

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 56 .0502
Attachments: 21 NCAC 56 .0502 - Revised (4).docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, March 11, 2025 3:52 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: [External] Re: 21 NCAC 56 .0502

This version of the above captioned rule supersedes the earlier version I sent to you to which I intend to recommend approval.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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.

From: Wes Tripp <wtripp@ncbels.org>
Sent: Monday, March 10, 2025 12:40 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 21 NCAC 56 .0502

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.

William,

The inclusion of .0503, which concerns examinations, was meant to supplement .0501, which concerns education and experience. An applicant cannot be licensed as a PE until they meet all the education, examination, and experience requirements set out in 89C of the General Statutes.

However, I agree with your assessment that this language does not lay any additional requirements on an applicant that is not already spelled out in another rule and thus is not necessary here.

I have attached a revised .0502 removing this language.

—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

21 NCAC 56 .0502 is amended with changes as published in 39:08 NCR 506–09 as follows:

21 NCAC 56 .0502 APPLICATION PROCEDURE: INDIVIDUAL

(a) General. A person desiring to become certified as an Engineer Intern or licensed as a Professional Engineer ~~must submit an application shall apply~~ to the Board on a form prescribed and furnished by the Board.

(b) ~~Request. A request for an~~ Application. The appropriate application ~~form~~ may be ~~made to the Board office or obtained from~~ accessed on the Board's website. Applicants may ~~obtain~~ access the Engineer Intern certification forms at <https://www.ncbels.org/application/engineer-intern-certification/>. Applicants may ~~obtain~~ access the 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, examination,~~ an applicant may ~~submit an application apply~~ 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. ~~The applicant shall submit A a passport type photographic quality portrait that is 2-inch by 2-inch passport style photograph adequate for current identification purposes is also required, purposes.~~

(2) ~~Professional Engineer Form: Professional Engineer Form. All persons, including comity applicants and certified Engineer Interns, shall apply for licensure using the Professional Engineer Form. This form requires the applicant to set forth their personal and educational background, engineering experience, and character references. The applicant shall submit a 2-inch by 2-inch passport style photograph adequate for current identification purposes.~~

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

~~(B) Persons who previously passed the Fundamentals of Engineering Examination by use of the Engineering Intern Certification Form [Certified Engineer Interns] shall submit the Professional Engineer Application Form to request licensure as a Professional 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 using the Professional Engineer Form shall supplement the initial application with this Form upon applying for the Principles and Practice of Engineering Exam. All persons applying for licensure as a Professional Engineer shall submit the Supplemental Form. The Supplemental Form which~~

requires ~~that the applicant to list~~ all engineering ~~experience from the date of the initial application~~
until the date of the supplemental application ~~be listed.~~ ~~experience.~~ ~~Five references shall be~~
~~submitted that are current to within one year of the examination date.~~

(4) Reference Forms:

(A) Persons applying for certification as an Engineer Intern shall submit to the Board the names of three individuals, one of whom is a professional engineer, who are familiar with the applicant's work, ~~character~~ character, and reputation. Persons applying ~~to take the Principles and Practice of Engineering Examination for licensure as a Professional Engineer~~ shall submit to the Board the names of five ~~individuals~~ individuals, three of whom are professional engineers, who are familiar with the applicant's work, ~~character~~ character, and reputation. ~~Three of these individuals shall be Professional Engineers.~~

(B) ~~In addition to the applicant submitting names to the Board of individuals familiar with the applicant's work,~~ ~~character~~ [character,] ~~and reputation, those individuals listed shall submit to the Board their evaluations of the applicant on forms supplied to them by the applicant.~~ Applicants may access Engineer Intern certification reference forms and Professional Engineer licensure reference forms at the websites listed above in subsection (b) of this Section. The applicant shall distribute the reference forms to the persons listed on the application as references. To be considered, completed reference forms shall be received by the Board from the person providing the reference within one year of application.

(C) The reference form ~~requires~~ provides the individual evaluating the applicant ~~the opportunity~~ the opportunity to state the evaluating individual's profession, knowledge of the ~~applicant~~ applicant, and information concerning the applicant's engineering experience, ~~character~~ character, and reputation.

~~(D) The Board shall provide the reference forms to the applicant with the application. The reference forms shall then be distributed by the applicant to the persons listed on the application as references. The applicant shall ensure that the individuals listed as references return the completed reference forms to the Board prior to the filing deadline for the examination.~~ [Board.]

(d) Fees:

- (1) Engineer Intern Certification Form. No application fee is required to become certified as an "Engineer Intern."
- (2) Professional Engineer Form. The application fee of one hundred dollars (\$100.00) is payable with the filing of the application.
- (3) Comity. The licensure fee of one hundred dollars (\$100.00) is payable with the filing of the application.

