

**PROFESSIONAL ENGINEERS & LAND SURVEYORS
SECTION MEETING**

MINUTES

The Professional Engineer and Land Surveyor Sections of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on August 14, 2013, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

John L. Combs (PE)
Paul deC. Holt, Jr. (LS)
Wiley V. Johnson, III (PE)
Carolyn B. Langelotti (PE)
Patrick D. Leary (LS)
Nancy McIntyre (LS)

Board staff present for all or part of the meeting were:

Kathleen (Kate) R. Nosbisch, Executive Director
Joseph (Joe) Shaver, Board Administrator
Amy Goobic, Administrative Assistant

Agency staff present for all or part of the meeting were:

Nick A. Christner, Deputy Director
Kristen Clay, Legal Analyst

No representative was present from the Office of the Attorney General.

Mr. Holt, Chair, called the meeting to order at 9:33 a.m.

Call to Order

Mr. Holt reviewed the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Ms. McIntyre moved to approve the agenda. Mr. Leary seconded the motion which was unanimously approved by members: Combs, Holt, Johnson, Langelotti, Leary and McIntyre.

**Approval of
Agenda**

There was no public comment.

Public Comment Period

Ms. Nosbisch introduced Mathew Lyons, State Engineer, USDA Natural Resources Conservation Services.

Mr. Holt transferred the Chair to Mr. Combs, PE Section Chair, as the case to be discussed involved a PE. As previously decided by the PE and LS Sections, each section would review their own disciplinary cases.

Transfer of Chair

Regarding **File Number 2012-02121, Suresh R. Baral**, section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Ms. Langelotti moved to accept the Summary of the Informal Fact-Finding Conference with regards to the following violation of the Board's regulations: 18VAC10-20-760.A (Count 1). Mr. Combs seconded the motion which was unanimously approved by members: Combs and Langelotti. Ms. Langelotti moved to accept the Summary of the Informal Fact-Finding Conference with regards to the following violation of the Board's regulations: 18VAC10-20-760.B (Count 2). Mr. Combs seconded the motion which was unanimously approved by members: Combs and Langelotti. Ms. Langelotti moved to accept the Summary of the Informal Fact-Finding Conference with regards to the following violation of the Board's regulations: 18VAC10-20-760.B.1 (Count 3). Mr. Combs seconded the motion which was unanimously approved by members: Combs and Langelotti.

Ms. Clay informed the section that Mr. Baral had two prior violations:

- Consent Order File Number 2005-03067
 - Violation of 18 VAC 10-20-760 B 1, 18 VAC 10-20-760 B 3, 18 VAC 10-20-790 A 3; Total monetary penalties and board costs of \$600.00.
- Consent Order File Number 2008-00846
 - Violation of 18 VAC 10-20-740 D, 18 VAC 10-20-760 B.1 , 18 VAC 10-20-760 A, 18 VAC 10-20-770, and 18 VAC 10-20-700.A; Total monetary penalties and board costs of \$2,650.00.
 - Terms 2 year probation in which he will comply with all rules and regulations of the Board, Not be involved in any lawsuits, not be in violation of any local, state or federal laws or regulations.

Ms. Langelotti moved to recommend that the Board accept the recommended sanction for Count 1 as contained in the Summary of the Informal Fact-Finding Conference: \$2,500 and revocation of license. Mr. Combs seconded the motion which was unanimously approved by members: Combs and Langelotti. Ms. Langelotti moved to recommend that the Board accept the recommended sanction for Count 2 as contained in the Summary of the Informal Fact-Finding Conference: \$500. Mr. Combs seconded the motion which was unanimously approved by members: Combs and Langelotti. Ms. Langelotti moved to recommend that the Board accept the recommended sanction for Count 3 as contained in the Summary of the Informal Fact-Finding Conference: \$1,000; for a total monetary penalty of \$4,000 and revocation of license. Mr. Combs seconded the motion which was unanimously approved by members: Combs and Langelotti.

As the presiding Board member, Mr. Johnson was not present during the presentation, discussion or vote.

Mr. Combs transferred the Chair back to Mr. Holt.

Transfer of Chair

Mathew Lyons, State Conservation Engineer for the USDA Natural Resources Conservation Services, was present to address the Sections regarding the function of his agency and to discuss how the PE regulations may affect their work. Mr. Lyons provided a handout which outlined and gave examples of the practice standards utilized by the NRCS, as well as a job approval authority chart utilized to determine an employee's authority for particular tasks. Mr. Lyons explained the history and structure of the agency, and the conservation services they provide. He further stated that as a federal employee, he is exempt from licensure, however, he does hold a Virginia PE license and encourages staff members to pursue licensure.

Discussion with USDA NRCS – Mathew Lyons, State Engineer

The Sections recessed from 10:43 a.m. to 10:58 a.m.

Recess

Ms. Nosbisch introduced Joseph (Joe) Shaver to the section members. Mr. Shaver was recently hired as the new APELSCIDLA Board Administrator.

Introduction of New Board Administrator

Ms. Nosbisch provided background information for the discussion on Virginia Tech's BS in Building Construction qualifying as a related science degree when applying for the FE exam. Section members reviewed excerpts of minutes from past section and full board meetings regarding this topic. Based on the 2001 board decision, a BS in Building Construction shall be considered a related science and two years of experience is required. The PE Section agreed by consensus to consider the degree a related science.

Discussion on BS in Building Construction

Mr. Holt moved to nominate Mr. Leary as Chair of the Land Surveyor section. Ms. McIntyre seconded the motion which was unanimously approved by members: Holt, Leary and McIntyre.

Election of Section Chairs

Mr. Johnson moved to nominate Ms. Langelotti as Chair of the Professional Engineer section. Mr. Combs seconded the motion which was unanimously approved by members: Combs, Johnson and Langelotti.

Ms. Nosbisch reported that Jerry Carter, NCEES Executive Director, accepted an invitation to attend the November 13, PE Section meeting. As the LS Section meeting is scheduled for November 12, Ms. Nosbisch requested the sections again meet jointly November 13. The LS Section agreed by consensus.

NCEES Update and Review of Motions

Ms. Nosbisch reviewed correspondence received regarding the upcoming NCEES elections: David Widmer, running for president-elect; John Dillaplain, running for treasurer; Sam Kannappan running for Southern zone secretary/treasurer; and Skip Harclerode, running for president-elect. Ms. Nosbisch also reported that Cleveland State University won the 2013 NCEES Engineering Award.

Ms. Nosbisch also provided information on the following: Ohio Board for

Professional Engineers and Land surveyors are proposing a resolution to change the bylaws to allow only one vote per state; information from Jerry Carter regarding the Advisory Committee on Council Activities (ACCA) motion to decouple the experience requirement from qualifications for taking the PE exam; ACCA report regarding change to model law for early taking of the PE exam; letter from NSPE supporting the early taking of PE exam; and correspondence from Jerry Carter regarding the NSPE's position on licensing of returning veterans.

The Section members reviewed the following motions that will be voted on at the NCEES Annual Meeting, August 21-24. The PE and LS recommended vote follows each motion.

NCEES 2013 ANNUAL MEETING SUMMARY OF ACTION ITEMS

The complete *Action Items and Conference Reports* publication is available for download as a PDF at www.ncees.org/annual_meeting.

SPECIAL COMMITTEE ON BYLAWS

Bylaws Motion 1

Move that *Bylaws* 3.08 be amended as follows:

Section 3.08 Zone Organization. Each zone shall adopt *Zone Meeting and Continuity Guidelines* for its organization and operation consistent with and in conformity to the NCEES Bylaws.

Each zone shall submit copies of its minutes and an annual financial statement to the Council at the Annual Business Meeting of the Council. Each zone shall elect an Assistant Vice President who shall serve a two-year term concurrent with the Vice President. The Assistant Vice President shall assist the Vice President, shall perform the duties outlined in the *Zone Meeting and Continuity Guidelines*, and shall perform all the duties of the Vice President in the event the Vice President is unable to perform for any reason. This shall include fulfilling the duties as Vice President on the Board of Directors.

Each zone shall elect a Secretary-Treasurer. Members and associate members shall be eligible to hold the office of Secretary-Treasurer. The Secretary-Treasurer shall keep and have published zone minutes, maintain records of zone activities, and handle zone financial affairs under the direction of the Vice President.

Administration of the financial affairs of the zone shall be consistent with those of the Council as governed by the Council's Articles of Incorporation and Bylaws, with submittal of financial statements as required.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Bylaws Motion 2

Move that *Bylaws* 7.04 be amended as follows:

Section 7.04 Committee on Education. The Committee on Education shall consist of a chair and two members from each zone. At least two members of the committee shall be professional surveyors. Committee appointments shall strive to include representatives from academia, private practice, industry, and government. The NCEES representatives to the ABET board of directors and Engineering Accreditation Commission shall be consultants to the committee. Other consultants shall be appointed as necessary.

The committee shall serve in an advisory role for education issues related to ABET, requirements prior to initial licensure, continuing professional competency, and foreign degree or unaccredited program evaluation. [The committee shall review and update the Continuing Professional Competency Guidelines as necessary, but at least every five years.](#)

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Bylaws Motion 3

Move that *Bylaws* 4.01 be amended as follows:

Section 4.01 Board of Directors. The Board of Directors shall be the executive board of the National Council of Examiners for Engineering and Surveying. The Board of Directors shall exercise the corporate powers as set forth in the South Carolina Nonprofit Corporation Act.

The Board of Directors shall function as the executive board of the Council and may authorize all expenditures, provide direction to the office of ~~Executive Director~~ [the Chief Executive Officer](#) through the President, authorize the borrowing of funds for Council purposes, and do all things necessary to conduct the affairs of the Council between the Annual Business Meetings.

The Board of Directors shall not take any action which shall interfere with the rights of any Member Board in the regulation of licensees or determine the licensing requirements of applicants within any Member Board's jurisdiction. The Board of Directors shall not be authorized to make expenditures in excess of its annual income and general reserves. In no event shall the Board of Directors be authorized to increase NCEES membership fees of a constituent member.

Decisions of the Board of Directors shall be made by a majority of the members present at a regularly scheduled or called meeting at which a quorum is present. The President shall call meetings of the Board of Directors. A majority of the board members may submit a written request to the President to call such meeting, and the President shall call such meeting within thirty days of receiving such request.

Board of directors' position
Endorses, Consent agenda

The Sections supported the motion.

