

Burgos, Alexander N

Subject: FW: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

From: David S. Tuttle <DSTuttle@ncbels.org>

Sent: Friday, June 10, 2022 6:54 PM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>

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

Subject: Re: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

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Brian,

Please pass along for filing. I will plan to attend remotely.

Thanks,
David

On Jun 10, 2022, at 6:18 PM, Liebman, Brian R <brian.liebman@oah.nc.gov> wrote:

[EXTERNAL]
David,

I will recommend to RRC that they approve both rules at next week's meeting. Let me know who from the Board will be attending the meeting, and if they will be attending virtually or in person.

There was one more formatting issue with the History Note for .0608 that I fixed for you. It needed to say "History Note:" Anyway, if there are no objections, I'll send the revised versions of the Rules to Dana for filing.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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From: David S. Tuttle <DSTuttle@ncbels.org>

Sent: Friday, June 10, 2022 3:15 PM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>

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

Subject: RE: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

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Brian,

I have attached our "Response to the [TEMPORARY RULE, REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10](#)" and the two rules as revised.

Separately, the two revised rules have been submitted via email to oah.rules@oah.nc.gov.

Thanks,
David

David S. Tuttle
Board Counsel
NC Board of Examiners for Engineers and Surveyors
4601 Six Forks Rd., Suite 310, Raleigh, NC 27609
dstuttle@ncbels.org
(919) 791-2000 x 111
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<image001.gif>

<image002.png>

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NC Board of Examiners for Engineers and Surveyors
Response
to:

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

21 NCAC 56 . 0601

In (3)(A) and (B), to be clear, your regulated public is aware of these programs and understands their requirements, correct?

Yes, it is the regulated public that understands, requests, supports and benefits from this, along with the general public.

In (3)(A)(C), you use “hours” on lines 26 and 27, but “college semester credit hours” on line 32. Please be consistent.

“College semester hours” will be used in both references, as revised.

In (3)(C)(i), line 28, what are “higher” mathematics?

This is straight from the referenced “Surveying Education Standard of the National Council of Examiners for Engineering and Surveying (NCEES)” and is recognized national in the field of surveying for preparation for the NCEES licensing exams used by all jurisdictions, including North Carolina. The language is well-tested, and we have not experienced any questions about interpretation.

In (3)(C)(i), line 28, are you requiring college algebra in addition to the other “higher mathematics” courses listed?

No, “college algebra” is included in the courses that qualify as beyond basic mathematics. This is straight from the referenced “Surveying Education Standard of the National Council of Examiners for Engineering and Surveying (NCEES) and is recognized nationally in the field of surveying for preparation for the NCEES licensing exams used by all jurisdictions, including North Carolina.

In (3)(C)(i), line 28, what does it mean for a course to “emphasize” concepts and principles?

Again, this is straight from the referenced “Surveying Education Standard of the National Council of Examiners for Engineering and Surveying (NCEES) and is recognized nationally in the field of surveying for preparation for the NCEES licensing exams used by all jurisdictions, including North Carolina.

In (3)(C)(i), lines 29-31, is this list of courses the exclusive list that will satisfy the requirement? If so, I think it would be clearer to state that the 12 hours must come from one or more of these classes.

No, it is representative of courses, but is not exclusive, and allows for courses of similar nature due to structuring of courses by the institutions.

In (3)(C)(ii), line 33, please define “qualified”.

Again, this is straight from the referenced “Surveying Education Standard of the National Council of Examiners for Engineering and Surveying (NCEES) and is recognized nationally in the field of surveying for preparation for the NCEES licensing exams used by all jurisdictions, including North Carolina. will add that we rely upon the common definition of “qualified” in the Merriam-Webster Dictionary: “fitted (as by training or experience) for a given purpose : COMPETENT.” There are no specific requirements for the instructor.

In your History Note, it should say “Temporary Amend. Eff.” with the proposed effective date of July 1, 2022.

Revision made.