(4) Examination. The examination fee for any applicant is payable to the National Council of Examiners for Engineering and Surveying (NCEES) at the time of registering to take the exam in accordance with G.S. 89C-14.

(e) The Board shall accept the records maintained by the National Council of Examiners for Engineering and Surveying (NCEES) as evidence of licensure in another ~~state~~ jurisdiction. For comity licensure, the Board shall accept the NCEES record ~~shall be accepted~~ in lieu of the applicant completing the experience, ~~education~~ education, and references sections of the application. A comity application, with or without a NCEES record, shall be administratively approved by the Executive Director without waiting for the next regular meeting of the Board. The Executive Director's approval shall be based upon evidence of current licensure in another jurisdiction with comparable qualifications, the required references, and the comity applicant's disciplinary record in other jurisdictions. Each administrative approval shall be reported to the Board at its next regular meeting for final approval.

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

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

History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. May 1, 1994; November 2, 1992; April 1, 1989; December 1, 1984;

RRC Objection due to lack of Statutory Authority Eff. November 17, 1994;

Amended Eff. August 1, 2014; May 1, 2009; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1995;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;

Amended Eff. ~~February 1, 2025;~~ April 1, 2025; May 1, 2024.

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 56 .0502
Attachments: 21 NCAC 56 .0502 - Revised (4).docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, March 10, 2025 12:46 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: [External] Re: 21 NCAC 56 .0502

Good afternoon,

It is my intention to recommend approval of the attached revised rule at the March 2025 RRC meeting.

As always if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Wes Tripp <wtripp@ncbels.org>
Sent: Monday, March 10, 2025 12:40 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 21 NCAC 56 .0502

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However, I agree with your assessment that this language does not lay any additional requirements on an applicant that is not already spelled out in another rule and thus is not necessary here.

I have attached a revised .0502 removing this language.

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

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~~until the date of the supplemental application be listed.~~ ~~experience.~~ ~~Five references shall be~~
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(g) Personal interview. During the application process, Board members shall interview the applicant may be interviewed by the Board members if the members have questions regarding the applicant's education, ~~experience~~ experience, or ~~character, based upon the information submitted in the application.~~ character.

History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. May 1, 1994; November 2, 1992; April 1, 1989; December 1, 1984;

RRC Objection due to lack of Statutory Authority Eff. November 17, 1994;

Amended Eff. August 1, 2014; May 1, 2009; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1995;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;

Amended Eff. February 1, 2025; April 1, 2025; May 1, 2024.

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 56 .0502

From: Wes Tripp <wtripp@ncbels.org>
Sent: Friday, March 7, 2025 4:31 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 21 NCAC 56 .0502

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.

Thank you, William. I will send a revised rule .0502 that reflects the changes we have discussed in the below email thread. I'll have something to you by COB Monday.

—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

Sent from my iPhone

On Mar 7, 2025, at 4:28 PM, Peaslee, William W <bill.peaslee@oah.nc.gov> wrote:

[EXTERNAL]
Wes,

Regarding .0502, I don't believe we had any further discussions after the one below. Please file a rule which you think satisfies the RFCs and we will go from there. This does not mean your submission ends our discussions. Thank you. And have a good weekend.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: Engineers and Surveyors Rule

From: Wes Tripp <wtripp@ncbels.org>

Sent: Friday, March 7, 2025 4:20 PM

To: Peaslee, William W <bill.peaslee@oah.nc.gov>

Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: [External] Re: Engineers and Surveyors Rule

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Thank you.

—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

Sent from my iPhone

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 56 .0902

From: Wes Tripp <wtripp@ncbels.org>

Sent: Friday, March 7, 2025 4:14 PM

To: Peaslee, William W <bill.peaslee@oah.nc.gov>

Cc: Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: [External] Re: 21 NCAC 56 .0902

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Thank you, William.

—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

Sent from my iPhone

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 56 .0902
Attachments: 21 NCAC 56 .0902 - Revised (2).docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, March 7, 2025 4:05 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Wes Tripp <wstripp@ncbels.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: [External] Re: 21 NCAC 56 .0902

Good afternoon,

It is my intention to recommend approval of the attached rule as revised at the March RRC meeting.

As always if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 56 .0902
Attachments: 21 NCAC 56 .0902 - Revised (2).docx

From: Wes Tripp <wtripp@ncbels.org>
Sent: Friday, March 7, 2025 2:56 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 21 NCAC 56 .0902

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William,

Please see the attached. What about the revisions we discussed concerning .0502?

