

**PROFESSIONAL ENGINEERS and LAND SURVEYORS  
SECTION MEETING AGENDA  
MAY 9, 2019**

**10:00 a.m. – Board Room 2**

**Department of Professional & Occupational Regulation  
9960 Mayland Drive  
Richmond, Virginia 23233  
(804) 367-8514**

1. Call to Order
2. Emergency Evacuation Procedures
3. Approval of Agenda
4. Public Comment Period\*
5. Virginia Surveyor Apprenticeship Standards Outline
  - a. DOLI/ Land Surveyor Apprenticeship Program
6. Drone Companies Selling Data for Design Purposes Letter
7. Guidance Document on § 33.1-105 Evidence as to Existence of a Public Highway – Public Comment Update
8. LS Exam Update
9. LS Week Proclamation
10. VAS Presentation Update
11. Taking PE Exam without Pre-Approval
12. *Wireless Site Project Plans with Stolen PE Stamps?* Jonathan L. Kramer, on March 24, 2019 on Wireless Siting and Law
13. Cases without Board Member Review
14. 2020 PE-LS Meeting Dates
13. NCEES Updates
  - a. Proposed Changes to the Bylaws
  - b. Candidate for Southern Zone Vice President - Tim Lingerfelt
14. License Counts
15. Other Business
16. Conflict of Interest / Travel Vouchers

17. Adjourn

- File review upon adjournment

**NEXT MEETING SCHEDULED FOR PROFESSIONAL ENGINEERS and LAND SURVEYORS – August 1, 2019**

\*Agenda materials available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.

\*Five-minute public comment, per person, with the exception of any open disciplinary or application files. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8514 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

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# Call to Order

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# Emergency Evacuation Procedures

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# Public Comment

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# Outline of How to become a Land Surveyor through the Virginia Surveyor Apprenticeship Standards

Registered Apprenticeship combines carefully defined and employer-specific training under the guidance of a highly skilled mentor at the worksite. On-the-job training is supplemented with related classroom instruction. Upon successful completion, apprentices are awarded a Certificate of Completion.

## Find A Sponsor Near You

Please select ANY OCCUPATION (or specific occupation). Then select City/County OR Zip Code or ANY LOCALITY to search for a list of sponsors in your area. You may also press the down arrow to expand the travel range for sponsors if desired.

PLEASE NOTE: Search results will display those Registered Apprenticeship Sponsors who authorized sharing their company information. **Job seekers should not limit their search to these participants.** Any employer can sign up today to become a Registered Apprenticeship Sponsor. Thank you for your interest in Registered Apprenticeship.

LAND SURVEYOR ▼ Search by Zip 23233 within 150 Miles Search by City/County

2 Record(s) found for LAND SURVEYOR within 150 mile(s) of 23233:

Occupation	Sponsor	Address	City	State	Zipcode
LAND SURVEYOR	BOHLER ENGINEERING	22636 DAVIS DRIVE SUITE#250	STERLING	VA	20164
LAND SURVEYOR	WALTER L. PHILLIPS	207 PARK AVENUE	FALLS CHURCH	VA	22046

- Speak with your employer to see if your place of employment is a registered apprenticeship sponsor or if there is interest in becoming a sponsor.
- If you work for a Registered Apprenticeship sponsor, have your employer contact a local Virginia Department of Labor and Industry apprenticeship consultant to register you as an apprentice.
- All apprentices are registered through a Department of Labor and Industry apprenticeship consultant.
- Written agreement with Sponsor for employment who is registered with DOLI
- "Apprentice" means a person at least 16 years of age who is covered by a written agreement with an employer and approved by the Commissioner. The agreement shall provide for not less than 2,000 hours of reasonably continuous employment for such person, for his participation in an approved schedule of work experience through employment, and for the amount of related instruction required in the occupation.

## TERM OF REGISTERED APPRENTICESHIP

The minimum term of the Land Surveyor registered apprenticeship shall be 10,000 hours (five years) of work experience, which may include the 150 required RTI hours, as stipulated in the Work Processes Outline and shall consist of reasonably continuous employment, supplemented by required approved related instruction. When the apprentice is required to work overtime, these hours will not be credited to the term of apprenticeship.

## SAFETY AND HEALTH TRAINING

Before starting in the profession at any site or in any facility, the Sponsor shall instruct the Apprentice in safe and healthful work practices and shall insure that the registered apprentice is trained in facilities and other environments that meet the Virginia Occupational Safety and Health Standards for General Industry and the Construction Industry developed pursuant to the Federal Occupational Safety and Health Act.