21 NCAC 56 . 0608

I have concerns about the statutory authority for this Rule. I am not sure that the language added to 89C-10(g1), “...promulgate rules . . . encourag[ing] the workforce development of the profession” allows for the creation by Rule of a certification that previously existed and was explicitly deleted from Ch. 89C in the same bill. Are there other sources of statutory authority? Can you elaborate on your interpretation of (g1)?

Are there other sources of statutory authority?

Other than the general public protection charge to the Board in 89C-2, “In order to safeguard life, health, and property, and to promote the public welfare, ...” we rely upon the statutory authority in 89C-10(g1) and the fact that the Intern Certificate program has been a well-established part of the professions for both surveying and engineering [89C-3(3)]. Ending, or even a disruption in the Surveyor Intern program, will negatively impact the profession to include those who are pursuing licensure, employers who appreciate the credential and its part in encouraging recognition to the surveying profession. This, in turn, is an element that adds to the visibility and respect for the profession to be considered by students. Surveying companies can better represent to clients, as part of the general public, an understanding of the qualifications of their employees. In general, it is a way of publicly displaying a title that brings attention and respect to the profession, short of licensure. The profession

Can you elaborate on your interpretation of (g1)?

We understand that the context of the legislation that added an alternative path to licensure was a response to the well-recognized shortage of surveyors. The language added as 89C-10(g1) further specifically authorizes the Board to “encourage the workforce development of the profession.” This helps the Board address the shortage by highlighting and promoting the profession. The Surveyor Intern Certificate is a part of that encouragement as described in the “Findings of Need.” This was consistent with the authority granted the Board in 89C-10(g1)“encourage[ing] the workforce development of the profession” that was, at least in part, responding to the shortage of licensed surveyors. Board representatives in discussing the proposed legislation at the North Carolina Society of Surveyors convention received tremendous response from surveyors who had received the SI certificate prior to later becoming licensed. It

is clearly a popular program and is meaningful to those who are on the licensure track to become licensed as a PLS. To the extent employers and the public recognize the SI certificate as a measure of qualification (especially if employers respond with increased wages), then it encourages people to pursue or stick with the licensing process, which in turn will help address the legislature's concern about increasing the number of licensees.

Also, just for my own curiosity, what does this certification entitle the holder to do?

It allows the certificate holder to use the title "Surveyor Intern" and typically place "SI" after their name and to signify that they are successfully on the track for licensure as a PLS. In addition, as noted above, it is often encouraged and rewarded by employers.

In (a)(5)(A), line 11, is "sScience" supposed to be lowercase or uppercase?

Revised to "science."

In (c), line 25, is this an application form or a certification form? Please choose one name for the form.

Revised to (c) Surveyor Intern Certificate Application form.

In (c), line 25, the name of the examination in the statute is "Fundamentals of Land Surveying examination." Please correct here.

The title of the NCEES (National Council of Examiners for Engineering and Surveying) Exam is "Fundamentals of Surveying." Consistent with the reference in 21 NCAC 56.0603(a)(1) that uses "Fundamentals of Surveying" and further explains: "(Reference to Fundamentals of Surveying is the revised name of the national exam that is the Fundamentals of Land Surveying in G.S. 89C)." We request to leave as is.

In (d)(4), p.2, lines 2 and 3, please add oxford commas following "applicant" and "character".

Commas added.

In (e), line 11, are you saying the applicant may be interviewed by the Board as a whole, or by individual members only?

The Board is saying only that Board members will interview the applicant. While it is typically two Board members, it allows for flexibility.

In your History Note, please add "Temporary Adoption Eff. July 1, 2022."

Revision made.

END

21 NCAC 56 .0601 is proposed for amendment under temporary procedures **with changes** as follows:

SECTION .0600 - PROFESSIONAL LAND SURVEYOR

21 NCAC 56 .0601 REQUIREMENTS FOR LICENSING

(a) Education. The terms used by the Board for the specific education requirements to be eligible to be licensed as a Professional Land Surveyor are defined as follows:

- (1) "B.S. in surveying or other equivalent curriculum." These degrees shall contain a minimum of 45 semester hours, or their quarter-hour equivalents. Of the 45 semester hours, a minimum of 12 semester hours of surveying fundamentals, 12 semester hours of applied surveying practice, and 12 semester hours of advanced or theoretical surveying courses are required. The remainder of the required surveying courses may be elective-type courses in any of the categories; and
- (2) "Associate degree in surveying technology." This degree shall contain a minimum of 20 semester hours, or quarter-hour equivalents. Courses shall be in surveying fundamentals, applied surveying practice and advanced or theoretical surveying courses, including courses in surveying practices, subdivision design and planning, surface drainage, and photogrammetry which must be completed with a passing grade.
- (3) "Land Surveyor Apprenticeship." The applicant shall have completed one of the following programs:
 - (A) Certified Survey Technician Program (CST) of the National Society of Surveyors (NSPS) levels I through IV.
 - (B) "Technologist" Certification Program of the American Society for Photogrammetry and Remote Sensing (ASPRS)
 - (C) Based upon the Surveying Education Standard of the National Council of Examiners for Engineering and Surveying (NCEES) by obtaining college semester credit hours, as modified to require the following 39 college semester hours:
 - (i) 12 college semester hours in mathematics beyond basic mathematics, but the credits include college algebra or higher mathematics. These courses must emphasize mathematical concepts and principles rather than computation. Mathematics courses may include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus.
 - (ii) 27 college semester credit hours of surveying science and surveying practice. Courses shall be taught by qualified surveying faculty. Examples of surveying courses are basic surveying, route surveying, geodesy, geographic information systems, land development design and planning, global positioning systems, photogrammetry, mapping, legal principles of land surveying, boundary law, professional surveying and mapping, and remote sensing. Graduate-level surveying courses can be included to fulfill curricular requirements in this area.

1 (b) Experience:

- 2 (1) Definition. As used in the North Carolina Engineering and Land Surveying Act, the term
3 "progressive practical experience" means that during the period of time in which an applicant made
4 a practical utilization of the knowledge of the principles of geometry and trigonometry in
5 determining the shape, boundaries, position, and extent of the earth's surface, such that continuous
6 improvement, growth, and development in the utilization of that knowledge have been shown. In
7 addition, the applicant shall show the continuous assumption of greater individual responsibility for
8 the work product over that period of time.
- 9 (2) Required Experience. In evaluating the work experience required, the Board shall consider the total
10 experience record and the progressive nature of the record. Not less than half of the required land
11 surveying experience shall be of a professional grade and character, and shall be performed under
12 the responsible charge of a Professional Land Surveyor. If the work was not under the responsible
13 charge of a Professional Land Surveyor, the applicant shall submit a written explanation to the Board
14 explaining why the experience should be considered. The Board shall approve the experience on a
15 case-by-case basis if it is satisfied of the grade and character of the progressive experience.
16 Experience gained under the technical supervision of an unlicensed individual shall be considered
17 based upon the engineering education and experience credential of the unlicensed supervisor.
18 Experience gained in the armed services, typically while serving in an engineering or surveying
19 related group, shall be accepted only if substantially equivalent to that which would have been
20 gained in civilian work.
- 21 (3) Other Experience. The applicant shall document the nature and details of the work done in the
22 following areas to evidence to the Board its equivalency to land surveying:
23 (A) construction layout;
24 (B) engineering surveying; or
25 (C) part-time surveying work.

26 (c) Exhibits, Drawings, Maps:

- 27 (1) Required Exhibit Before Principles and Practice of Surveying Examination:
- 28 (A) General. The applicant shall submit, along with the application, an actual map of a
29 boundary survey of an actual project prepared under the direct supervision and responsible
30 charge of a Professional Land Surveyor who states that the applicant did the preparatory
31 work of the survey; that shows, by its conformance, that the applicant is knowledgeable of
32 the contents of the Standards of Practice for Land Surveying in North Carolina as set forth
33 in Section .1600 of this Chapter; and that shows that the applicant is able to apply this
34 knowledge by preparing a map in accordance with the various legal and professional
35 requirements of land surveying.
- 36 (B) Physical Requirement. The map submitted shall be a clean, clear, legible print of an original
37 map in the file of a Professional Land Surveyor.