Bylaws Motion 4

Move that *Bylaws* 4.03 be amended as follows:

Section 4.03 Officers. Officers of the Council shall be the President, the President-Elect, the Treasurer, the four Vice Presidents (one from each zone), the Immediate Past President, and the ~~Executive Director~~ Chief Executive Officer as the Secretary.

Board of directors' position
Endorses, Consent agenda

The Sections supported the motion.

Bylaws Motion 5

Move that *Bylaws* 4.04 be amended as follows:

Section 4.04 Elections and Terms of Office. The President-Elect shall be elected by the Council at each Annual Business Meeting in the manner prescribed in the Bylaws. The Treasurer shall be elected at each Annual Business Meeting held in an odd-numbered year, in the manner prescribed in the Bylaws. Vice Presidents from the Southern and Northeast Zones shall be elected at their Interim Zone Meeting in odd-numbered years. Vice Presidents from the Central and Western Zones shall be elected at their Interim Zone Meeting in even-numbered years. The ~~Executive Director~~ the Chief Executive Officer is appointed as provided in the *Bylaws*.

The President-Elect shall normally serve the Council for a period of three years. The first year shall be as President-Elect. The second year, without further election, the President-Elect shall become President, holding that office until a successor has been installed. The third year, without further election, the President shall become Immediate Past President, holding that office until a successor has been installed. Vice Presidents shall hold office for two years, or until their successors have been installed. The Treasurer's term of office shall be two years, and that person may serve a maximum of two consecutive terms. For the office of Treasurer, a partial term served for the period between consecutive Annual Meetings shall not be considered a term for term-limit purposes.

Past Presidents shall be ineligible for re-election as President-Elect of the Council. Vice Presidents shall not be eligible for re-election to the same office until at least one full two-year term has elapsed.

New members of the Board shall assume their duties at the conclusion of the Annual Business Meeting. Board members may continue to serve until the conclusion of the term of office to which they were elected even though their terms with Member Boards may have ended.

Any member elected to the office of President-Elect shall be eligible to serve as President-Elect, President, and Immediate Past President, with full authority of the offices and board privileges, until the expiration of the term as Immediate Past President, even though no longer a member of a Member Board.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Bylaws Motion 6

Move that *Bylaws* 5.05 be amended as follows:

Section 5.05 Secretary. The ~~Executive Director~~ Chief Executive Officer shall serve as the Secretary of the Corporation. As such, the Secretary shall serve as the custodian for corporate records of the Council and shall be the officer responsible for preparing minutes for the directors' and members' meetings and for authenticating all corporate records. The Secretary shall have the authority to execute documents on behalf of the Council and as directed by the Board of Directors.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Bylaws Motion 7

Move that *Bylaws* 8.01 be amended as follows:

Section 8.01 Council Staff. The Council shall employ ~~an Executive Director~~ a Chief Executive Officer and such other staff as required to conduct the affairs of the Council.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Bylaws Motion 8

Move that *Bylaws* 8.02 be amended as follows:

Section 8.02-~~Executive Director~~ Chief Executive Officer. The ~~Executive Director~~ Chief Executive Officer shall be appointed by vote of the Board of Directors and shall hold office subject to the terms of an employment contract.

The ~~Executive Director~~ Chief Executive Officer shall serve as the Secretary of the Corporation and as "chief employed officer" of the Council with full authority for the management of its affairs, subject to the duties specified by the *Bylaws*, the policies and procedures of the Council, and the employment contract, or the Board of Directors.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Bylaws Motion 9

Move that *Bylaws* 11.01 be amended as follows:

Section 11.01 Nominations. The Committee on Nominations shall put forth qualified candidates for Treasurer each biennium on the odd-numbered years. It shall transmit the annual recommendation for President-Elect as a nomination. These nominations shall be filed with the ~~Executive Director~~ Chief Executive Officer not later than sixty days prior to the opening of the Annual Business Meeting.

In addition to the nominations made by the Committee on Nominations, any delegate shall have the privilege of making nominations for Treasurer and President-Elect from the floor. Such nominees from the floor must meet requirements set out in Section 4.05 and be seconded by at least four Member Boards.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Bylaws Motion 10

Move that *Bylaws* 11.04 be amended as follows:

Section 11.04 Election of Vice Presidents. Vice Presidents from the Southern and Northeast Zones shall be elected at their Interim Zone Meeting in odd-numbered years. Vice Presidents from the Central and Western Zones shall be elected at their Interim Zone Meeting in even-numbered years.

The Secretary-Treasurer of the zone shall file with the ~~Executive Director~~ Chief Executive Officer the name of the zone-elected Vice President and Assistant Vice President not less than sixty days prior to the opening of the Annual Business Meeting of the Council.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

COMMITTEE ON FINANCES

Finance Motion 1

Move that the adoption of the 2013–14 operating budget as shown in Appendix B be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Finance Motion 2

Move that the adoption of the 2013–14 capital budget as shown in Appendix C be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Finance Motion 3

Move that Financial Policy 3B be amended as follows:

FP 3 Travel Expenses

B. The Council shall pay the travel expenses of a minimum of one delegate from each full member board to the annual business meeting as specified by the member board. Expenses shall be paid according to the current expense payment policies of NCEES. The annual business meeting registration fee for the delegate shall be waived. The cost of optional functions not included in the registration fee shall not be paid by NCEES. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded delegate. The Council shall also pay the travel expenses and registration fee of ~~one~~ first-time attendees ~~from each member board~~, within ~~18-24~~ months of initial appointment for member board members and within 24 months of date of hire for member board administrators, to the annual business meeting.

Rationale

§ As recommended by ACCA, funding should be used to encourage member board participation.

Financial impact

§ The cost is estimated to be \$50,000 annually, which will be added to the budget if Council passes the motion.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Finance Motion 4

Move that Financial Policy 3C be amended as follows:

FP 3 Travel Expenses

C. The Council shall pay the travel expenses and registration fee of a minimum of one delegate from each full member board to that board's respective zone interim meeting

as specified by the member board. The delegates must be a member of the member board or associate member designated to vote for the member board. The Council shall also pay the travel expenses and registration fee for past presidents of NCEES to attend their respective zone interim meeting. Expenses shall be paid according to the current expense payment policies of NCEES. The cost of optional functions not included in the registration fee shall not be paid by NCEES.

Rationale

§ This motion will codify an action by the board of directors at its May 2012 meeting.

Financial impact

§ The cost is estimated to be \$25,000 annually, which is already in the budget as a result of the board of directors' action. If the motion fails, the expense will be removed from the budget.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Finance Motion 5

Move that Financial Policy 7 be revised as follows:

FP 7 Examination Charges

All examination charges will be reviewed and approved annually by the Council. The current approved schedule is included here for reference.

Examination	Current Price	Date Approved	Date Effectiv
Each examination ordered	\$10	8/04	10/06
FE submitted for scoring	\$45	8/98	10/00
PE submitted for scoring	\$155	9/06	10/08
FS submitted for scoring	\$90	9/06	10/08
PS submitted for scoring	\$155	9/06	10/08
Structural Lateral Forces component submitted for	\$400	8/09	4/11
Structural Vertical Forces component submitted for	\$400	8/09	4/11

When the fundamentals examinations are converted to CBT, the following prices will be implemented*: FE/FS: ~~\$250~~ \$225

§ Price includes exam development, scoring, and computer-based exam administration

PE/PS: \$250

§ Price includes exam development, scoring, shipping, and materials.

§ Exam administration fees will remain separate for paper-and-pencil exams.

*Approved by the Council at the 2011 annual meeting

Rationale

§□ Because the computer-based FE and FS exam lengths will be shortened, expenses will be reduced.

Financial impact

§□ For 2013–14, it is estimated that there will be a \$665,750 reduction of revenue, which is offset by an equal reduction in expense already reflected in the budget. If this motion passes, budgeted revenues will be decreased by \$665,750.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

ADVISORY COMMITTEE ON COUNCIL ACTIVITIES

ACCA Motion 1

Move that the UPLG Committee be charged with incorporating the following changes into *Model Law*

130.10 C to state that the required four years of appropriate experience is not connected to the taking of the Principles and Practice (PE) examination:

Model Law 130.10 General Requirements for Licensure

- C. Professional Engineer or Professional Surveyor—To be eligible for admission to the examination for professional engineers or professional surveyors, an applicant must be of good character and reputation and shall submit five references acceptable to the board with his or her application for licensure, three of which references shall be professional engineers or professional surveyors having personal knowledge of the applicant's engineering or surveying experience.
1. As a Professional Engineer—The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer.
 - a. Licensure by Comity
 - (1) An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, which may include a Council Record with NCEES, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
 - (2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination

except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction.

- b. Education Requirements for Licensure by Examination (Effective until January 1, 2020)—

The following individuals shall be admitted to the NCEES Principles and Practice of

Engineering (PE) examination ~~and, upon passing such examination and providing proof of graduation, shall be licensed as a professional engineer, if otherwise qualified:~~

- (1) An engineer intern with a bachelor's degree in engineering ~~and with a specific record of~~

~~4 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering~~

- (2) An engineer intern ~~who satisfies one of the following education and experience requirements:~~

~~(a) Following a bachelor's with a master's degree in engineering from an institution that offers EAC/ABET-accredited programs, earns with a master's degree in engineering and establishes a specific record of 3 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering~~

- ~~(b3) Following An engineer intern with a master's degree in engineering from an EAC/M-~~

~~ABET-accredited program, establishes a specific record of 3 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering~~

- ~~(34) An engineer intern with an earned doctoral degree in engineering acceptable to the~~

~~board and with a specific record of 2 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering~~

- ~~(45) An individual with an earned doctoral degree in engineering acceptable to the board and~~

~~with a specific record of 4 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering~~

- c. Experience Requirements for Licensure by Examination (Effective until January 1, 2020)—

Prior to issuance of a license, applicants for licensure shall present evidence of a specific record of progressive engineering experience, of a duration as follows, of a grade and character which indicate to the board that the applicant may be competent to practice engineering:

- (1) For an engineer intern with a bachelor's degree in engineering: 4 years

- (2) For an engineer intern with a master's degree in engineering from an institution that offers EAC/ABET-accredited programs: 3 years

- (3) For an engineer intern with a master's degree in engineering from an EAC/M-ABET-accredited program: 3 years