## RELATED TECHNICAL INSTRUCTION

- min of 150 hours required
- supplements the on-the-job work experience, separate from work processes
- allows for in-depth instruction in specified categories to be verified by supervising land surveyor, and in the case of drainage, hydrology, and hydraulics topics a Virginia licensed professional engineer.

Commonwealth of Virginia  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233-1485  
(804) 367-8506  
[www.dpor.virginia.gov](http://www.dpor.virginia.gov)



VIRGINIA SURVEYOR APPRENTICESHIP STANDARDS - RTI TRAINING LOG

1. Apprentice - Full Legal Name \_\_\_\_\_  
(Same name as used on other applications with the department)

2. Company Name \_\_\_\_\_

3. Log Entry: Document your Related Technical Instruction (RTI) hours below.  
Must be a minimum of 15 training hours in each of the following categories:  
Health and Safety, Drainage, Research Use Instruments, GPS/Geodetic Surveys, Computations Photogrammetry, and Utilities

Date	Training Category	RTI Hours	Signature of Land Surveyor	Land Surveyor's VA License No.

Add Row Delete Row Total Hours: \_\_\_\_\_

4. I certify, all information provided on this form is true and accurate.

Apprentice Signature \_\_\_\_\_ Date \_\_\_\_\_

## SCHEDULE OF WORK PROCESSES (On the Job learning)

- allows individuals to prepare for a skilled profession through supervised on the job learning combined with Land Surveyor related classroom instruction.
- apprentice obtains practical supervised experience;
- Supervisor shall be a Virginia licensed land surveyor, have responsible charge for the apprentice's work; will be responsible for verification of on the job learning and related technical instruction (RTI). The supervisor may also be the sponsor.
- apprentice should progress through different levels of responsibility and experience related to the procedures in both the field and office environments until a thorough knowledge of the procedures is attained
- minimum hours required for advanced operations of the listed procedures
- apprentice will have additional hours achieving competency in the advanced operations and procedures
- Credit for previous experience towards these years must be given based on the procedures as set forth in the Standards.
- A condensed schedule of the major divisions of the profession based on approximate hours is recorded in the Work Processes Outline as adopted by the AP/LS/CIDLA Board.
- apprentice's sponsor provides on-the-job training through qualified journeymen.

1.	Application, care and practices of proper steel and cloth tape measurement procedures with the understanding of obtainable precision and accuracy in determining horizontal distances.	200 Hours
2.	Application, care, and adjustment of surveying equipment.	200 Hours
3.	Recording of hand and electronic field notes, including the use of reference sketches, describing control points and other pertinent field data.	800 Hours
4.	Application, care, use, operation, and adjustment procedures for vertical and horizontal angles when performing topographic contouring and open or closed traversing.	700 Hours
5.	Application, care, and use of equipment for selecting turning points, identifying topographical features on site surveys.	800 Hours
6.	Establishing observation points, performing interior angle and deflection angles, controls for R/W and boundary identification, determine error of closure and accuracy.	1,000 Hours
7.	Observation for azimuth determination, establishing GPS control sites, HARN stations, identifying picture points of aerial photography.	500 Hours
8.	Application and use of field and office equipment including software programming for the development of plans or plats from field surveys.	1,000 Hours
9.	Interpret plans for establishment of: boundaries and R/W, drainage and utility layout, horizontal and vertical curves, slope and grade stakes.	1,000 Hours
10.	Field and office procedures for area and volume determinations.	500 Hours
11.	Application, care, and adjustment procedures for establishing elevation profiles and cross sections using differential, trigonometric, and GPS leveling procedures.	800 Hours
12.	Application, care, and procedures for conducting research of land records, deeds, wills, and plats. Understanding, applying, and relating local or states codes, statutes, and regulations that influence or control surveying procedures.	400 Hours
13.	Application, computation, and field procedures for establishing state plane coordinates.	400 Hours
14.	Other general or advanced surveying operations that lead to the complete development of the surveying apprentice but does not clearly fit into the previous thirteen items.	1,200 Hours
15.	Health and Safety Procedures.	500 Hours
TOTAL =		10,000 Hours



In order to receive credit for completing the surveyor apprenticeship program, all applicants must provide the APELSCIDLA Board with proper documentation indicating that the program (including classroom instruction and on the job learning), has been successfully completed.

Successful completion of the Registered Apprenticeship Program earns the apprentice nationally recognized state certification as a journey person.