- 1 (2) Specific Requirements. The details that shall be evaluated are those applicable to the particular
2 project as described in the Standards of Practice for Land Surveying in North Carolina as set forth
3 in Section .1600 of this Chapter, and as described in G.S. 47-30. In addition, the exhibit shall contain
4 a statement that the field work, calculation, and mapping were performed by the applicant under the
5 supervision of a Professional Land Surveyor, attested to by that Professional Land Surveyor.
- 6 (3) Requirements for Comity Applicant. The map submitted by an applicant under comity may be a
7 representative map of an actual survey of a project or work performed in the state of licensure that
8 is modified to meet the requirements in Subparagraph (c)(2) of this Rule and shall be evaluated in
9 accordance with the requirements applicable to the particular project as described in the Standards
10 of Practice for Land Surveying in North Carolina as set forth in Section .1600 of this Chapter, and
11 as described in G.S. 47-30.

12
13 *History Note: Authority G.S. 47-30; 89C-10; 89C-13;*
14 *Eff. February 1, 1976;*
15 *Readopted Eff. September 29, 1977;*
16 *Amended Eff. August 1, 2014; July 1, 2009; August 1, 2000; August 1, 1998; November 2, 1992;*
17 *April 1, 1989; December 1, 1984; January 1, 1982;*
18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
19 *2019; Amended Eff. July 1, 2020*
20 *Temporary Amended Amend. Eff. July 1, 2022.*

21 NCAC 56 .0608 is proposed for adoption under temporary procedures with changes as follows:

21 NCAC 56 .0608 SURVEYOR INTERN

(a) General. To obtain the optional certification as a Surveyor Intern, an applicant shall:

- (1) pass the fundamentals of land surveying examination and make application to the Board on a form prescribed and furnished by the Board,
- (2) be of good character and reputation,
- (3) submit three character references to the Board, one of whom is a professional land surveyor,
- (4) comply with the requirements of this rule, and
- (5) satisfy one of the following requirements related to education and experience:
 - (A) Have a bachelor of sScience degree in surveying or other equivalent curricula, approved by the Board and a record satisfactory to the Board of one year of progressive practical experience under a practicing professional land surveyor.
 - (B) Have an associate degree in surveying technology approved by the Board and a record satisfactory to the Board of two years of progressive practical experience under a practicing professional land surveyor.
 - (C) Have graduated from high school or completed a high school equivalency certificate and a record satisfactory to the Board of five years of progressive practical experience, under a practicing professional land surveyor.
 - (D) Graduation from a high school or the completion of a high school equivalency certificate, completion of a Land Surveyor Apprenticeship, and a record satisfactory to the Board of three years of progressive practical experience under a practicing professional land surveyor.

(b) Request. The application form may be requested from the Board office or obtained from the website.

(c) Application Form. Surveyor Intern Certification Certificate Application Form-form. After passing the fundamentals Fundamentals of surveying Land Surveying examination an applicant may make application to the Board to become certified as a "Surveyor Intern." This form requires the applicant to set forth personal history, educational background, surveying experience, character references and exhibit. A passport-type photographic quality portrait that is adequate for current identification purposes is ~~also~~ required.

(d) Reference Forms:

- (1) Persons applying to be certified as a Surveyor Intern shall submit to the Board names of individuals who are familiar with the applicant's work, character and reputation. The names shall be submitted by the applicant on the application form.
- (2) Persons applying for certification as a Surveyor Intern must submit three references, one of whom shall be a Professional Land Surveyor.

1 (3) In addition to the applicant submitting names to the Board of such individuals, those individuals
2 shall submit to the Board their evaluations of the applicant on reference forms supplied them by the
3 applicant.

4 (4) The reference form requires the individual evaluating the applicant to state the evaluating
5 individual's profession, knowledge of the ~~applicant~~applicant, and information concerning the
6 applicant's land surveying experience, ~~character~~character, and reputation.

7 (5) The Board shall provide the reference forms to the applicant along with the application for licensure.
8 The reference forms shall then be distributed by the applicant to the persons listed on the application
9 as references. The applicant shall ensure that the individuals listed as references return the forms to
10 the Board prior to the filing deadline for the examination applied for by the applicant.