(4) For an engineer intern with an earned doctoral degree in engineering acceptable to the board: 2 years

(5) For an individual with an earned doctoral degree in engineering acceptable to the board:

4 years

d. Applicants who pass the examination and present evidence of meeting the education and experience requirements shall be licensed as a professional engineer.

ee. Education Requirements for Licensure by Examination (Effective January 1, 2020)—The following individuals shall be admitted to the PE examination and, upon passing such examination and providing proof of graduation, shall be licensed as a professional engineer, if otherwise qualified:

(1) An engineer intern who satisfies one of the following education and experience requirements:

(a) Following the bachelor's degree, an acceptable amount of coursework resulting in a with a bachelor's degree in engineering and a master's degree in engineering from an institution that offers EAC/ABET-accredited programs, or the equivalent, and with a specific record of 3 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering

(b2) Following An engineer intern with a master's degree in engineering from an EAC/M- ABET-accredited program, a specific record of 3 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering (e3)

Following the An engineer intern with a bachelor's degree, in engineering and an acceptable amount of coursework as defined in NCEES Model Rules Section 230.10 D from approved course providers and a specific record of 4 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering

(d4) Following An engineer intern with a bachelor's degree from an EAC/ABET-accredited program that has a minimum of 150 semester credit hours, of which at least 115 are in math, science, and engineering combined and at least 75 of the 115 are in engineering, a specific record of 4 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering

(25) An engineer intern with an earned doctoral degree in engineering acceptable to the board and with a specific record of 2 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering

(36) An individual with an earned doctoral degree in engineering acceptable to the board and with a specific record of 4 years or more of progressive engineering experience of a grade and a character which indicate to the board that the applicant may be competent to practice engineering

- f. Experience Requirements for Licensure by Examination (Effective January 1, 2020) – Prior to issuance of a license, applicants for licensure shall present evidence of a specific record of progressive engineering experience, of a duration as follows, of a grade and character which indicates to the board that the applicant may be competent to practice engineering:
- (1) For an engineer intern with a bachelor’s degree in engineering and a master’s degree in engineering from an institution that offers EAC/ABET-accredited programs: 3 years
 - (2) For an engineer intern with a master’s degree in engineering from an EAC/M-ABET- accredited program: 3 years
 - (3) For an engineer intern with a bachelor’s degree in engineering and an acceptable amount of coursework as defined in NCEES *Model Rules* Section 230.10 D from approved course providers: 4 years
 - (4) For an engineer intern with a bachelors’ degree from an EAC/ABET-accredited program that has a minimum of 150 semester credit hours, of which at least 115 are in math, science, and engineering combined and at least 75 of the 115 are in engineering: 4 years
 - (5) For an engineer intern with an earned doctoral degree in engineering acceptable to the board: 2 years
 - (6) For an individual with an earned doctoral degree in engineering acceptable to the board: 4 years
- g. Applicants who pass the examination and present evidence of meeting the education and experience requirements and have the required number of endorsements shall be licensed as a professional engineer.

Rationale

§□ Disconnecting the experience prerequisite from the timing of taking the PE examination in the *Model Law* will bring it in harmony with the definition of a Model Law Engineer in the *Model Rules*. The intent of separating the two does not preclude jurisdictions from deciding whether the experience is required prior to taking the exam; any jurisdiction will still be able to add the prerequisite requirement for experience prior to taking the PE examination either through its law, rules, or policies. This change will just make the *Model Law* and *Model Rules* consistent. Currently, the *Model Law* is considered restrictive and may serve to discourage many E.I.’s from pursuing licensure. Requiring experience prior to taking the PE exam is not the universally accepted procedure for licensure, even though ACCA acknowledges that it is likely the most widely accepted method.

Board of directors’ position

No position, Non-consent agenda

The Sections did not support the motion by consensus.

ACCA Motion 2

Move that Position Statement 32 be amended as follows:

PS 32 Evaluation of Qualifications for non-Model Law Engineers and Surveyors

NCEES recommends that education and experience for non-Model Law license applicants requesting permission to sit for examinations or requesting licensure by comity should be evaluated in accordance with related NCEES position statements [and standards](#).

~~In evaluation of the~~ [When determining whether a non-Model Law](#) candidate's qualifying education, [is satisfactory](#), the NCEES Engineering Education Standard should be used for ~~reference in determining whether the candidate's education is satisfactory~~ [engineering applicants and the NCEES Surveying Education Standard should be used for surveying applicants](#).

Experience for non-Model Law license [engineering](#) applicants should be evaluated in accordance with PS 13, NCEES-Recommended Education/Experience Guidelines for P.E. Licensing.

Examinations [used for licensing of engineers and surveyors](#) should be substantially equivalent to those administered by NCEES. In the event that an alternative [to the NCEES examinations](#) is accepted ~~in lieu of the NCEES examinations~~, the specific basis for ~~licensure granting a license~~ without the [equivalent](#) examinations ~~must should~~ be clearly stated in the record.

The order in which the education, experience, and examination requirements are ~~met~~ [attained for engineering or surveying licensure](#) need not follow the [order presented in the Model Law process](#). However, the total education, experience, and examination [for engineering candidates must should](#) meet the minimum standards of NCEES [as expressed by PS 13, NCEES-Recommended Education/Experience Guidelines for P.E. Licensing](#).

Rationale

- §□ The words “and standards” were added to the first paragraph since NCEES standards are also referenced in the statement.
- §□ A reference to surveying and the new NCEES Surveying Education Standard was added to the second paragraph because the surveying education standard now exists and should be included.
- §□ The word “engineering” was added to the third paragraph since PS 13 relates only to engineering licensure.
- §□ The words “engineering and surveying” were added to paragraph 4 to ensure that it is clear that the paragraph relates to both engineering and surveying.
- §□ A reference to PS 13 as the standard for total education, experience and examination for engineering was added to the final paragraph to enhance the paragraph's statement.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

ACCA Motion 3

Move that the following amendment to *Bylaws* 4.05 be referred to a Special Committee on Bylaws.

Section 4.05 Qualifications. Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall have been a member of NCEES at least ~~four~~ three years and attended at least two Annual Business Meetings. Additionally, members of the Board of Directors may run for President-Elect if their term on their state board has expired during their term as NCEES Vice-President or Treasurer; and they have obtained emeritus standing within the Council; and they have the approval of their state board; and it is their zone's rotation to elect a President-Elect; and they have been nominated by the zone. The President-Elect shall not be from the same zone as the President. Vice Presidents shall be from the zone that elects them.

Rationale

§ As mentioned under Charge 3, this change will allow member board members to have reasonable opportunity to aspire to the highest office in the Council.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

ACCA Motion 4

Move that Administrative Policy 18B be amended as follows:

AP 18 Removal or Sanction of a Member of the Board of Directors

B. Investigation

1. The charges and any supporting documents will be referred to an Investigations Panel that consists of the chair of ACCA; ~~the executive director of the Council~~ the most immediate past president that is not currently serving as a member of the board of directors; a member of a member board or member board administrator selected by the board; and board counsel. The Investigations Panel is empowered to investigate the allegations and to provide the results of the investigation and recommendations to the board for appropriate action. In conducting an investigation, the Investigations Panel may request additional information from the complaining party to substantiate the charges; a written response to the charges from the accused board member and supporting documents; and information from individuals who have information pertaining to the alleged wrongful act(s).
2. Upon completion of the investigation, the Investigations Panel will consider all information and then provide a written report to the board with the findings of the investigation and a recommendation on disposition of the allegation(s). The results of the investigation are confidential until the board acts on the recommendations of the Investigations Panel.

Rationale

§□ The executive director is an employee of the board of directors and could be in a difficult position acting as an employee investigating issues surrounding the board and one of its members. The most recent past president not currently on the board has limited responsibilities related to the Council and has the potential for providing appropriate representation to investigate issues associated with the board.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

COMMITTEE ON EXAMINATION POLICY AND PROCEDURES

EPP Motion 1

Move that Exam Development Policy 3B be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats

B. The Principles and Practice of Engineering examinations ~~(unless otherwise noted)~~, shall be offered only in the following disciplines and shall be an open-book, pencil-and-paper examination ~~(unless otherwise noted)~~, as defined in EAP 4:

Rationale

§□ The parenthetical expression applies only to pencil-and-paper examination, not to all examinations.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

EPP Motion 2

Move that Exam Development Policy 3F be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats

F. ~~Examination study guides-Exam preparation material~~ shall be developed for each NCEES examination. ~~These study guides-This material~~ shall provide sample questions and solutions on each major topic area sufficient to provide candidates with a sense of the structure, scope, and difficulty of the examination. ~~In no case shall an examination study guide consist of less than 50 percent of the number of questions in an actual examination. Examination study guides-Exam preparation material~~ shall remain current and be available six months prior to the administration of an examination. ~~Sample examinations, tutorials, and supplied reference manuals for CBT examinations shall be made available in the same format in which they will be given at the exam centers.~~

Rationale

§□ The changes are to make the policy broader in concept and allow the details to be provided in procedures. The 50 percent requirement for the number of questions is burdensome, especially with CBT. The last sentence is more appropriate for procedures.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

EPP Motion 3

Move that Exam Development Policies 3B and 4A be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats

B2. GROUP II

- a. Agricultural ([effective with the spring 2015 exam administration, name becomes Agricultural/Biological](#))
- b. Architectural
- c. Control Systems
- d. Fire Protection
- e. Industrial
- f. Metallurgical/Materials
- g. Mining/Mineral Processing
- h. Naval Architecture/Marine
- i. Nuclear
- j. Petroleum
- k. Software (~~effective with the spring 2013 exam administration~~)

EDP 4 Availability

- A. The following ~~pencil and paper~~ examinations shall be available:
 1. Fundamentals of Engineering
 2. Group I—Principles and Practice of Engineering
 3. Group II—Principles and Practice of Engineering
 - a. Spring only: Architectural Engineering ([effective with the spring 2015 exam administration, name becomes Agricultural/Biological](#)), Industrial Engineering (~~effective with the spring 2013 administration~~), Naval Architecture/Marine Engineering, and Software Engineering
 - b. Fall only: All Principles and Practice of Engineering except Architectural Engineering, ~~Industrial Engineering (effective with the fall 2013 administration)~~, Naval Architecture/Marine Engineering, and Software Engineering
 4. Fundamentals of Surveying
 5. Principles and Practice of Surveying

Rationale

- §□ EDP 3B2a and EDP 4A3a: The American Society of Agricultural and Biological Engineers requested that the name of the Agricultural PE exam to include “Biological” as well.
- §□ EDP 4A: The change is for clarification that it applies to all exams.
- §□ EDP 3B2k and EDP 4A3: The outdated timelines are deleted.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

EPP Motion 4

Move that Exam Development Policy 17 be amended as follows:

EDP 17 Examination Audits

The Examination Audit Committee shall audit all examinations developed by NCEES. The following constraints shall be used:

- ~~A. All anchor exams be audited~~
- ~~B. Each exam be audited at least once between anchor exam audits~~
- ~~C. No more than four years between audits~~
- A. Pencil-and-paper examinations
 - 1. All benchmark exams be audited
 - 2. Each exam be audited at least once between benchmark exam audits
 - 3. No more than four years between audits
- B. CBT examinations
 - 1. The CBT item pool for all benchmark exams be audited
 - 2. Each exam be audited at least once between benchmark exam audits
 - 3. No more than four years between audits

The president-elect shall, in developing charges for the Examination Audit Committee, develop a list of examinations for audit in consultation with the current chair of the Examination Audit Committee and the NCEES examination services director. Circumstances may prevail that would affect which examinations are selected for audit in a given year.