### Surveyor in Training (SIT)

To sit for the FLS exam, apprentice must have successfully completed Board approved survey apprenticeship program, with a minimum of 480 hours and minimum of 6 years approved LS experience

After passing FLS exam, receive SIT designation

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## Land Surveyor Apprenticeship Program

1 message

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**Nosbisch, Kathleen** <kate.nosbisch@dpor.virginia.gov>  
To: Kathleen Eddington <kathleen.eddington@doli.virginia.gov>  
Cc: Bonnie Davis <bonnie.davis@dpor.virginia.gov>

Tue, Apr 23, 2019 at 2:12 PM

Hello Kathleen,

Happy Spring! At our recent full board meeting, the board asked that I ask DOLI why sponsors opt out of being listed on the website and how is the board to know that DOLI has everything they need to be an approved program. The Board concurred that an outline/step by step process to become a surveyor via the Virginia Surveyor Apprenticeship Standards should be developed.

Our next PE/LS section meeting is May 9th and this item will be on the agenda for follow-up. I would like to set up a time to talk with you if you are available this afternoon, tomorrow before 11 or between 12-3, or Thursday before 10:00.

Thank you for your time,  
Kate

--

*Kate Nosbisch, Hon. AIA Virginia*

Kathleen R. Nosbisch

Executive Director

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA)

Board for Branch Pilots

Board for Professional Soil Scientists, Wetland Professionals, and Geologists

Board for Professional and Occupational Regulation

Auctioneers Board

Boxing, Martial Arts and Professional Wrestling Advisory Board

### **SERVICE START TO FINISH**

 DPOR logo - full color

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Suite 400

Richmond, VA 23233

804-367-8514

866-465-6206 fax

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May 9, 2019

Name  
Company  
Address  
City, VA 2xxxx  
Email: \_\_\_\_\_

Dear Mr. Name:

On March 12, 2019, the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA) reviewed your email inquiry sent to Board Member, Ms. Anglin, on March 8, 2019.

In response to your question if a UAS (Drone) company can sell aerial photography and/or LIDAR type point data to an engineering/surveying company for design purposes in Virginia without a photogrammetrist/land surveyor's licensed person on staff? The answer is no, it cannot be used for design purposes. If the product is to be for design purposes, the work must be performed by a licensed professional.

If you are aware of such work being used for design, you may wish to file a complaint against the licensed professional using the work inappropriately, you can file a complaint by emailing [ComplaintAnalysis@dpor.virginia.gov](mailto:ComplaintAnalysis@dpor.virginia.gov) or by calling (804) 367-8504.

If you have any questions, you can reach me at (804) 367-8514.

Most sincerely,

Kathleen (Kate) R. Nosbisch  
Executive Director  
Virginia APELSCIDLA Board

KN/bd

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Find a Regulation

Regulatory Activity

Actions Underway

Petitions

Legislative Mandates

Periodic Reviews

General Notices

Meetings

Guidance Documents

Comment Forums

Sign in

State Agency

Registered Public

Sign up

## Public comment forums

**Make your voice heard!** Public comment forums allow all Virginia's citizens to participate in making and changing our state regulations.

[See our public comment policy](#)

Currently showing **41** open comment forums

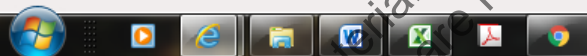
[Recently closed](#)  
[Recently opened](#)  
[Active Forums](#)  
[More filter options](#)

[Regulatory Activity Forums](#) (27)

[Guidance Document Forums](#) (14)

	Description of Changes / Guidance Documents Being Changed	Boards Affected By This Forum
<b>Department of Taxation (Agency 161)</b>		
<a href="#">View and Enter Comments</a>	Revised Guidelines for the Combined Sales Tax Holiday -1 Guidelines for the Combined Sales Tax Holiday 0 Comments	
<b>Department of Professional and Occupational Regulation (Agency 222)</b>		
<a href="#">View and Enter Comments</a>	Guidance from the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects regarding surveying property lines along public roads without recorded fee simple right-of-way APELS 01 Property Lines Along Public Roads Without Recorded Fee Simple Right of Way 0 Comments	
<a href="#">View and Enter Comments</a>	Board for Barbers and Cosmetology proposed guidance for barber schools previously approved to teach training equivalent to the master barber curriculum BC2019-02 Barber Schools Previously Approved to Teach Training Equivalent to the Master Barber Curriculum 0 Comments	