11 (e) ~~Fees. Surveyor Intern Certification Form. Once the applicant passes the examination on the fundamentals of~~
12 ~~surveying and makes application to the Board to become certified as a "Surveyor Intern" the application fee of one~~
13 ~~hundred dollars (\$100.00) is payable.~~

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

17
18 Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15; Temporary Adoption Eff. July 1, 2022.

Burgos, Alexander N

Subject: FW: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

From: David S. Tuttle <DSTuttle@ncbels.org>

Sent: Friday, June 10, 2022 11:44 AM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>

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

Subject: RE: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

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Brian,

Yes, you captured what we discussed.

We will be submitting our "Response to the [TEMPORARY RULE, REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10](#)" and the two rules as revised.

Thanks for your continued assistance.

Sincerely,
David

David S. Tuttle
Board Counsel
NC Board of Examiners for Engineers and Surveyors
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dstuttle@ncbels.org
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Burgos, Alexander N

Subject: FW: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Friday, June 10, 2022 11:21 AM

To: David S. Tuttle <DSTuttle@ncbels.org>

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

Subject: RE: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

Hi David,

Thanks for taking the time to talk to me today. Just to recap what we discussed, you explained that the purpose of the Session Law was to enable more people to get licensed as a professional land surveyor, and to speed up the licensure process. Further, you described to me what a surveyor intern is, and their place in the profession.

If I understood correctly, a surveyor intern is someone who is on a path to licensure as a PLS and works under the supervision of a PLS. However, the internship certification is optional, and does not allow an intern to operate independently, formally assume additional responsibilities over and above another employee, or otherwise work outside the supervision of a PLS. As I understood it, the internship certification acts more as signal that an employee is on a path to licensure and has a certain level of education and experience, and does not indicate to the public that a person is licensed or otherwise carries the Board's approval to act in the place of a PLS.

As you said, you'll make a few edits to your draft responses to my change requests and submit them later today. Once I receive those, and have a little more time to think about what we discussed, I'll let you know if I can recommend approval of your Rules.

Thanks!

Brian

Brian Liebman

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984)236-1948

brian.liebman@oah.nc.gov

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Sent: Friday, June 10, 2022 9:34 AM
To: David S. Tuttle <DSTuttle@ncbels.org>
Cc: Cora Houston <chouston@ncbels.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

Let's do 10. Why don't you call me, at the number in my signature.

Thanks!
Brian

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Sent: Friday, June 10, 2022 9:32:35 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Cora Houston <chouston@ncbels.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

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Brian,

Yes, between 10:00 and 11:30 works fine for me. Do you want me to call you or you call me.?

David

Burgos, Alexander N

Subject: FW: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Thursday, June 9, 2022 5:38 PM

To: David S. Tuttle <DSTuttle@ncbels.org>

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

Subject: RE: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

Hi David,

Do you have time for a phone call tomorrow morning? I'd like to talk with you about the internship rule before I make a decision on my recommendation to RRC. I'm free anytime between 10:00 and 11:30, if that works. Or I could do the afternoon, after 2:00.

Thanks,
Brian

Brian Liebman
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Burgos, Alexander N

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Wednesday, June 8, 2022 6:43 PM
To: David S. Tuttle <DSTuttle@ncbels.org>
Cc: Cora Houston <chouston@ncbels.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC

Hi David,

Thanks for your response. I will review in detail tomorrow and get back to you.

Have a great evening,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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Brian,

This is a draft of answers that I am sending for your comments, before I finalize and submit for your formal review.

I felt it was better to send it to you and then talk by phone if that will help.

Thanks,
David

David S. Tuttle
Board Counsel
NC Board of Examiners for Engineers and Surveyors



DRAFT

21 NCAC 56 . 0601

In (3)(A) and (B), to be clear, your regulated public is aware of these programs and understands their requirements, correct?

Yes, it is the regulated public that understands, requests, supports and benefits from this, along with the general public.

In (3)(A)(C), you use “hours” on lines 26 and 27, but “college semester credit hours” on line 32. Please be consistent.

“College semester hours” will be used in both references, as revised.

