and providing your suggested revisions. The suggested revisions are good and I don't foresee any issue with the Board approving these changes. However, we do have a bit of a timing issue. The Board has a scheduled telephone conference call next Wednesday, February 14. Those meetings are typically short, five-minute consent agenda meetings to approve applications. There is not enough time to incorporate your suggested revisions, draft responses to your questions, and then circulate those to the Board for review and approval before next Wednesday. The Board is meeting in person on March 13. I would like to request a delay/extension of time to submit our revised rules and responses to your questions. Can I submit them to you by March 20 so that they can be considered at the April RRC meeting?

Thanks,

—Wes



S. Wesley Tripp III

Board Counsel

North Carolina Board of Examiners for Engineers and Surveyors

wtripp@ncbels.org

Office: (919) 791-2000 Ext. 111

Mobile: (919) 906-9518

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Date: Thursday, February 8, 2024 at 11:36 AM

To: Wes Tripp <wtripp@ncbels.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Board of Examiners for Engineers and Surveyors-Submission for Permanent Rules

[EXTERNAL]

Good morning,

I'm the attorney who reviewed the Rules submitted by the Board of Examiners for Engineers and Surveyors for the February 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Wednesday, February 28, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rules and forms to me via email, no later than 5 p.m. on February 22, 2024.

Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

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