—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

21 NCAC 56 .0902 is amended with changes as published in 39:08 NCR 506–09 as follows:

21 NCAC 56 .0902 BUSINESS TITLES

(a) Companies, partnerships, corporations, limited liability companies, or any other business providing professional engineering or land surveying ~~services~~ services, as defined in G.S. 89C-3, within in North Carolina shall not practice under a name that is misleading. ~~Except as provided in Paragraph (b), for purposes of this Rule, "misleading" means that the titles of engineering or land surveying companies, partnerships, corporations, limited liability companies, or any other business organized for the primary purpose of providing such professional services shall not contain the name of an individual:~~

(b) Business names are misleading when they:

- (1) who is not licensed to provide the professional services offered in North Carolina; are not [truthful, truthful; [objective,] suggest qualifications, credentials, or expertise that the firm does not possess; or [do not include pertinent, relevant] provide inaccurate information;
- (2) who is not eligible for licensure by comity to provide the professional services offered in North Carolina under the provisions of G.S. 89C-13; or make exaggerated, deceptive, or false statements or claims about professional qualifications, experience, or performance;
- (3) who is licensed to provide the professional services, offered in North Carolina, in a state where the business (or of a successor to that business or business created to comply with G.S. 55B), is incorporated, organized, or is authorized to transact business. create an unjustified expectation or prediction of future success;
- (4) imply a connection with a government agency;
- (5) include obscene, indecent, or profane language; or
- (6) use a name which is deceptively similar to that of an existing firm name by not having at least one unique substantive word, not including articles, prepositions, suffixes, or words denoting organizational structure such as group, associate, or similar words or any derivative of those words.

~~(b) A business may include in its title the name or names of one or more deceased or retired former members of the business, or of a successor to that business or a business created to comply with G.S. 55B, provided that the business submits a letter of request and explanation with its application to the Board, and that the Board finds that the use of the name is not misleading.~~

(c) A business shall not change its title, or operate under an assumed name, without first applying to the Board for a determination that the proposed title meets the requirements of Paragraph Paragraphs (a) or and (b) of this Rule. Requests for name changes shall be made in writing on the change forms referenced in 21 NCAC 56 .0804(d). Requests to operate under an assumed name shall be made in writing.

~~[(d) Prior to changing its name, a business may submit a letter of request and explanation to the Board for determination of whether a proposed new name complies with this Rule.]~~

History Note: Authority G.S. 55B-5; 57D-2.01; G.S. 55B-12(b); 89C-10; 89C-24;

1 *Eff. February 1, 1976;*
2 *Readopted Eff. September 29, 1977;*
3 *Amended Eff. August 1, 2000; August 1, 1998; May 1, 1994; April 1, 1989; April 1, 1980;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
5 *2019;*
6 *Amended Eff. ~~February 1, 2025.~~ April 1, 2025; July 1, 2020.*

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 56 .0902

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, March 7, 2025 2:36 PM
To: Wes Tripp <wtripp@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: 21 NCAC 56 .0902

Thank you for your edits. Please submit the revised rule and have a good weekend.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 56 .0902

From: Wes Tripp <wtripp@ncbels.org>
Sent: Friday, March 7, 2025 11:10 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 21 NCAC 56 .0902

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Good morning, William,

I would suggest a revision that states:

(b) Business names are misleading when they:

(1) are not truthful; *suggest qualifications, credentials, or expertise that the firm does not possess;*
or provide inaccurate information;”

—Wes



S. Wesley Tripp III

Board Counsel

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wtripp@ncbels.org

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Mobile: (919) 906-9518

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 56 .0902

From: Wes Tripp <wtripp@ncbels.org>
Sent: Thursday, March 6, 2025 3:23 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: 21 NCAC 56 .0902

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William,

I am referring to business names that communicate an opinion or interpretation. A firm name along the lines of “North Carolina’s Best Structural Engineering Firm.”

—Wes



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Board Counsel
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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Date: Thursday, March 6, 2025 at 2:55 PM
To: Wes Tripp <wtripp@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 21 NCAC 56 .0902

[EXTERNAL]

Line 12: What do you mean y “include opinion or interpretation?”

Bill

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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: 21 NCAC 56 .0902

From: Wes Tripp <wtripp@ncbels.org>
Sent: Thursday, March 6, 2025 3:42 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 21 NCAC 56 .0902

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.

William,

I would suggest revising to state “include opinion or interpretation related to the firm’s qualifications.”

—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: 21 NCAC 56 .0502

From: Wes Tripp <wtripp@ncbels.org>
Sent: Thursday, March 6, 2025 3:39 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 21 NCAC 56 .0502

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You are correct. Disregard my suggestion to remove (c)(4)(C).