The Examination Audit Committee shall review each exam audited as to its conformance with specified criteria set forth in the Examination Audit Committee procedures.

Rationale

§ The breakout of pencil-and-paper and CBT examinations is due to difference in examination format.

§ Changing the name “anchor exam” to “benchmark exam” is to match language in the NCEES *Exam Development Procedures Manual*.

Board of directors’ position

Endorses, Consent agenda

The Sections supported the motion.

ENGINEERING SURVEYS TASK FORCE

Engineering Surveys Motion 1

Move that *Model Law 110.20 A5* be amended as follows:

Model Law 110.20 Definitions

A. Engineer

5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work, the adequate performance of which requires engineering [and, in some cases, surveying](#) education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as the following:
- a. Consultation, investigation, expert technical testimony, evaluation, planning, design, design coordination, and/or commissioning of engineering works, products and systems
 - b. Planning the use of land, air, and/or water
 - c. Teaching of advanced engineering subjects
 - d. Performing [surveying that is incidental to the practice of engineering surveys and studies](#)
 - e. The review and/or management of construction for the purpose of monitoring and/or ensuring compliance with drawings and specifications

Any of the items above that embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems, and industrial or consumer products, or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, or thermal nature, insofar as they involve safeguarding life, health, or property, and including such other professional services as may be necessary to the planning, progress, and completion of any engineering services are considered the practice of engineering.

Design coordination includes the review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, surveyors, and other professionals working under the direction of the engineer.

[Engineering surveys](#) [Surveying incidental to the practice of engineering](#) includes all [surveying](#) activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system. [The performance of surveying incidental to the practice of engineering requires education, training, and experience in those specific survey activities and also requires the application of a standard body of knowledge and authoritative expertise in surveying standards.](#)

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this Act, who practices any discipline or branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents the person to be a professional engineer, or through the use of some other title implies that the individual is a professional engineer or that the person is licensed or authorized under this Act; or who holds

the person out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

Rationale

§ The proposed language is to strengthen the *Model Law* language to further remind licensed engineers that they must be competent to perform surveying incidental to the practice of engineering.

Board of directors' position

Does not endorse, Non-consent agenda

The Sections supported the motion.

Rationale for why board of directors does not endorse

§ This year, ACCA was charged with reviewing the definition of the practice of engineering in the *Model Law* and with recommending whether the definition needs to be revised to clarify its meaning and intent. After reviewing the definition, ACCA recommended that a task force be created and charged with addressing this definition because it is wordy and falls short of a definition that is worthy to stand tests imposed by both the non-engineering general community and the legal profession.

President-Elect Mamola is creating a task force to do this next year. Therefore, the board of directors feels that the changes proposed by the Engineering Surveys Task Force should be considered as part of the larger review and rewrite of the definition by a task force in 2013–14.

COMMITTEE ON EDUCATION

Education Motion 1

Move that NCEES produce a concise report twice per year that conveys the following information to the public regarding performance of examinees on the most recent administrations of the FE, FS, PE, and PS exams:

§ Overall pass rate and volumes of takers for each exam by

§ Degree discipline

§ Module

§ Degree discipline and module taken for combinations with 50 or more exam takers

This information should also be presented longitudinally, with data points computed once per calendar year.

§ Comparison of exam performance of first-time takers vs. repeat takers on the exams

§ Comparison of performance of graduates from EAC/ABET-accredited programs vs. graduates from non-EAC/ABET-accredited programs on both the FE and PE exams

§ Comparison of performance of graduates from ABET-accredited programs vs. graduates from non-ABET-accredited programs on both the FS and PS exams

§ Comparison of performance vs. number of years since earning a baccalaureate degree for the PE and PS examinees

The report should be formatted for and present content of interest to the following constituencies:

- § General public
- § Examinees
- § Member boards
- § Academic institutions
- § Employers
- § Governments
- § Professional societies

Rationale

- § Making this data public would show potential applicants, educators, and employers the advantages of properly preparing for an NCEES exam, obtaining a degree from an accredited program, and applying for and taking any NCEES exam as soon as the applicant is qualified to do so. NCEES staff frequently receives requests for this data. This published book should be the guideline for disseminating data because it will serve as the official source from NCEES.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Education Motion 2

Move that current Position Statement 4 be deleted and replaced with the following language:

PS 4 EAC/ABET Approved Curriculum

~~An applicant who completes an engineering education program that is non-accredited and not deemed substantially equivalent and who then earns a graduate engineering degree from a U.S. school with an EAC/ABET accredited undergraduate or graduate program in an equivalent discipline should be accepted for the licensure process. The graduate degree should be treated as confirming the undergraduate degree, giving the applicant equal standing with an applicant who has graduated from an EAC/ABET undergraduate engineering program. The degree earned in the graduate program validates the degree earned in the non-accredited undergraduate program and would not then be applicable for experience credit.~~

~~To establish substantial equivalency for an individual graduate in the case of a non-accredited bachelor of science degree, an applicant must have his or her official degree program transcript evaluated by a board approved organization and make up any deficiencies noted by such an evaluation. Deficiencies in engineering courses must be made up with courses offered by an EAC/ABET accredited degree program or equivalent.~~

PS 4 Applicants with Non-Accredited Baccalaureate Degrees

Individuals with the following qualifications may apply for the licensure process.

§ Graduates of non-EAC/ABET-accredited baccalaureate programs in engineering or graduates of non-engineering baccalaureate programs who have earned a master's degree or doctoral degree in engineering. In both of these cases, the official degree program transcripts of applicants must be evaluated through a board-approved process, and any deficiencies found as a result of the evaluation must be corrected. Deficiencies in engineering science and engineering design must be remediated by taking courses offered by an EAC/ABET-accredited engineering degree program.

§ Graduates of EAC/ABET-accredited master's programs in engineering. In this case, no remedial work is needed because a current criterion for EAC/ABET accreditation of master's level programs is fulfillment of the EAC/ABET baccalaureate-level general criteria.

The validation of the educational achievement by any of these methods cannot be applied for experience credit toward licensure.

Rationale

§ Many recipients of foreign engineering degrees have little, if any, humanities, social sciences, and business management courses. The same is true for M.S. degrees in engineering. Similarly, science degree holders who complete an M.S. engineering degree face more onerous issues in that their undergraduate education did not include a broad-based engineering foundation. It is the opinion of the committee that institutions with an accredited bachelor's program may not necessarily require graduates with non-accredited degrees applying to that institution's M.S. program to make up any deficiencies to the traditional bachelor's engineering curriculum. The proposed language allows for licensing of such individuals once their transcripts have been evaluated, any deficiencies have been identified, and all deficiencies have been corrected appropriately.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

COMMITTEE ON UNIFORM PROCEDURES AND LEGISLATIVE GUIDELINES

UPLG Motion 1

Move that the *Model Law* Introduction and *Model Law* 110.10 A, 110.20 A, and 120.60 H be amended as follows:

***Model Law* Introduction**

To be of maximum value, this document should be used as a reference work in the preparation of amendments to existing legislation or in the preparation of new proposed laws. The intent of NCEES in preparing this document is to present to the jurisdictions a sound and realistic guide that will provide greater uniformity of qualifications for licensure, to raise these qualifications to a higher level of accomplishment, and to simplify the interstate licensure of engineers and surveyors.

The primary purpose of NCEES is to serve as an organization through which its member boards can counsel and act together to better discharge their duties as individual, autonomous regulatory agencies dedicated to the protection of the ~~public life~~, health, ~~safety~~, and ~~property welfare of the public~~. Standards presented in this publication have been approved by the NCEES member boards and represent optimum, realistic levels of qualifications for initial and subsequent licensure to ensure protection of the public's interest.

This document is designed to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation. It covers all specific situations: boards that regulate only engineers, boards that regulate only surveyors, boards that regulate both engineers and surveyors, and independent boards that regulate both engineers and surveyors.

Each line in the various sections has been numbered to facilitate use of this document as a working model.

Model Law 110.10 General Provisions

A. Regulation of Engineers and Surveyors—In order to safeguard ~~the life~~, health, ~~safety~~, and ~~property and to promote the public~~ welfare ~~of the public~~, the practice of engineering and/or the practice of surveying in this jurisdiction is hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice, or to offer to practice, engineering and/or surveying in this jurisdiction, as defined in the provisions of this Act, or to use in connection with their name or otherwise assume, or advertise any title or description tending to convey the impression that they are a licensed engineer and/or surveyor, unless such person has been duly licensed or authorized or is exempted under the provisions of this Act. The practice of engineering or surveying shall be deemed a privilege granted by this jurisdiction through the licensing board based on the qualifications of the individual as evidenced by their certificate of licensure, which shall not be transferable.