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Address

# LS Exam Update

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VIRGINIA GOVERNOR

Ralph S. Northam

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## Surveyors Week

03/17/2019

**WHEREAS**, the role of the surveyor has been, and remains, of vital importance in the development of the United States and to our private property rights; and

**WHEREAS**, surveying requires both fieldwork and indoor work, in order to measure, maintain, monitor, verify, validate, and regulate boundaries of land, economic assets, and other properties; and

**WHEREAS**, since the colonial era, surveyors have been statesmen, leaders in the community, and influential citizens; and

**WHEREAS**, former surveyors include George Washington, Thomas Jefferson, and Abraham Lincoln; and

**WHEREAS**, surveyors remain essential to the development of the United States and the Commonwealth of Virginia today; and

**WHEREAS**, Virginia is home to more than 1,200 licensed surveyors; and

**WHEREAS**, Surveyors Week is an opportunity to recognize the historic contributions of surveying, and appreciate the new technologies that are constantly modernizing the profession;

**NOW, THEREFORE**, I, Ralph S. Northam, do hereby recognize March 17-23, 2019, as **SURVEYORS WEEK** in our **COMMONWEALTH OF VIRGINIA**, and I call this observance to the attention of all our citizens.

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# **VAS Presentation Update**

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# Taking PE Exam without Pre-Approval

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## Wireless Site Project Plans with Stolen PE Stamps?

BY DR. JONATHAN L. KRAMER, ON MARCH 24TH, 2019

With the push to apply for as many cell sites as possible in as short a period as possible, and for the least cost, we're observing an alarming new situation: the use of Professional Engineer seals and signatures copied onto wireless project plans and related safety documents, all without the knowledge—much less the permission—of the professional engineer.



This is an issue that appears to be happening nationally. Unfortunately, the use of what I'll call "Stolen Stamps and Signatures" ["SSS"] also known as Stamp Fraud is also not much of a surprise.

The industry pressure to get proposed wireless sites through the local government permitting process as quickly as possible for the fewest dollars seems to have incentivized some wireless industry members to engage in what is, in most states, a violation of law. Specifically, scanning PE stamps and signatures from one set of plans for a project location reviewed and approved by the PE, and then inserting the scanned seal and signature on multiple other project site plans.

Let's be clear:

SSS endanger the public. The public, and more directly the local governments that have police powers to protect the public, rely on the fact that an engineer's PE seal and signature are an assurance of safety code compliance.

SSS are a violation of law in most states. Most states have laws on the books that make the unauthorized use of a PE stamp an illegal act. Expect to see stamp fraud referrals to local law enforcement and state PE boards. Also expect to see planning companies shown to engage in stamp fraud to be disbarred from submitting additional wireless applications for a period of time or forever depending on who in the firm knew what and when. Disbarment of a firm or person by a government entity can require the disclosure of that fact when a locally-disbarred person or firm bids on state, federal, or military contracts.

SSS costs a registered professional engineer income, and more importantly the loss of professional reputation. If SSS is discovered by a PE, that PE is placed in the unenviable position of having to decide whether to accept the theft as a cost of doing business with their large clients and eat that cost of the lost work or dropping a dime with the state PE Board. If the PE does eat it, however, the PE is likely endangering his or her own license by suborning the illegal use of the PE stamp. I suspect many state PE boards will not look favorably on that intentional head-in-the-sand approach. Moreover, some jurisdictions may also look at disbaring a particular PE as being unreliable to seal plans and safety documents for the intentional looking away. As above, disbarment at one level can carry through to other governments and agencies.

SSS hurt the wireless providers. As the breadth of stamp fraud becomes clearer, expect that projects already approved that were submitted by now-known stamp thieves will be brought back for very close scrutiny. Projects already approved under false pretenses may be subject to revocation, or at least a costly new review.

SSS is likely to change the local permitting process. I expect that as the breadth of this nauseous activity is determined with greater certainty, some or many jurisdictions will require that actual wet stamps and wet signatures be affixed to plans and other safety documents. This will be a change from the current practice, now questioned, of allowing facsimile stamps and seals to be placed on plans and safety documents.

Our firm's permitting team, working for many local governments, is coordinating our activities with local governments evaluating whether they have been unlawfully deceived by SSS/stamp fraud.

This is an big issue to follow, and I'll post about it as events unfold.

Those are my opinions...what are yours? Let me know via a direct contact message by [CLICKING HERE](#).

Jonathan

Update: April 18, 2019. The Florida Board of Professional Engineers asked for and received my permission to reprint this post in its official newsletter, the FBPE Connection. This post, slightly edited by the FBPE, is reprinted in its [April 2019 on-line news letter](#).