—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: Peaslee, William W <bill.peaslee@oah.nc.gov>
Date: Thursday, March 6, 2025 at 3:13 PM
To: Wes Tripp <wtripp@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: 21 NCAC 56 .0502

[EXTERNAL]

Ok but if you require the use of a form then the contents of the form must be in a rule. See GS 150B—2(8a)d.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

From: Wes Tripp <wtripp@ncbels.org>
Sent: Thursday, March 6, 2025 3:10 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 21 NCAC 56 .0502

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William,

I agree with your assessment on what the Board is requiring in the application process. After review, I think the language in (c)(4)(C) is superfluous and could be removed given that it lists the general contents of the reference form.

Would you like for me to provide a revised rule with all the changes we have discussed?

—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: Peaslee, William W <bill.peaslee@oah.nc.gov>
Date: Thursday, March 6, 2025 at 2:49 PM
To: Wes Tripp <wtripp@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: 21 NCAC 56 .0502

[EXTERNAL]

Wes,
Please see my responses below.

Bill

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

From: Wes Tripp <wtripp@ncbels.org>
Sent: Thursday, March 6, 2025 12:40 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 21 NCAC 56 .0502

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William,

How the reference process works is that folks applying to be certified as an Engineer Intern submit three names to the Board on their application. Folks applying for PE licensure submit 5 names to the Board on their application. The applicant then provides a reference form to each of their references. The applicant is responsible for ensuring that the reference is completed and submitted to the Board on time.

Are you suggesting that lines 13-14 in (c)(4)(A) would be more appropriately placed somewhere else, perhaps at the end of (c)(4)(B)?

Yes

I agree with your comments that the Board has no authority over the individual completing the reference form. Perhaps the last sentence of (c)(4)(B) could be rewritten to state “The applicant shall ensure that the completed reference forms are submitted to the Board.”

Additionally, to address your concerns with (c)(4)(C), I would suggest replacing “requires” with “allows.”

It depends on what the Board is requiring. It seems to me that the Board is requiring the applicant to complete the application process which includes ;

- Submission by the applicant of a written list of five persons who will provide written references
- Submission of five reference forms
 - The forms must be sent directly from the person providing the reference to be considered by the Board
 - To be considered by the Board, the person proving the reference shall have provided certain information.

Would you like for me to submit a revised rule with these changes?

—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: Peaslee, William W <bill.peaslee@oah.nc.gov>

Date: Thursday, March 6, 2025 at 12:15 PM

To: Wes Tripp <wtripp@ncbels.org>

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

Subject: RE: [External] Re: 21 NCAC 56 .0502

[EXTERNAL]

.0502(c)(4)(A) requires the applicant to submit five names. Page 2, lines 13-14 in (c)(4)(A) appear to be misplaced.

Further, in page 2, lines 21-22 the Board is telling the persons providing references what they must do. The Board does not have authority over these people. I believe what the Board intends is that the reference must be received directly from the person proving the reference for the applicant for the reference to meet the requirement placed upon the applicant. You have a similar issue with page 2, lines 23.

Bill

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

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Bill.Peaslee@oah.nc.gov

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From: Wes Tripp <wtripp@ncbels.org>

Sent: Thursday, March 6, 2025 12:04 PM

To: Peaslee, William W <bill.peaslee@oah.nc.gov>

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

Subject: [External] Re: 21 NCAC 56 .0502

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I'm sorry. Let me rephrase. I should have read the email before sending.

The Board is requiring that references completed by the individuals chosen by the applicant shall be fully completed and submitted by the reference and then received by the Board within one year of the application.

—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: Wes Tripp <wtripp@ncbels.org>

Date: Thursday, March 6, 2025 at 12:01 PM

To: Peaslee, William W <bill.peaslee@oah.nc.gov>

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

Subject: Re: 21 NCAC 56 .0502

William,

In the portion of this rule that states “[t]o be considered, references shall be completed within one year of the application,” the Board is requiring that references completed by the individuals chosen by the applicant shall be fully completed, submitted, and received by the references within one year of the application.

Please let me know if you have further 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

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Date: Thursday, March 6, 2025 at 11:54 AM

To: Wes Tripp <wtripp@ncbels.org>

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

Subject: 21 NCAC 56 .0502

You don't often get email from bill.peaslee@oah.nc.gov. [Learn why this is important](#)

[EXTERNAL]

Wes,

In 21 NCAC 56 .0502, page 2, line 14: What does the Board mean by “completed”? Completed by whom?