Model Law 110.20 Definitions

A. Engineer

5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as the following:

- a. Consultation, investigation, expert technical testimony, evaluation, planning, design, design coordination, and/or commissioning of engineering works, products, and systems
- b. Planning the use of land, air, and/or water
- c. Teaching of advanced engineering subjects
- d. Performing engineering surveys and studies
- e. The review and/or management of construction for the purpose of monitoring and/or ensuring compliance with drawings and specifications

Any of the items above that embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines,

equipment, processes, work systems, projects, communication systems, transportation systems, and industrial or consumer products, or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, or thermal nature, insofar as they involve safeguarding the life, health, or property, safety, and welfare of the public, and including such other professional services as may be necessary to the planning, progress, and completion of any engineering services are considered the practice of engineering.

Design coordination includes the review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, surveyors, and other professionals working under the direction of the professional engineer.

Model Law 120.60 Board Powers

H. The board shall have the power and authority to waive requirements of this law pertaining to surveying or engineering licensure provided consideration is given to safeguarding life, the health, and property and promoting the public safety, and welfare of the public.

Rationale

§ The UPLG Committee noted that the phrase related to protection of the health, safety, and welfare of the public is inconsistent throughout the document, sometimes using all three words and sometimes using other variations with the words “life” and “property.” The committee is proposing to use the phrase “health, safety, and welfare of the public” throughout because this matches the language in the NCEES mission statement.

§ In the last sentence shown above in 110.20, the committee added “professional” for clarity that the work is done under the direction of a licensee.

Board of directors’ position

Endorses, Consent agenda

The Sections supported the motion.

UPLG Motion 2

Move that *Model Law* 120.30 and 120.60 be amended as follows:

Model Law 120.30 Board Compensation, Expenses

Each member of the board shall receive compensation be entitled to the maximum allowable per diem set by the board when attending to the work of the board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this Act.

Model Law 120.60 Board Powers

J. ~~Board members shall be entitled to the maximum allowable per diem set by the board for each day or portion thereof during which the member is actually engaged in the~~

~~performance of official duties. Board members shall also be reimbursed for all expenses incurred while performing service as a board member.~~

~~K.J.~~ The board shall have the power to appoint committees to assist the board's efforts in carrying out the responsibilities of this Act. All individuals appointed by the board to serve on committees are entitled to reimbursement of expenses as approved by the board.

~~L.K.~~ The board shall have the power to adopt and collect fees in amounts necessary to enable the board to carry out its function under this Act.

~~M.L.~~ The board shall be authorized to use electronic transmissions for all purposes permitted under statute (citation for jurisdiction law).

~~N.M.~~ The attorney general of this jurisdiction or his or her assistants may act as legal adviser to the board and render such legal assistance as may be necessary in carrying out the provisions of this Act. The board may employ or retain counsel and necessary assistance to aid in the enforcement of this Act and the compensation and expenses therefore shall be paid from the funds of the board.

Rationale

§ The language about board members receiving a per diem was moved from the Board Powers section to the more appropriate Board Compensation, Expenses, section.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

UPLG Motion 3

Move that *Model Law* 120.80 and 130.20 A be amended as follows:

Model Law 120.80 Records and Reports

A. The board shall keep a record of its proceedings ~~and a register~~. The board shall also keep a record of all applications for licensure. ~~The register, which~~ shall show all of the following:

1. The name, date of birth, and physical address of each applicant
2. The date of application
3. The place of business of the applicant
4. Educational and other qualifications of the applicant
5. Whether or not an examination was required
6. Whether or not the applicant was rejected
7. Whether or not a certificate of licensure was granted
8. The date of the action by the board
9. A ~~written statement under oath~~ declaration under penalty of perjury from each applicant that he or she will abide by the statutes and rules prescribed by the board, with the ~~oath~~ declaration becoming a part of his or her application for licensure
10. Any other information deemed necessary by the board

B. The board shall also keep a register record of all applications of firms for a certificate of authorization.

~~The register, which~~ shall show all of the following:

1. The name, date of formation, and business address of each applicant
2. The date of application
3. The name, physical address, and license number of the managing agent

4. Whether or not the applicant was rejected
 5. Whether or not a certificate of authorization was granted
 6. The date of the action by the board
 7. A ~~written statement under oath~~ declaration under penalty of perjury from an officer and managing agent, if the officer is not the managing agent, that the applicant will abide by the statutes and rules prescribed by the board, with the oath declaration becoming a part of its application for a certificate of authorization
 8. Any other information deemed necessary by the board
- C. The record of the board proceedings shall be prima facie evidence of the proceedings of the board, and a transcript thereof, duly certified by the board administrator under seal, shall be admissible as evidence with the same force and effect as if the original were produced.
- D. The board shall adopt its budget in accordance with accepted accounting principles and jurisdictional requirements. Periodic budget status reports showing classifications of expenditures and revenues shall be made to the public and stakeholders. An annual financial report shall be made by the board administrator to the governor or other appropriate fiscal oversight authorities in this jurisdiction.
- E. Board records and papers of the following class are of a confidential nature and are not public records: ~~examination material for examinations not yet given,~~ file records of examination problems and solutions, examination scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, e-mail addresses, board inquiry forms concerning applicants, pending and closed complaints and investigative files until a formal hearing may commence or until final disciplinary action is taken, cases dismissed without disciplinary action, all other materials of like confidential nature, and information otherwise protected by law.

Model Law 130.20 Application and Fees

- A. Application for licensure as a professional engineer and/or professional surveyor or certification as an engineer intern or surveyor intern shall be on a form in a manner prescribed and furnished by the board; shall contain ~~statements made under oath~~ a declaration made under penalty of perjury, showing the applicant's education and a detailed summary of technical and engineering experience or surveying experience; and shall include the names and complete mailing addresses of the references, none of whom should be members of the board.

The board may accept the verified information contained in a valid Council Record issued by NCEES for applicants in lieu of the same information that is required on the form prescribed and furnished by the board.

Rationale

- § The language related to "oath" is outdated; it was changed to "declaration" so that the statement does not have to be made under oath with a notary.
- § "Record" is a more up-to-date word than "register" because it can include electronic documents.
- § The change to 120.80 E is to make the *Model Law* consistent with current Council policy. At last year's annual meeting, the Council voted to change Examination

Administration Policy 6 to state that there shall be no post-administration access to, or review of, exam questions.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

UPLG Motion 4

Move that *Model Law* 130.30 be amended as follows:

Model Law 130.30 Examinations

- A. The examinations will be held at such times and places as the board directs. The board shall determine the acceptable passing grade on [jurisdiction-specific](#) examinations. ~~The board may require a take-home, pre-application questionnaire based on this jurisdiction's rules and regulations as they apply to professionalism and ethics.~~
- B. Examinations ~~will be given in two sections and~~ may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations. ~~as follows:~~ [The board may offer the following examinations:](#)
1. NCEES Fundamentals of Engineering (FE) examination—The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for an engineer intern certification, provided the examinee has met all other requirements for certification required by this Act.
 2. NCEES Principles and Practice of Engineering (PE) examination—The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by this Act.
 3. NCEES Fundamentals of Surveying (FS) examination—The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for a surveyor intern certification, provided the examinee has met all other requirements for certification required by this Act.
 4. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.
 5. NCEES Structural Engineering (SE) examination—The examination shall be considered and referred to as one 16-hour examination. The examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a five-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.

- C. A candidate failing one examination may apply for re-examination, ~~which may be granted upon payment of a fee established by regulation of the board in accordance with NCEES policy~~. Before readmission to the examination, in the event of a second failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the additional knowledge needed to pass the examination.
- D. The board may prepare and require additional examinations in engineering and surveying.
Specifications for such additional examinations may be published and be made available to any individual interested in being licensed as a professional engineer or as a professional surveyor.

Rationale

- §□ Paragraph A: NCEES, working with psychometricians, determines the passing score, so this language was revised to make it apply to jurisdiction-specific exams. The stricken language is outdated.
- §□ Paragraph B: The stricken language will no longer apply once exams are converted to computer-based testing.
- §□ Paragraph C: The language was changed to state “in accordance with NCEES policy” so that it will always be consistent with the NCEES policy whenever it is revised and approved by Council vote.

Board of directors’ position

Endorses, Consent agenda

The Sections supported the motion.

UPLG Motion 5

Move that *Model Law* 140.20 and 160.50 be amended as follows:

Model Law 140.20 Expirations, Renewals, and Reinstatement to Active Practice

- A. Certificates of licensure shall expire on the ~~last day of the month of following their issuance date designated by the board~~ and shall become invalid after that date unless renewed. It shall be the duty of the board to notify every individual licensed under this Act of the date of the expiration of the certificate of licensure and the amount of the fee required for its renewal. ~~Such notice shall be mailed to the licensee at their last known address at least 1 month in advance of the date of the expiration of the certificate.~~
- B. Renewal may be effected ~~at any time prior to or during the month of by payment of a fee as established by regulation of~~ during the renewal period by meeting the requirements established by the board. Renewal of an expired certificate may be effected under rules promulgated by the board regarding requirements for re-examination and penalty fees.
- BC. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of this intention, by paying appropriate fees, and by meeting all requirements of the board including demonstration of continuing professional competency as a condition of reinstatement.

Model Law 160.50 Expirations and Renewals

- A. Certificates of authorization for firms shall expire on the ~~last day of the month of~~ following their issuance date designated by the board and shall become invalid after that date unless renewed. It shall be the duty of the board to notify every firm holding a certificate of authorization under this Act of the date of the expiration of the certificate of authorization and the amount of the fee required for its renewal. ~~Such notice shall be mailed to the firm at its last known address at least 1 month in advance of the date of the expiration of the certificate.~~
- B. Renewal may be effected ~~at any time prior to or during the month of~~ by payment of a fee as established by regulation of during the renewal period by meeting the requirements established by the board. Renewal of an expired certificate may be effected under rules promulgated by the board regarding requirements for penalty fees.