[SAFETY](#) [PROFESSIONAL ENGINEER](#), [STAMP FRAUD](#), [STOLEN](#)

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« [Cal Supreme Court Rules for San Francisco against T-Mobile in PROW Case](#)

[TLF Releases new Small Wireless Facilities Supplemental Application](#) »

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## 1 comment to [Wireless Site Project Plans with Stolen PE Stamps?](#)



**Lawrence Behr**

March 26, 2019 at 8:28 am

Jonathan,

Thanks for bringing this up. Not only is this fraud a problem in our industry, but forged or altered safety certifications are appearing. A second look at credentials is increasingly necessary!

Lawrence Behr

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« [Cal Supreme Court Rules for San Francisco against T-Mobile in PROW Case](#)

[TLF Releases new Small Wireless Facilities Supplemental Application](#) »

# Complaints without Board Member Review

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# 2020 PE-LS Meeting Dates

<b>Date</b>	<b>Time</b>	<b>Rm</b>
February 4, 2020	10:00 AM	BR2
May 6, 2020	10:00 AM	BR2
August 5, 2020	10:00 AM	BR2
November 4, 2020	10:00 AM	BR2

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# NCEES

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**Fwd: Proposed 2019 NCEES Bylaws changes**

1 message

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**Nosbisch, Kathleen** <kate.nosbisch@dpor.virginia.gov>  
To: Bonnie Davis <bonnie.davis@dpor.virginia.gov>

Thu, Feb 28, 2019 at 1:40 PM

For the next PE/LS section meeting.

----- Forwarded message -----

From: **Donna Sentell** <noreply@ncees.org>  
Date: Thu, Feb 28, 2019 at 1:38 PM  
Subject: Proposed 2019 NCEES Bylaws changes  
To: [kate.nosbisch@dpor.virginia.gov](mailto:kate.nosbisch@dpor.virginia.gov) <kate.nosbisch@dpor.virginia.gov>

---

Dear Member Board Members and Associate Members:The proposed changes to the *Bylaws* have been posted as a PDF under [Member Resources/Board Resources/Publications and presentations](#).The Special Committee on Bylaws will propose these changes as motions at the annual meeting in August. This email serves as notice of proposed amendments in accordance with *Bylaws* Section 12.02. Please take some time to review the revisions.

Committee members or designated NCEES staff will make presentations at the zone interim meetings and answer any questions about these changes.

Sincerely,

Donna Sentell  
Chair, Special Committee on Bylaws

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[Unsubscribe](#) from future NCEES correspondence.

--

*Kate Nosbisch, Hon. AIA Virginia*

Kathleen R. Nosbisch

Executive Director

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA)

Board for Branch Pilots

Board for Professional Soil Scientists, Wetland Professionals, and Geologists

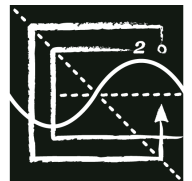


# BYLAWS

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August 2019

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**NCEES**

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National Council of Examiners for Engineering and Surveying®

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## **ARTICLE 1. NAME.**

**Section 1.01 Name.** The name of this organization shall be the National Council of Examiners for Engineering and Surveying.

**Section 1.02 Definitions and Abbreviations.** Wherever the word "Council" is used, it shall mean the National Council of Examiners for Engineering and Surveying, for which the official abbreviation shall be NCEES. The words "State Board" shall mean a legally constituted board of any state, territory, or political subdivision of the United States of America that administers an Act regulating the practice of professional engineering, a single branch of professional engineering or surveying, or a combination of professional engineering and surveying; or a board that serves in an advisory capacity to a state agency in the administration of such an Act. Wherever the word "State" is used, it shall mean any state, territory, or political subdivision of the United States of America.

## **ARTICLE 2. PURPOSE.**

**Section 2.01 Purpose.** The purpose of this Council shall be to provide an organization through which state boards may act and counsel together to better discharge their responsibilities in regulating the practice of engineering and surveying as it relates to safeguarding the health, safety, and welfare of the public. The Council shall also provide such services as may be required by the boards in their mandate to safeguard the public.