Thank you.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
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Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Wes Tripp <wtripp@ncbels.org>
Sent: Monday, March 3, 2025 10:39 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: Engineers and Surveyors Rule

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William,

Thank you for your review and comments on these proposed rules. I have attached the Request for Changes document with my responses in red. Also attached are the revised rules. If you have additional questions, please don't hesitate to reach out to me.

Regards,

—Wes



S. Wesley Tripp III
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Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 56 .0502

From: Wes Tripp <wtripp@ncbels.org>
Sent: Thursday, March 6, 2025 12:40 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
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Subject: Re: [External] Re: 21 NCAC 56 .0502

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I agree with your comments that the Board has no authority over the individual completing the reference form. Perhaps the last sentence of (c)(4)(B) could be rewritten to state “The applicant shall ensure that the completed reference forms are submitted to the Board.”

Additionally, to address your concerns with (c)(4)(C), I would suggest replacing “requires” with “allows.”

Would you like for me to submit a revised rule with these changes?

—Wes



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Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 56 .0502

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Subject: [External] Re: 21 NCAC 56 .0502

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The Board is requiring that references completed by the individuals chosen by the applicant shall be fully completed and submitted by the reference and then received by the Board within one year of the application.

—Wes



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Date: Thursday, March 6, 2025 at 12:01 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: 21 NCAC 56 .0502

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In the portion of this rule that states “[t]o be considered, references shall be completed within one year of the application,” the Board is requiring that references completed by the individuals chosen by the applicant shall be fully completed, submitted, and received by the references within one year of the application.

Please let me know if you have further questions.

Thanks,

—Wes



S. Wesley Tripp III

Board Counsel

North Carolina Board of Examiners for Engineers and Surveyors

wtripp@ncbels.org

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From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Date: Thursday, March 6, 2025 at 11:54 AM

To: Wes Tripp <wtripp@ncbels.org>

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

Subject: 21 NCAC 56 .0502

You don't often get email from bill.peaslee@oah.nc.gov. [Learn why this is important](#)

[EXTERNAL]

Wes,

In 21 NCAC 56 .0502, page 2, line 14: What does the Board mean by “completed”? Completed by whom?

Thank you.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

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(984) 236-1939

Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: Engineers and Surveyors Rule
Attachments: 3_2025 Engineers and Land Surveyors Request for Technical Changes.docx; 21 NCAC 56 .0502 - Revised (2).docx; 21 NCAC 56 .0901 - Revised (2).docx; 21 NCAC 56 .0902 - Revised.docx

From: Wes Tripp <wtripp@ncbels.org>
Sent: Monday, March 3, 2025 10:39 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: Engineers and Surveyors Rule

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William,

Thank you for your review and comments on these proposed rules. I have attached the Request for Changes document with my responses in red. Also attached are the revised rules. If you have additional questions, please don't hesitate to reach out to me.

Regards,

—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

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.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document 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 the agency's 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 and copy RRC Counsel. 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: "aAssociation"
 - 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.

William W. Peaslee
Commission Counsel

Date submitted to agency: February 19, 2025

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

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

RULE CITATION: 21 NCAC 56 .0901

DEADLINE FOR RECEIPT: MARCH 6, 2025

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:

Page 1, Line 5: Define "engineering services."

I have included in line 5 that "engineering services" are defined in G.S. 89C-3(6).

Page 1, Line 6: Define "responsible charge."

I have removed the reference to "responsible charge" in line 6. "Responsible charge" is defined in 21 NCAC 56 .0701(d). The requirement for a resident PE at each separate North Carolina office is essentially a point of contact for the Board. For large firms, it is improbable for the resident PE to be in "responsible charge" of every single project occurring at the office. However, for out-of-state offices performing engineering work for North Carolina projects, the rule does not require a resident PE to be in the office but only that the engineering services for the project be performed by a N.C. licensed PE in responsible charge of the work "in compliance with Rule .0701(d) of this Chapter."

I believe the reference to "Rule .0701(d) of this Chapter" in the last sentence of Paragraph (a) is sufficient to inform the reader that they can find a definition of "responsible charge" at that location.

Page 1, Line 27: What constitutes avoidance?

I have revised this portion of the proposed rule for clarity.

Page 1, Line 29-30: Consider whether the language after "and" is of great enough import to constitute a separate paragraph.

I agree with this suggestion and have revised accordingly.

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

William W. Peaslee
Commission Counsel

Date submitted to agency: February 19, 2025

William W. Peaslee
Commission Counsel
Date submitted to agency: February 19, 2025

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

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

RULE CITATION: 21 NCAC 56 .0502

DEADLINE FOR RECEIPT: MARCH 6, 2025

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:

Generally, to the Rule: The Rules Review Commission prefers “shall” to “must.”