Rationale

§□ The language has been edited for clarity and simplification.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

UPLG Motion 6

Move that *Model Law* 150.10 B and 160.70 B be amended as follows:

Model Law 150.10 Grounds for Disciplinary Action—Licensees and Interns

- B. In addition to or in lieu of any other sanction provided in this section, any licensee or intern that violates a provision of this Act or any rule or regulation of the board may be assessed a fine in an amount determined by the board of not more than dollars (\$....) for each offense
1. Each day of continued violation may constitute a separate offense.
 2. In determining the amount of fine to be assessed pursuant to this section, the board may consider such factors as the following:
 - a. Whether the amount imposed will be a substantial economic ~~determent~~ deterrent to the violation
 - b. The circumstances leading to the violation
 - c. The severity of the violation and the risk of harm to the public
 - d. The economic benefits gained by the violator as a result of non-compliance
 - e. The interest of the public
 - f. Consistency of the fine with past fines for similar offenses, or justification for the fine amount

Model Law 160.70 Grounds for Disciplinary Action—Firms Holding a Certificate of Authorization

- B. In addition to or in lieu of any other sanction provided in this section, any firm holding a certificate of authorization that violates a provision of this Act or any rule or regulation of the board may be assessed a fine in an amount determined by the board of not more than dollars (\$....) for each offense

1. Each day of continued violation may constitute a separate offense.
2. In determining the amount of fine to be assessed pursuant to this section, the board may consider such factors as the following:
 - a. Whether the amount imposed will be a substantial economic ~~determent~~ deterrent to the violation
 - b. The circumstances leading to the violation
 - c. The severity of the violation and the risk of harm to the public
 - d. The economic benefits gained by the violator as a result of non-compliance
 - e. The interest of the public
 - f. Consistency of the fine with past fines for similar offenses, or justification for the fine amount

Rationale

§□ UPLG feels that “deterrent” is the better word choice in these sections.

Board of directors’ position

Endorses, Consent agenda

The Sections supported the motion.

UPLG Motion 7

Move that *Model Law* 150.20 A, 150.40 A, 160.80 A, and 160.100 A be amended as follows:

Model Law 150.20 Disciplinary Action Procedures—Licensees and Interns

- A. Any person or entity, including the board ~~itself or board staff~~, may file a complaint alleging a violation of any provision of this Act or any of the rules or regulations of the board against any licensee or against any intern.

Model Law 150.40 Disciplinary Action Procedures—Unlicensed Individuals

- A. Any person or entity, including the board ~~itself or board staff~~, may file a complaint alleging a violation of any provision of this Act or any of the rules or regulations of the board against any unlicensed individual.

Model Law 160.80 Disciplinary Action Procedures—Firms Holding a Certificate of Authorization

- A. Any person or entity, including the board ~~itself or board staff~~, may file a complaint alleging a violation of any provision of this Act or any of the rules or regulations of the board against any firm holding a certificate of authorization.

Model Law 160.100 Disciplinary Action Procedures—Firms Not Holding a Certificate of Authorization

- A. Any person or entity, including the board ~~itself or board staff~~, may file a complaint alleging a violation of any provision of this Act or any of the rules or regulations of the board against any firm that does not hold a certificate of authorization.

Rationale

§□ At last year's annual meeting, language was added to *Model Rules* 250.30 to match the language in these sections of the *Model Law*. However, there was an amendment on the floor to strike "itself" and add "or board staff." The amendment passed, and the *Model Rules* was modified accordingly. The modifications above are to make the *Model Law* consistent with the current *Model Rules*.

Board of directors' position
Endorses, Consent agenda

The Sections supported the motion.

UPLG Motion 8

Move that *Model Law* 110.20 and *Model Rules* 210.20 be amended as follows:

***Model Law* 110.20 Definitions**

A. Engineer

B. Professional Surveyor (Professional Land Surveyor, Professional Surveyor and Mapper, Geomatics Professional, or equivalent term)

C. Board—The term "Board," as used in this Act, shall mean the jurisdiction board of licensure for professional engineers and professional surveyors, hereinafter provided by this Act.

D. Jurisdiction—The term "Jurisdiction," as used in this Act, shall mean a state, the District of Columbia, or any territory, commonwealth, or possession of the United States that issues licenses to practice and regulates the practice of engineering and/or surveying within its legal boundaries.

E. Responsible Charge—The term "Responsible Charge," as used in this Act, shall mean direct control and personal supervision of engineering or surveying work, as the case may be.

F. Rules of Professional Conduct—The term "Rules of Professional Conduct," as used in this Act, shall mean those rules of professional conduct, if any, promulgated by the board as authorized by this Act.

G. Firm—The term "Firm," as used in this Act, shall mean any form of business or entity other than an individual operating as a sole proprietorship under his or her own name.

H. Managing Agent—The term "Managing Agent," as used in this Act, shall mean an individual who is licensed under this Act and who has been designated pursuant to Section 160.20 of this Act by the firm.

I. Rules—The term "Rules," as used in this act, shall mean those rules and regulations adopted pursuant to Section 120.60 A, Board Powers, of this Act.

J. Signature—The term "Signature," as used in this Act, shall be in accordance with the Rules.

K. Seal—The term "Seal," as used in this Act, shall mean a symbol, image, or list of information in accordance with the Rules.

L. Licensee—The term "Licensee," as used in this Act, shall mean a professional engineer or a professional surveyor.

M. Person—The term "Person," as used in this Act, shall mean an individual or firm.

- N. Or the Equivalent—The term “Or the Equivalent,” as used in this Act, shall mean an equivalent educational program/curriculum to an engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) or a surveying program accredited by EAC/ABET, the Technology Accreditation Commission of ABET (TAC/ABET), or the Applied Science Accreditation Commission of ABET (ASAC/ABET).
- O. Authoritative—The term “Authoritative,” as used in this Act, shall mean being presented as trustworthy and competent when used to describe products, processes, applications, or data resulting from the practice of surveying.
- P. Disciplinary Action—The term “Disciplinary Action,” as used in the Act, shall mean any final written decision or settlement taken against an individual or firm by a licensing board based upon a violation of the board’s laws and rules.

Model Rules 210.20

Definitions

- A. The NCEES *Model Law*, Section 110.20, Definitions, provides definitions of the following terms:
1. Engineer
 - a. Engineer
 - b. Professional engineer
 - c. Professional engineer, retired
 - d. Engineer intern
 - e. Practice of engineering
 - f. Inactive status
 2. Professional Surveyor
 - a. Professional surveyor
 - b. Professional surveyor, retired
 - c. Surveyor intern
 - d. Practice of surveying
 - e. Inactive status
 3. Other
 - a. Board
 - b. Jurisdiction
 - c. Responsible charge
 - d. Rules of Professional Conduct
 - e. Firm
 - f. Managing agent
 - g. Rules
 - h. Signature
 - i. Seal
 - j. Licensee
 - k. Person
 - l. Or the equivalent
 - m. Authoritative
 - n. Disciplinary action

Rationale

§□ The definition is added to make it clear that disciplinary action is a final written decision or settlement involving a violation of the board's laws and rules.

Board of directors' position

No position, Non-consent agenda

The Sections supported the motion.

UPLG Motion 9

Move that a preamble be added to *Model Rules 240.15* as follows:

Model Rules 240.15 Rules of Professional Conduct

In order to safeguard the health, safety, and welfare of the public and to maintain integrity and high standards of skill and practice in the engineering and surveying professions, the rules of professional conduct provided in this section shall be binding upon every licensee and on all firms authorized to offer or perform engineering or surveying services in this jurisdiction.

Rationale

§□ The Committee on Law Enforcement (LE) proposed and UPLG concurs that a preamble is needed to state the intent of the rules of professional conduct and to set out the premise that professional engineers and surveyors are charged with the responsibility of safeguarding the health, safety, and welfare of the public. The above preamble is as proposed by LE, with only minor changes in wording by UPLG, with which LE has concurred.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

UPLG Motion 10

Move that *Model Rules 240.15 A* be amended as follows:

Model Rules 240.15 Rules of Professional Conduct

A. Licensee's Obligation to ~~Society the Public~~

1. Licensees, ~~in the performance of their services for clients, employers, and customers,~~ shall be cognizant that their first and foremost responsibility is to the public health, safety, and welfare of the public when performing services for clients and employers.
2. Licensees shall ~~approve sign~~ and seal only those ~~design documents and surveys plans, surveys, or other documents~~ that conform to accepted engineering and surveying standards and safeguard the ~~life,~~ health, ~~property safety,~~ and welfare of the public.
3. Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the ~~life,~~ health, ~~property safety,~~ or welfare of the public is endangered.

4. Licensees shall, to the best of their knowledge, include all relevant and pertinent information in an ~~be~~-objective and truthful manner within all professional-~~reports~~ documents, statements, ~~or~~ and testimony.
5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
6. Licensees shall issue no statements, criticisms, or arguments on technical engineering and surveying matters ~~which~~-that are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
7. Licensees shall not ~~permit the use of their name or firm name by, nor associate in the business ventures with, partner, practice, or offer to practice with~~ any person or firm ~~which~~-that they know is engaging engaged in fraudulent or dishonest business or professional practices.
8. Licensees ~~having who have~~ knowledge ~~of possible violations of any of these Rules of Professional Conduct shall provide the board with the information and assistance necessary to make the final determination of such violation or reason to believe that any person or firm has violated any rules or laws applying to the practice of engineering or surveying shall report it to the board, may report it to appropriate legal authorities, and shall cooperate with the board and those authorities as may be requested.~~ (*Section 150, Disciplinary Action, NCEES Model Law*)
9. Licensees shall knowingly not provide false or incomplete information meant to assist an applicant in obtaining licensure.
10. Licensees shall comply with the licensing laws and rules governing their professional practice in each of the jurisdictions in which they practice.

Rationale

§□ Paragraph 1: UPLG proposes minor changes in wording for clarity and readability, with which LE concurs.

§□ Paragraph 2: LE proposed and UPLG concurs with these changes for clarity, and UPLG proposes reference to health, safety, and welfare for consistency.

§□ Paragraph 3: UPLG proposes reference to health, safety, or welfare for consistency.

§□ Paragraph 4: LE proposed and UPLG concurs with including the word “all” so that licensees cannot be selective as to what information is included. UPLG proposes that the two sentences be combined into one for clarity and readability.

§□ Paragraph 6: LE proposed and UPLG concurs with changes in wording for clarity and readability.

§□ Paragraph 7: LE proposed and UPLG concurs with changes in wording for clarity and readability, with the understanding that unlicensed practice would be included within those activities that involve fraudulent or dishonest practice.

§□ Paragraph 8: LE proposed and UPLG concurs with changes that expand this rule to include violations of all rules or laws applying to professional practice, as well to encourage licensees to also report to appropriate legal authorities when applicable and to cooperate with all authorities when requested.

§□ Paragraph 9: LE proposed and UPLG concurs with adding this rule concerning abetting a licensure application by providing false or incomplete information concerning the applicant. UPLG proposes alternate wording for clarity and readability, with which LE concurs.