**Section 2.02 Objectives.** In the public interest, NCEES shall provide to licensing boards services that assist in the development and administration of the licensing process by promoting

- (1) Improvements of licensing laws for engineering and surveying, including the administration and effectiveness of these laws;
- (2) Uniformity of standards and practices used in engineering and surveying licensure;
- (3) General acceptance and recognition of comity for engineering and surveying licensure among boards;
- (4) Definition and maintenance of nationally recognized licensing qualifications to become professional engineers and professional surveyors;
- (5) Identification and observation of international engineering and surveying licensing procedures and the maintenance of a liaison with international licensing agencies;
- (6) Improvement and uniformity of standards for law enforcement and disciplinary action in engineering and surveying licensing laws and their administration; and
- (7) Value of the licensure of engineers and surveyors as it relates to safeguarding the health, safety, and welfare of the public.

## **ARTICLE 3. MEMBERSHIP.**

**Section 3.01 Member Boards.** A Member Board of NCEES shall be a state board, as defined in Article 1, Section 1.02, which is a member of the Council. Acceptance of a Member Board shall be by majority vote of the Council. Member Boards shall pay fees as set forth in the *Bylaws*.

**Section 3.02 Members.** A member of NCEES shall be a person who is a member of a Member Board.

**Section 3.021 Associate Members.** An associate member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an associate member of NCEES.

Recommendations for associate members of NCEES shall be submitted by Member Boards to the Board of Directors and become effective upon appointment by the Board of Directors. Such appointments shall be

reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Associate members of NCEES shall have the privilege of the floor upon approval of the presiding officer and may serve on any committee to which duly appointed under the *Bylaws*. Associate members are eligible to hold the elective office of zone Secretary-Treasurer but are not eligible to serve on the NCEES Board of Directors.

**Section 3.022 Emeritus Members.** An emeritus member of NCEES shall be a person who is a former member of a Member Board who is duly recommended by that Member Board and approved by the NCEES Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Emeritus members of NCEES shall have the privilege of the floor upon approval of the presiding officer and may serve on any committee to which duly appointed under the *Bylaws*.

**Section 3.03 International Affiliate Organization.** An International Affiliate Organization of NCEES shall be a legally constituted entity located outside the United States having a collateral and supportive position with the licensure of engineers or surveyors. International Affiliate Organizations are entitled to representation at Council meetings without voting privileges and, on approval of the presiding officer, may have the privilege of the floor. Acceptance of an International Affiliate Organization shall be by majority vote of the Council.

**Section 3.04 Participating Organizations.** A Participating Organization shall be a society, institute, association, or organization of national scope whose membership is composed predominantly of engineers and/or surveyors engaged in work at the professional level and whose policies include advancement of professional ethics and standards and encouragement of licensure, and which actively supports the policies and objectives of the Council. Participating Organizations are entitled to representation at meetings of the Council without voting privileges and, on approval of the presiding officer, may have the privilege of the floor. They shall be privileged to communicate with the officers and Board of Directors of the Council on matters of mutual concern. Acceptance of a Participating Organization shall be by majority vote of the Council.

**Section 3.05 Delegates.** A delegate shall be a member or an associate member designated by a Member Board to represent it at meetings of the Council. A Member Board may have as many delegates as it has members but may cast votes only as prescribed. Any delegate shall have the privilege of the floor.

**Section 3.06 Representatives.** A representative shall be a member of an International Affiliate Organization or a Participating Organization designated to represent his or her respective organization at meetings of the Council.

**Section 3.07 Past Presidents.** Past presidents of the Council who are not members of Member Boards shall be considered as honorary participants in the Council eligible to serve on the committees, to have the privilege of the floor at meetings of the Council, to take part in discussions, and to perform all functions of members except to hold office and vote.

**Section 3.08 Zones.** The Member Boards of the Council shall be divided into four zones as follows: **Central Zone:** Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin; **Northeast Zone:** Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia; **Southern Zone:** Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands (U.S.), Virginia; **Western Zone:** Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Northern Mariana Islands, Oregon, Utah, Washington, Wyoming.

**Section 3.09 Zone Organization.** Each zone shall adopt the *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 duties of the Vice President in the event that 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 the *Bylaws*, with submittal of financial statements as required.

#### **ARTICLE 4. BOARD OF DIRECTORS.**

**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 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 that 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 30 days of receiving such request.

**Section 4.02 Board Membership.** The Board of Directors shall consist of the President, the President-Elect, the Immediate Past President, the Treasurer, and the four Vice Presidents (one from each zone).

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

**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 President-Elect shall 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. 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. Past Presidents shall be ineligible for reelection as President-Elect of the Council.

The Treasurer shall be elected at the Annual Business Meeting every three years in the manner prescribed in the *Bylaws*. Treasurers shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Treasurer, a partial term served shall not be considered a term for term-limit purposes.