“shall” has been substituted for “must.”

Page 1, Line 22: Define “photographic quality.”

I have revised references to “photographic quality” to state “The applicant shall submit a 2-inch by 2-inch passport style photograph...”

Page 2, Lines 13-14: It is unclear what the Board is requiring.

I have revised this section to provide more clarity. The National Conference of Examiners for Engineers and Surveyors (NCEES) keeps a records program that allows engineers to store their demographic information, transcripts, and references in one location to provide for licensure mobility. When an engineer who may have been licensed in one jurisdiction for several years seeks comity licensure in North Carolina, their references may be several years old. This section requires that references be current to within one year of application to ensure that the references being reviewed by the Board reflect the applicant’s current practice.

Page 3, Line 17: Change “may” to “shall” or define the criteria the members will use in exercising this discretion.

“shall” has been substituted for “may.”

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

William W. Peaslee
Commission Counsel

Date submitted to agency: February 19, 2025

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

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

RULE CITATION: 21 NCAC 56 .0902

DEADLINE FOR RECEIPT: MARCH 6, 2025

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:

Page 1, Line 4: What are “professional engineering or land surveying services?”

This section has been revised to state that these terms are defined in N.C. Gen. Stat. § 89C-3.

Page 1, Line 11: Define “objective.”

I have revised this section for clarity.

Page 1, Line 11: Define “pertinent.”

I have revised this section for clarity.

Page 1, Line 11: Define “relevant.”

I have revised this section for clarity.

Page 1, Line 32: Why include this permissive language? Is there any prohibition which would lead someone to believe they could not? Or should “may” be “shall”?

I agree this permissive language is not necessary and have removed it.

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

William W. Peaslee
Commission Counsel

Date submitted to agency: February 19, 2025

21 NCAC 56 .0502 is amended with changes as published in 39:08 NCR 506–09 as follows:

21 NCAC 56 .0502 APPLICATION PROCEDURE: INDIVIDUAL

(a) General. A person desiring to become certified as an Engineer Intern or licensed as a Professional Engineer ~~must submit an application shall apply~~ to the ~~Board on a form prescribed and furnished by the~~ Board.

(b) ~~Request. A request for an~~ Application. The appropriate application ~~form~~ may be ~~made to the Board office or obtained from~~ accessed on the ~~Board's~~ website. Applicants may ~~obtain~~ access the Engineer Intern certification forms at <https://www.ncbels.org/application/engineer-intern-certification/>. Applicants may ~~obtain~~ access the 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, examination,~~ an applicant may ~~submit an application apply~~ 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. ~~The applicant shall submit~~ A a ~~passport type photographic quality portrait that is~~ 2-inch by 2-inch passport style photograph adequate for current identification ~~purposes is also required, purposes.~~

(2) ~~Professional Engineer Form: Professional Engineer Form. All persons, including comity applicants and certified Engineer Interns, shall apply for licensure using the Professional Engineer Form. The submission of this form signifies that the applicant seeks licensure as a Professional Engineer after the applicant has met the requirements set out in Rules .0501 and .0503 of this Section. This form requires the applicant to set forth their personal and educational background, engineering experience, and character references. The applicant shall submit a 2-inch by 2-inch passport style photograph adequate for current identification purposes.~~

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

~~(B) Persons who previously passed the Fundamentals of Engineering Examination by use of the Engineering Intern Certification Form [Certified Engineer Interns] shall submit the Professional Engineer Application Form to request licensure as a Professional 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 using the Professional Engineer Form shall supplement the initial application with this Form upon~~

1 ~~applying for the Principles and Practice of Engineering Exam.~~ All persons applying for licensure as
2 a Professional Engineer shall submit the Supplemental Form. ~~The Supplemental Form which~~
3 requires ~~that the applicant to list~~ all engineering ~~experience from the date of the initial application~~
4 ~~until the date of the supplemental application be listed.~~ ~~experience.~~ Five references shall be
5 ~~submitted that are current to within one year of the examination date.~~

6 (4) Reference Forms:

7 (A) Persons applying for certification as an Engineer Intern shall submit to the Board the names
8 of three individuals, one of whom is a professional engineer, who are familiar with the
9 applicant's work, ~~character~~ character, and reputation. Persons applying ~~to take the~~
10 ~~Principles and Practice of Engineering Examination for licensure as a Professional~~
11 ~~Engineer~~ shall submit to the Board the names of five ~~individuals~~ individuals, three of whom
12 ~~are professional engineers,~~ who are familiar with the applicant's work, ~~character~~ character,
13 and reputation. ~~Three of these individuals shall be Professional Engineers. To be~~
14 ~~considered, references shall be completed within one year of the application.~~