§□ Paragraph 10: LE proposed and UPLG concurs with adding this rule concerning the expectation that licensees abide by the laws and rules in each of the jurisdictions in which they practice. This new rule places licensees on notice that they can jeopardize their license in one jurisdiction by violating the laws and rules in another jurisdiction.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

UPLG Motion 11

Move that *Model Rules* 240.15 B be amended as follows:

***Model Rules* 240.15 Rules of Professional Conduct**

B. Licensee's Obligation to Employer and Clients

1. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or surveying involved.
2. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their responsible charge.
3. Licensees may accept assignments and assume responsibility for coordination of an entire project, provided that each design-technical segment is signed and sealed by the licensee responsible for preparation of that design-technical segment.
4. Licensees shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client, ~~or~~ employer, or public body on which they serve except as authorized or required by law or rules.
5. Licensees shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.
56. Licensees shall ~~make full prior disclosures~~ disclose to their employers or clients ~~of potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their service~~ all known or potential conflicts of interest or other circumstances that could influence or appear to influence their judgment or the quality of their professional service or engagement.
67. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
78. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall

not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve. (*Section 150, Disciplinary Action, NCEES Model Law*)

Rationale

- §□ Paragraph 2: LE proposed adding the phrase “or for which they do not have personal professional knowledge” with respect to situations involving successor licensees. UPLG proposes that this addition not be made to this rule because it is not totally clear what the intent of the phrase is and because successor licensee requirements are adequately covered under *Model Rules 240.20 C7*. Therefore, UPLG recommends and LE concurs that this rule not be changed.
- §□ Paragraph 3: LE proposed and UPLG concurs with minor changes in wording to reinforce that a licensee may assume responsibility for coordination of an entire project involving more than one discipline and multiple licensees, providing that each of the licensees responsible for the various disciplines and portions of the project sign and seal their respective parts of the project.
- §□ Paragraphs 4 and 5: LE proposed and UPLG concurs with minor changes in wording for clarity and readability, as well as dividing the two sentences in the existing *Model Rules 240.15 B4* into the two rules labeled as B4 and B5 above. UPLG proposes and LE concurs with combining the LE language involving disclosure of information from a “public body on which they serve” as part of rule B4.
- §□ Paragraph 6: LE proposed and UPLG concurs that these changes in wording are needed for clarity and readability.
- §□ Paragraph 7: LE proposed and UPLG concurs that the described agreement should be in writing.
- §□ Paragraph 8: LE proposed and UPLG concurs with the minor change in wording.
- §□ Other: LE originally proposed a new rule concerning personal profit to the licensee, which UPLG feels there is need for further study by LE to make sure the interpretation and application of this new rule is clearer. LE concurs that further work on this proposed rule is appropriate prior to adding it to this section, so UPLG is not proposing it as part of this motion.

Board of directors’ position

Endorses, Consent agenda

The Sections supported the motion.

UPLG Motion 12

Move that *Model Rules 240.15 C* be amended as follows:

Model Rules 240.15 Rules of Professional Conduct

C. Licensee’s Obligation to Other Licensees

1. Licensees shall not falsify or permit misrepresentation of their, or their associates’, academic or professional qualifications. They shall not misrepresent or exaggerate their degree of

responsibility in prior assignments nor the complexity of said assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

2. Licensees shall not offer, give, solicit, or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.
3. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work. (*Section 150, Disciplinary Action, NCEES Model Law*)
4. Licensees shall make a reasonable effort to inform in writing another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, or welfare of the public, unless such reporting is legally prohibited.

Rationale

§□ Paragraph 4: LE proposed and UPLG concurs with a proposed new rule that encourages communication between licensees when one licensee discovers a suspected material discrepancy, error, or omission in the work of another licensee.

Board of directors' position

No position, Non-consent agenda

The Sections would support if change was made from "in writing" to "a reasonable effort."

UPLG Motion 13

Move that *Model Rules* 230.40 I be amended as follows:

Model Rules 230.40 Examinations

I. Failure to Attend an Examination

1. An applicant who fails to attend an examination for which he or she has been scheduled will forfeit the fee paid for the examination, except in the case of illness, death in the family, ~~or other unavoidable causes for absence where the fee will be applied to the next examination administration, or military deployment. Refunds, if any, will be determined based upon NCEES or jurisdictional policies.~~
2. Failure of an applicant to attend an examination for which he or she has been scheduled to attend does not count as a failure of the examination.

Rationale

§□ This change is to bring the model language in line with current NCEES practice; it also allows for jurisdiction-specific exams to be refunded in accordance with a jurisdiction's specific policies.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

UPLG Motion 14

Move that *Model Rules* 230.40 M be amended as follows:

Model Rules 230.40 Examinations

M. Review of Examinations

There shall be no post-administration access to, or review of, [NCEES](#) examination questions ~~except in those jurisdictions where required by law. Member boards may request that NCEES manually verify an examinee's results from a pencil-and-paper examination.~~ Such ~~review as required by law verification~~ shall be conducted in accordance with ~~established procedures of NCEES policy. An administrative fee established by the NCEES Board of Directors will be assessed.~~

Rationale

§□ At the 2012 annual meeting, the Council voted to amend NCEES Exam Administration Policy 6 to state that there will be no review of exam questions. This motion is to keep the model language from being in conflict with Council policy.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

COMMITTEE ON EXAMINATIONS FOR PROFESSIONAL SURVEYORS

EPS Motion 1

Move that the UPLG Committee be charged with incorporating the following changes into *Model Law*

130.10 B and to review the *Model Law* and *Model Rules* to eliminate any other references to progressive surveying experience as a path to becoming a surveyor intern:

Model Law 130.10 General Requirements for Licensure

Education, experience, and examinations (as described in *Model Rules*) are required for licensure as a professional engineer or professional surveyor.

A. As an Engineer Intern—The following shall be considered as minimum evidence that the applicant is

qualified for certification as an engineer intern. A college senior or graduate of an engineering program of 4 years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), or the equivalent, or an engineering master's program accredited by EAC/ABET shall be admitted to the NCEES Fundamentals of Engineering (FE) examination. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as an engineer intern, if otherwise qualified.

B. As a Surveyor Intern—The following shall be considered as minimum evidence that the applicant is qualified for certification as a surveyor intern.

~~1.—A college senior or graduate of a surveying program of 4 years or more accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), the Applied Science Accreditation Commission of ABET (ASAC/ABET), or the equivalent, shall be admitted to the NCEES Fundamentals of Surveying (FS) examination. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as a surveyor intern, if otherwise qualified.~~

~~2.—A graduate of a program related to surveying of 4 years or more as approved by the board and with a specific record of 2 years of progressive experience in surveying shall be admitted to the FS examination. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as a surveyor intern, if otherwise qualified; or~~

~~3.—A graduate of a program of 4 years or more as approved by the board and with a specific record of 4 years of progressive experience in surveying shall be admitted to the FS examination. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as a surveyor intern, if otherwise qualified.~~

Rationale

§ EPS is proposing to remove the pathways to certification as a surveyor intern that do not require a four-year degree in surveying because it believes NCEES should continue to set standards that encourage states to strengthen their education requirements in lieu of an experience-only career path to becoming a professional surveyor.

Board of directors' position

Does not endorse, Non-consent agenda

The Sections disagreed by consensus.

Rationale for why board of directors does not endorse

The board of directors feels that the EPS Committee went beyond the original intent of the charge. The original intent of the charge was to make the path to becoming a surveying intern less difficult. By requiring graduation from only a four-year accredited program and passage of the FS exam to become a surveying intern, this language change makes that path more restrictive, not less restrictive.

COMMITTEE ON MEMBER BOARD ADMINISTRATORS

MBA Motion 1

Move that the UPLG Committee be charged with incorporating the following language into *Model Law*

130.10 A and B:

Model Law 130.10 General Requirements for Licensure

Education, experience, and examinations (as described in *Model Rules*) are required for licensure as a professional engineer or professional surveyor.

A. As an Engineer Intern—The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern. ~~A—The NCEES Fundamentals of Engineering (FE) examination is recommended for a~~ college senior or

graduate of an engineering program of 4 years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), or the equivalent, or an engineering master's program accredited by EAC/ABET ~~shall be admitted to the NCEES Fundamentals of Engineering (FE) examination~~. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as an engineer intern, if otherwise qualified.

B. As a Surveyor Intern—The following shall be considered as minimum evidence that the applicant is qualified for certification as a surveyor intern. The NCEES Fundamentals of Surveying (FS) examination is recommended as follows:

1. A college senior or graduate of a surveying program of 4 years or more accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), the Applied Science Accreditation Commission of ABET (ASAC/ABET), or the equivalent, ~~shall be admitted to the NCEES Fundamentals of Surveying (FS) examination~~. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as a surveyor intern, if otherwise qualified;
2. A graduate of a program related to surveying of 4 years or more as approved by the board and with a specific record of 2 years of progressive experience in surveying ~~shall be admitted to the FS examination~~. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as a surveyor intern, if otherwise qualified; or
3. A graduate of a program of 4 years or more as approved by the board and with a specific record of 4 years of progressive experience in surveying ~~shall be admitted to the FS examination~~. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as a surveyor intern, if otherwise qualified.

Rationale

§□ The suggested changes are to complement the changes from pencil-and-paper exams to CBT exams.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

MBA Motion 2

Move that *Model Rules* 230.20 be amended as follows:

***Model Rules* 230.20 Experience**

A. As a Professional Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

1. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Only work of an engineering nature that follows graduation from an EAC/ABET-accredited program or a program deemed to be substantially equivalent is creditable.
3. Experience must not be obtained in violation of the licensure act.

4. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in an engineering or engineering-related group.
5. Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
6. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.
7. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the board. (*Section 130.10, General Requirements for Licensure, NCEES Model Law*)
8. Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable. (*Section 130.10, General Requirements for Licensure, NCEES Model Law*)
9. Successful completion of graduate study leading to the master's degree in engineering from an institution that offers EAC/ABET-accredited programs may be used for credit for 1 year's experience. If the earned doctoral degree in engineering is completed under the same conditions, 2 years' total experience may be credited. The 2 years' credit includes the 1 year for the master's degree. If the earned doctoral degree is obtained without the master's degree, the credit for experience may be 2 years.
10. Experience may not be anticipated. The experience must have been gained by the time of the application.
11. Experience in construction, to be creditable, must demonstrate the application of engineering principles.
12. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
13. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.
14. [The board may deem professional experience and education acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience and education in that jurisdiction.](#)
145. Experience may be summarized as shown in Appendix A, Suggested Guidelines for Evaluating Progressive Engineering Experience. Appendix A is for reference only, and the language should not be adopted into the board rules.