Vice Presidents shall be elected at their respective Zone Interim Meeting every two years in the manner prescribed in the *Bylaws*. Vice Presidents from the Northeast and Southern Zones shall be elected in odd-numbered years. Vice Presidents from the Central and Western Zones shall be elected in even-numbered years. Vice Presidents shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Vice President, a partial term served shall not be considered a term for term-limit purposes.

New members of the Board of Directors 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 if their terms with Member Boards have ended.

**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 be a licensed engineer or surveyor, shall have been a member of NCEES at least three years, and shall have attended at least two NCEES Annual Business Meetings.

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 Treasurer or Vice-President;
- They have obtained emeritus standing within the Council, they have the approval of their state board;
- 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.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer or surveyor and shall be from the zone that elects him or her.

**Section 4.06 Vacancies.** If a vacancy occurs in the office of President, the President-Elect shall succeed to the office of President for the completion of that term and subsequently serve the full one-year term that he or she was originally elected to serve as President. A vacancy in the office of President-Elect shall remain unfilled until the next NCEES Annual Business Meeting. At that time, the Council will elect a President from the zone of the vacant President-Elect position.

A vacancy in the office of Immediate Past President shall be filled by the most recent available Past President.

A vacancy in the office of Treasurer shall be filled by the Board of Directors within 30 days; the selected individual shall fill the position until an election for a new full-term Treasurer is held at the next Annual Business Meeting.

A vacancy in the office of a Vice President shall be filled by that zone's Assistant Vice President.

Appointments by the Board of Directors shall be made in accordance with the required qualifications and limitations for duly elected members of the Board of Directors.

A quorum of the Board of Directors for filling of vacancies shall consist of six members except in the event of two vacancies, when five shall constitute a quorum. For the filling of vacancies, the members of the Board of Directors may be represented by proxies, duly signed and verified.

**Section 4.07 Sanction or Removal.** By a majority vote and pursuant to the grievance procedure of the Council's *Manual of Policy and Position Statements*, which shall set forth appropriate due process, the Board of Directors may recommend the removal or sanction of a member of the Board of Directors. Upon a finding of the Board of Directors that the Board member has violated the ethics policy set forth in Section 4.08 of the *Bylaws*, that finding, along with stated grounds therefor, shall be transmitted to the chair of the Advisory Committee on Council Activities.

A Grievance Committee shall be appointed to address the removal or sanction recommended by the Board of Directors. The Grievance Committee members shall be selected as follows: two members of the Board of Directors, selected by the Board; one member from each zone, selected by the Assistant Vice President of each respective zone; and three members of the Advisory Committee on Council Activities, selected by said committee.

If by a majority vote of its members, the Grievance Committee concurs with the Board recommended removal or sanction, the Board of Directors shall implement such removal or sanction.

A sanction may include a period of suspension from Board activities, including attendance at Board of Directors or Council conferences and meetings.

In the event of removal of a Board member, the vacancy on the Board of Directors shall be filled pursuant to Section 4.06 of the *Bylaws*.

**Section 4.08 Ethics Policy.** A member of the Board of Directors is in violation of the ethics policy of the Board of Directors if he or she:

- (1) Commits a criminal act that reflects adversely on the Board member's honesty, trustworthiness, or fitness as a Board member in other respects.
- (2) Engages in conduct involving dishonesty, fraud, deceit, or misrepresentation.
- (3) Engages in conduct involving moral turpitude.
- (4) States or implies an ability to influence improperly the Board of Directors or any committee or officer of the Council.
- (5) Grossly abuses his or her authority in the discharge of the duties of the Council.
- (6) Engages in any action that harms the public image or professional reputation of the Council.

**Section 4.09 Board Audit Committee.** The President, President-Elect, Immediate Past President, and Treasurer shall comprise the Board Audit Committee. The Board Audit Committee shall annually select and recommend for approval by the full Board the accounting firm that shall conduct the annual financial audit and prepare the annual financial statements of NCEES. The Board Audit Committee shall also review and approve the audit results and final financial statement and approve the engagement of other financial consultants as may be necessary to facilitate its review of NCEES finances. Members of the Board Audit Committee must be free from any relationship that, in the opinion of the Board, would interfere with the exercise of independent judgment. The Board Audit Committee shall have a working familiarity with basic finance and accounting principles and practices.