15 (B) ~~In addition to the applicant submitting names to the Board of individuals familiar with the~~
16 ~~applicant's work, character [character,] and reputation, those individuals listed shall submit~~
17 ~~to the Board their evaluations of the applicant on forms supplied to them by the applicant.~~
18 Applicants may access Engineer Intern certification reference forms and Professional
19 Engineer licensure reference forms at the websites listed above in subsection (b) of this
20 Section. The applicant shall then distribute the reference forms to the persons listed on the
21 application as references. After completing the reference forms, the persons listed as
22 references shall submit the forms to the Board.

23 (C) The reference form requires the individual evaluating the applicant to state the evaluating
24 individual's profession, knowledge of the ~~applicant~~ applicant, and information concerning
25 the applicant's engineering experience, ~~character~~ character, and reputation.

26 (D) ~~The Board shall provide the reference forms to the applicant with the application. The~~
27 ~~reference forms shall then be distributed by the applicant to the persons listed on the~~
28 ~~application as references. The applicant shall ensure that the individuals listed as references~~
29 ~~return the completed reference forms to the Board prior to the filing deadline for the~~
30 ~~examination. [Board.]~~

31 (d) Fees:

- 32 (1) Engineer Intern Certification Form. No application fee is required to become certified as an
33 "Engineer Intern."
34 (2) Professional Engineer Form. The application fee of one hundred dollars (\$100.00) is payable with
35 the filing of the application.
36 (3) Comity. The licensure fee of one hundred dollars (\$100.00) is payable with the filing of the
37 application.

(4) Examination. The examination fee for any applicant is payable to the National Council of Examiners for Engineering and Surveying (NCEES) at the time of registering to take the exam in accordance with G.S. 89C-14.

(e) The Board shall accept the records maintained by the National Council of Examiners for Engineering and Surveying (NCEES) as evidence of licensure in another ~~state~~ jurisdiction. For comity licensure, the Board shall accept the NCEES record shall be accepted in lieu of the applicant completing the experience, ~~education~~ education, and references sections of the application. A comity application, with or without a NCEES record, shall be administratively approved by the Executive Director without waiting for the next regular meeting of the Board. The Executive Director's approval shall be based upon evidence of current licensure in another jurisdiction with comparable qualifications, the required references, and the comity applicant's disciplinary record in other jurisdictions. Each administrative approval shall be reported to the Board at its next regular meeting for final approval.

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

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

History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. May 1, 1994; November 2, 1992; April 1, 1989; December 1, 1984;

RRC Objection due to lack of Statutory Authority Eff. November 17, 1994;

Amended Eff. August 1, 2014; May 1, 2009; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1995;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;

Amended Eff. ~~February 1, 2025;~~ April 1, 2025; May 1, 2024.

21 NCAC 56 .0901 is amended with changes as published in 39:08 NCR 506-09 as follows:

21 NCAC 56 .0901 OFFICES

(a) Professional Engineering Services. Every firm, partnership, ~~corporation~~ corporation, or limited liability company that performs or offers to perform engineering services services, as defined in G.S. 89C-3(6), within in the State of North Carolina shall have a resident Professional Engineer in responsible charge in each separate office located in North Carolina where professional engineering those services are performed or offered to be performed. Out-of-state office locations where engineering services are performed or offered to be performed for North Carolina projects shall have Professional Engineers in responsible charge of only the those specific projects in compliance with Rule ~~.0701(e)(3).~~.0701(d) of this Chapter.

(b) Land Surveying Services. Every firm, partnership, ~~corporation~~ corporation, or limited liability company that performs or offers to perform land surveying services services, as defined in G.S. 89C-3(7), within in the State of North Carolina shall have a resident Professional Land Surveyor in responsible charge in each separate office located in North Carolina where land surveying those services are performed or offered to be performed. Out-of-state office locations where surveying services are performed or offered to be performed for North Carolina projects ~~are only required to shall~~ have Professional Land Surveyors in responsible charge of only the those specific projects in compliance with Rule ~~.0701(e)(3).~~.0701(d) of this Chapter.

(c) Resident. The terms "resident Professional Engineer" ~~or and~~ "resident Professional Land Surveyor" as used in this Rule, means are defined as a licensee who spends a majority of the licensee's normal working time in that office. Such time shall not be less than a majority of the operating hours of the business. A Professional Engineer or Professional Land Surveyor shall be the resident licensee professional at only one place of business at one time unless each business is at least one-third owned by the resident professional. This arrangement shall be specifically approved by the Board The Board shall specifically approve such arrangement after a determination that the businesses are integrated in operation, ownership, and office location and that the licensee resident professional will be in responsible charge of the professional services.