Rationale

- § This change has to do with the increase in number of sites outside the United States in which NCEES exams are given, the number of ABET programs outside the United States, and the recognition of international experience by many jurisdictions.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

MBA Motion 3

Move that *Model Rules 230.40* be amended as follows:

Model Rules 230.40 Examinations

A. Classification of Engineering Examinations

This jurisdiction will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional engineer:

1. Examination in the NCEES Fundamentals of Engineering (FE) examination, and
2. Examination in the NCEES Principles and Practice of Engineering (PE) examination in the appropriate engineering discipline (*In part from Section 130.30, Examinations, NCEES Model Law*)
3. The Structural Engineering (SE) examination shall be considered and referred to as one 16-hour examination. The SE examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.

B. Eligibility of Applicant for an Engineering Examination

1. Applicants for licensure as a professional engineer will be permitted to sit for the PE examination upon satisfactorily fulfilling all application requirements of this jurisdiction.
2. No applicant may sit for ~~the FE examination or~~ the PE examination until the board has established that the applicant is eligible for the examinations.

~~3. An applicant for certification as an engineer intern becomes eligible to sit for the FE examination during the senior year of enrollment in an engineering program leading to a bachelor's degree in engineering and approved by the board. The enrollment of the applicant must be verified by the school being attended by the applicant.~~

43. Effective January 1, 2020, a graduate of an EAC/ABET-accredited bachelor's program may request that credits earned in excess of the institution's requirements for the applicable degree be applied to satisfy the requirements for an additional 30 credits of acceptable upper-level undergraduate and/or graduate-level coursework.

54. Engineering doctorate degree applicants with an undergraduate degree from an EAC/ABET- accredited program and a doctorate degree in engineering from an institution that offers EAC/ABET-accredited undergraduate programs in the doctorate degree field of engineering and with experience that meets the qualifications defined by the board may sit for the PE examination without having taken or passed the FE examination.

C. Classification of Surveying Examinations

This jurisdiction will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a professional surveyor:

1. Examination in the NCEES Fundamentals of Surveying (FS) examination, and
 2. Examination in the NCEES Principles and Practice of Surveying (PS) examination
- Jurisdictions have the right to administer separate modules on jurisdiction laws and procedures for the practice of surveying. *(In part from Section 130.30, Examinations, NCEES Model Law)*
- D. Eligibility of Applicant for a Surveying Examination
1. An applicant for licensure as a professional surveyor will not be permitted to sit for the PS examination until the FS examination has been passed.
 2. No applicant may sit for the ~~FS examination or the~~ PS examination until the board has established that the applicant is eligible for the examinations.
- E. Examination Dates and Locations
1. Examinations are offered on dates set by NCEES.
 2. Locations at which the examinations are given are designated by the board or by NCEES.
- F. Language of the Examination.
- The language of the examination will be English.
- G. Study Information
1. The board will not distribute copies of questions used on prior examinations. NCEES does offer for sale copies of questions on prior examinations, and copies may be purchased directly from it.
 2. The board may publish and make available specifications for all examinations that are specific to the jurisdiction. *(Section 130.30 D, Examinations, NCEES Model Law)*
- H. Instructions for Examinees
- Instructions provided prior to each examination will declare an examination to be open- or closed- book. Instructions will communicate what materials are allowed in the examination room in accordance with established NCEES policy.
- I. Failure to Attend an Examination
1. An applicant who fails to attend an examination for which he or she has been scheduled will forfeit the fee paid for the examination, except in the case of illness, death in the family, or other unavoidable causes for absence where the fee will be applied to the next examination administration.
 2. Failure of an applicant to attend an examination for which he or she has been scheduled to attend does not count as a failure of the examination.
- J. Pencil-and-Paper Examination Offerings
1. An applicant failing 3 or more attempts of the same NCEES examination, regardless of the jurisdiction in which the examination is administered, must submit an application to be readmitted to future administrations of the same NCEES examination. If readmitted by the board, an applicant must wait at least 11 months until the next yearly interval the failed NCEES examination is offered before retaking the examination. At the end of the waiting period and continuing thereafter, an applicant may take the examination only once every calendar year. *(Section 130.30 C, Examinations, NCEES Model Law)*
 2. An applicant for the PE or PS examinations will be notified by the board at least 60 days before

the examination date of approval to take the examination. The applicant must notify the board whether he or she plans to sit for the examination at least 45 days before the examination date.

~~3. An applicant for the FE or FS examinations must submit an application at least 45 days before the examination date in order to sit for the examination.~~

K. Computer-Based Examination

Offerings

1. An applicant must ~~submit an application to sit for~~ register with NCEES to take the FE or FS examination.
2. An applicant failing the FE or FS examination may be allowed to retake the examination in accordance with NCEES policy.

L. Examination Results

Examination results will be released in accordance with established NCEES policy.

M. Review of Examinations

There shall be no post-administration access to, or review of, examination questions except in those jurisdictions where required by law. Such review as required by law shall be conducted in accordance with established procedures of NCEES. An administrative fee established by the NCEES Board of Directors will be assessed.

N. Examination for Record Purposes

1. Any professional engineer licensed by this board may take for record purposes the FE examination and/or a PE examination in a chosen discipline offered by NCEES upon payment of..... (fee set by board regulation and/or NCEES).
2. Failure to pass either or both examinations will in no way affect current licensure.

Rationale

§ The suggested changes are to complement the changes from pencil-and-paper exams to CBT exams.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

MBA Motion 4

Move that *Model Rules* 230.60 A and B be amended as follows:

Model Rules 230.60 Applications

A. Types of Applications

Licensure as a professional engineer or professional surveyor or certification as an engineer intern or surveyor intern requires that an applicant present his or her qualifications on forms prescribed by this board.

1. Applications for licensure as a professional engineer or professional surveyor are accepted from those who believe that they are qualified by education and experience, according to laws of this jurisdiction, to be licensed as a professional engineer or a professional surveyor.
2. Applications for certification as an engineer intern or a surveyor intern are accepted from those who believe that they have the necessary qualifications for

licensure according to the laws of this jurisdiction, as a professional engineer or a professional surveyor except for that of experience.

3. Those who are college seniors in at least a 4-year program leading to a bachelor's degree in an engineering program may ~~apply for certification as an engineer intern and register with NCEES directly~~ to take the NCEES Fundamentals of Engineering (FE) examination ~~during the senior year or, if required, apply to the board for admission to the FE examination.~~

4. To be certified as an engineer intern, an application for certification may be submitted to the board upon passing the FE examination and graduating.

~~45. Those who are college seniors in at least a 4-year program leading to a bachelor's degree in a surveying program may apply for certification as a surveyor intern and register with NCEES directly~~ to take the NCEES Fundamentals of Surveying (FS) examination ~~during the senior year or, if required, apply to the board for admission to the FS examination.~~

6. To be certified as a surveyor intern, an application for certification may be submitted to the board upon passing the FS examination and graduating.

~~57. Applications for licensure properly executed and issued with verification by NCEES will be accepted in lieu of the same information that is required on the form prescribed and furnished by this board. (In part from Section 130.20, Application and Fees, NCEES Model Law)~~

B. Completing Applications

1. All applications made to this board must be subscribed to on the forms used by the applicant.

(Section 130.20, Application and Fees, NCEES Model Law)

2. When space provided on forms is inadequate, supplementary sheets provided by this board are to be used.

3. In order to allow sufficient time for processing and for securing pencil-and-paper examinations, all applications which may require pencil-and-paper examinations must be filed with this board at least days before the date set for the appropriate pencil-and-paper examinations.

4. Withholding information or providing statements which are untrue or misrepresent the facts may be cause for denial of an application or revocation of license or certification.

5. It is the responsibility of the applicant to supply correct addresses of all references and to be sure that the references are supplied as requested. If a reference fails to respond, this could delay the processing of an application either until a reply is obtained or another reference is given.

6. In relating experience, the applicant must account for all employment or work experience for the period of time which has elapsed since the beginning of the employment record. If not employed or employed in other kinds of work, this should be indicated in the experience record.

Rationale

§ The suggested changes are to complement the changes from pencil-and-paper exams to CBT exams.

Board of directors' position

Endorses, Consent agenda

The Sections supported the motion.

Ms. McIntyre reported that she received a letter from the Virginia Department of Health regarding the transition of the onsite sewage system to private sector AOSEs.

Other Business

Mr. Leary suggested sending the Candidate Information bulletin to the board members of the Virginia Association of Surveyors. Mr. Holt stated that he would send the bulletin to the VAS.

Discussion was held on the fact that Virginia does not have a university that offers a four year surveying degree. Mr. Holt suggested contacting state universities and endorsing the offering of a surveying degree, or a minor in surveying. Ms. Nosbisch stated that according to §54.1-310, this would not be under the purview of the Board. The board's purpose is to protect the health, safety and welfare of the public.

Ms. Nosbisch informed the sections that no board replacements or reappointments have been announced.

Ms. Nosbisch reported that Mr. Johnson had been approved to participate on an ABET observation team at Virginia Tech in October.

Section members reviewed correspondence from Eric DuBois, LS, regarding clarification of 18VAC10-20-370 and the setting of monumentation. Discussion was held on when monumentation was required to be set, setting corners, responsibility if corners are set incorrectly and the validity of the plat if "original" corners set by another surveyor.

Mr. Combs departed at 1:08 p.m.

Departure of Mr. Combs

Ms. McIntyre stated that the second paragraph of 18VAC10-20-370.C.4 should clarify:

Other Business

“All boundaries, both exterior and interior, of the original survey for any division or partition of land shall be monumented in accordance with the provisions of this subdivision, when such monumentation is not otherwise regulated by the provisions of a local subdivision ordinance.”

Ms. Nosbisch commented that it is not under the purview of the Board to say “when” monumentation is to be set. Ms. McIntyre further added that the validity of a plat is not under the purview of the Board. Staff will draft a letter to Mr. DuBois

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 1:35 p.m.

Adjourn

Paul deC. Holt, Jr., Chair

Gordon N. Dixon, Secretary

DRAFT