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Webster Dictionary: “fitted (as by training or experience) for a given purpose : COMPETENT.” There are no specific requirements for the instructor.

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DRAFT

21 NCAC 56 . 0608

I have concerns about the statutory authority for this Rule. I am not sure that the language added to 89C-10(g1), “...promulgate rules . . . encourag[ing] the workforce development of the profession” allows for the creation by Rule of a certification that previously existed and was explicitly deleted from Ch. 89C in the same bill. Are there other sources of statutory authority? Can you elaborate on your interpretation of (g1)?

Are there other sources of statutory authority?

Other than the general public protection charge to the Board in 89C-2, “In order to safeguard life, health, and property, and to promote the public welfare, ...” we rely upon the statutory authority in 89C-10(g1) and the fact that the Intern Certificate program has been a well-established part of the professions for both surveying and engineering [89C-3(3)]. Ending, or even a disruption in the Surveyor Intern program, will negatively impact the profession to include those who are pursuing licensure, employers who appreciate the credential and its part in encouraging recognition to the surveying profession. This, in turn, is an element that adds to the visibility and respect for the profession to be considered by students. Surveying companies can better represent to clients, as part of the general public, an understanding of the qualifications of their employees. In general, it is a way of publicly displaying a title that brings attention and respect to the profession, short of licensure. The profession

Can you elaborate on your interpretation of (g1)?

We understand that the context of the legislation that added an alternative path to licensure was a response to the well-recognized shortage of surveyors. The language added as 89C-10(g1) further specifically authorizes the Board to “encourage the workforce development of the profession.” This helps the Board address the shortage by highlighting and promoting the profession. The Surveyor Intern Certificate is a part of that encouragement as described in the “Findings of Need.” This was consistent with the authority granted the Board in 89C-10(g1) “encourage[ing] the workforce development of the profession” that was, at least in part, responding to the shortage of licensed surveyors. Board representatives in discussing the proposed legislation at the North Carolina Society of Surveyors convention received tremendous response from surveyors who had received the SI certificate prior to later becoming licensed. It is clearly a popular program and is meaningful to those who are on the licensure track to become licensed as a PLS. To the extent employers and the public recognize the SI certificate as a measure of qualification (especially if employers respond with increased wages), then it encourages people to pursue or stick with the licensing process, which in turn will help address the legislature’s concern about increasing the number of licensees.

Also, just for my own curiosity, what does this certification entitle the holder to do?

It allows the certificate holder to use the title “Surveyor Intern” and typically place “SI” after their name and to signify that they are successfully on the track for licensure as a PLS. In addition, as noted above, it is often encouraged and rewarded by employers.

In (a)(5)(A), line 11, is “sScience” supposed to be lowercase or uppercase?

Revised to “science.”

In (c), line 25, is this an application form or a certification form? Please choose one name for the form.

Revised to (c) Surveyor Intern Certificate Application Form.

In (c), line 25, the name of the examination in the statute is “Fundamentals of Land Surveying examination.” Please correct here.

Corrected consistent with the statute.

In (d)(4), p.2, lines 2 and 3, please add oxford commas following “applicant” and “character”.

Commas added.

In (e), line 11, are you saying the applicant may be interviewed by the Board as a whole, or by individual members only?

The Board is saying only that Board members will interview the applicant. While it is typically two Board members, it allows for flexibility.

In your History Note, please add “Temporary Adoption Eff. July 1, 2022.”

Revision made.

DRAFT

closed to third parties by an authorized state official.

Burgos, Alexander N

From: Liebman, Brian R
Sent: Friday, June 3, 2022 2:43 PM
To: David S. Tuttle
Cc: Cora Houston; Burgos, Alexander N
Subject: Board of Engineers and Surveyors Temporary Rules - June 2022 RRC
Attachments: 06.2022 - Engineers and Surveyors Temp Rules Request for Changes.docx

Good afternoon,

I'm the attorney who reviewed the temporary Rules submitted by the Board for the June 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, June 16, 2022, at 9:00 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 closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules to me via email, no later than 5 p.m. on Friday, June 10, 2022.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

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