(d) No firm, partnership, ~~corporation~~ corporation, or limited liability company shall practice, offer to practice, or market either land surveying or engineering engineering or land surveying services unless there is a licensed resident professional for that service in responsible charge at that office. Advertisements, signs, letterheads, business cards, directories, or any other form of representation shall avoid not include any reference to any service that cannot be provided under the responsible charge of a properly qualified resident professional. The licensed entity shall give notice to the Board of a change of resident professional within 30 days after the change and shall not practice, offer to practice, or market the applicable professional service during any period of time without a resident professional. change.

(e) A licensed entity shall not practice, offer to practice, or market professional services during any period of time without a resident professional.

History Note: Authority G.S. 57D-2-02;55B-12(b); 89C-10; 89C-24;

1 *Eff. February 1, 1976;*
2 *Readopted Eff. September 29, 1977;*
3 *Amended Eff. August 1, 2014; August 1, 2002; April 1, 2001; August 1, 1998; May 1, 1994; January*
4 *1, 1992; April 1, 1989;*
5 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
6 *2019.*
7 *Amended Eff. ~~February 1, 2025.~~ April 1, 2025.*

21 NCAC 56 .0902 is amended with changes as published in 39:08 NCR 506-09 as follows:

21 NCAC 56 .0902 BUSINESS TITLES

(a) Companies, partnerships, corporations, limited liability companies, or any other business providing professional engineering or land surveying ~~services~~ services, as defined in G.S. 89C-3, within in North Carolina shall not practice under a name that is misleading. ~~Except as provided in Paragraph (b), for purposes of this Rule, "misleading" means that the titles of engineering or land surveying companies, partnerships, corporations, limited liability companies, or any other business organized for the primary purpose of providing such professional services shall not contain the name of an individual:~~

(b) Business names are misleading when they:

- (1) ~~who is not licensed to provide the professional services offered in North Carolina; are not truthful,~~ [objective, include opinion or interpretation, or [do not include pertinent, relevant] provide inaccurate information;
- (2) ~~who is not eligible for licensure by comity to provide the professional services offered in North Carolina under the provisions of G.S. 89C-13; or make exaggerated, deceptive, or false statements or claims about professional qualifications, experience, or performance;~~
- (3) ~~who is licensed to provide the professional services, offered in North Carolina, in a state where the business (or of a successor to that business or business created to comply with G.S. 55B), is incorporated, organized, or is authorized to transact business. create an unjustified expectation or prediction of future success;~~
- (4) imply a connection with a government agency;
- (5) include obscene, indecent, or profane language; or
- (6) use a name which is deceptively similar to that of an existing firm name by not having at least one unique substantive word, not including articles, prepositions, suffixes, or words denoting organizational structure such as group, associate, or similar words or any derivative of those words.

~~(b) A business may include in its title the name or names of one or more deceased or retired former members of the business, or of a successor to that business or a business created to comply with G.S. 55B, provided that the business submits a letter of request and explanation with its application to the Board, and that the Board finds that the use of the name is not misleading.~~

(c) A business shall not change its title, or operate under an assumed name, without first applying to the Board for a determination that the proposed title meets the requirements of Paragraph Paragraphs (a) or and (b) of this Rule. Requests for name changes shall be made in writing on the change forms referenced in 21 NCAC 56 .0804(d). Requests to operate under an assumed name shall be made in writing.

~~[(d) Prior to changing its name, a business may submit a letter of request and explanation to the Board for determination of whether a proposed new name complies with this Rule.]~~

History Note: Authority G.S. 55B-5; 57D-2.01; G.S. 55B-12(b); 89C-10; 89C-24;

1 *Eff. February 1, 1976;*
2 *Readopted Eff. September 29, 1977;*
3 *Amended Eff. August 1, 2000; August 1, 1998; May 1, 1994; April 1, 1989; April 1, 1980;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
5 *2019;*
6 *Amended Eff. ~~February 1, 2025.~~ April 1, 2025; July 1, 2020.*

From: [Peaslee, William W](#)
To: wtripp@ncbels.org
Cc: [Burgos, Alexander N](#)
Subject: Engineers and Surveyors Rule
Date: Wednesday, February 19, 2025 2:43:26 PM
Attachments: [3 2025 Engineers and Land Surveyors Request for Technical Changes.docx](#)

Good afternoon,

Attached please find the request for changes for your agency's rules before the Rules Review Commission.

As always if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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