## ARTICLE 5. DUTIES OF THE OFFICERS AND THE BOARD OF DIRECTORS.

**Section 5.01 President.** ~~The President shall, when present, preside at all meetings and shall present to the Council at the Annual Business Meeting a report of the activities during the term of office. The President shall appoint all members, chairs, vice chairs, and consultants of standing committees, special committees, and task forces unless specific action of the Council or of the Board of Directors names the personnel of the committee or task force. The President shall also appoint all members of a Tellers Committee for the election of the President-Elect and Treasurer. The President shall appoint all official representatives of the Council to other organizations as authorized by the Board of Directors. The President shall be chair of the Board of Directors, shall be an ex-officio member of all committees, and shall perform all other duties ordinarily pertaining to the office of President.~~

~~If both the President and the President-Elect are absent, the Vice President from the zone that will be nominating the next President-Elect will be the acting President. The Vice President shall have all the powers of the President while presiding in this capacity.~~

**Section 5.01 President.** The President shall be the chair of the Board of Directors and shall preside over all meetings of the Board as well as the Annual Business Meeting of the Council. The President shall be an ex-officio member of all committees and task forces of the Council. The President shall perform all other duties ordinarily pertaining to the office of President. The President shall prepare and present to the Council at the Annual Business Meeting a report of the President's activities during the term of office.

The President shall appoint all members, chairs, vice-chairs, and consultants of the standing committees as defined in Article 7 of the *Bylaws*. The President shall also appoint all members, chairs, vice-chairs, and consultants of special committees and task forces unless specific action of the Council or of the Board of Directors names the personnel of the committee or task force. The President shall also appoint one member of the Board of Directors to serve as board liaison to each standing committee, special committee, and task force. The President shall appoint all official representatives of the Council to any other organizations. If needed during the annual meeting, the President shall appoint a Tellers Committee for the election of the President-Elect and/or Treasurer.

If the President is absent, the President-Elect will serve as the acting President in accordance with *Bylaws 5.02*. If both the President and the President-Elect are absent, the Vice President from the zone that will be nominating the next President-Elect will serve as the acting President. The acting President shall have all powers of the President while presiding in this capacity.

### **Rationale for proposed changes to Section 5.01**

The 2018–19 Bylaws Committee received a charge to review *Bylaws 5.01* (as proposed by the 2017–18 ACCA and approved by the Council at the 2018 annual meeting) and propose an amendment that modifies the description of the president's role. The ACCA rationale for the change was as follows: "ACCA feels that the proposed amendment will reduce ambiguities and better organize the responsibilities of the president. This proposed language places all of the presiding and reporting responsibilities in the first paragraph and all of the appointing responsibilities in the second paragraph. The responsibility to appoint board liaisons to committees and task forces has been clarified. The third paragraph is a proposed revision of the current second paragraph and addresses the matter of absence of the president as well as the absence of the president-elect in relationship to the need for a temporary acting president. The requirement of having authorization of the board of directors prior to appointing official representatives of the Council to any other organizations is being deleted. As has been the practice in the past, the president has the discretion to make such appointments."

**Section 5.02 President-Elect.** The President-Elect shall serve as a member of the Board of Directors. In the absence of the President or the incapacity of the President, the President-Elect shall exercise the duties of and possess all the powers of the President, including the appointment of committees. The President-Elect shall serve as an ex-officio member of the Committee on Finances.

**Section 5.03 Treasurer.** The Treasurer shall serve as a member of the Board of Directors. The Treasurer shall, under the direction of the Board of Directors, oversee the financial operation of the Council and shall obtain an annual audit of Council finances and submit such audit to the Board of Directors. The Treasurer shall serve as an ex-officio member of the Committee on Finances.

**Section 5.04 Vice Presidents.** Vice Presidents shall be identified as Central Zone Vice President, Northeast Zone Vice President, Southern Zone Vice President, and Western Zone Vice President. The Vice President of each zone shall be the administrative officer of their zone and serve as a member of the Board of Directors.

**Section 5.05 Secretary.** The 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 of 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.

**Section 5.06 Restrictions on Endorsements.** No member of the Board of Directors shall endorse, recommend, or certify, gratuitously or for profit, on behalf of the Council, any product or service or any publication not issued, published by the Council, or authorized by the Board of Directors.

## **ARTICLE 6. MEETINGS OF THE COUNCIL.**

**Section 6.01 Annual Business Meetings.** The Annual Business Meeting of the Council shall be held at the time and place selected by the Board of Directors.

Notice of the Annual Business Meeting shall be provided to each Member Board, member, associate member, International Affiliate Organization, and Participating Organization not less than four weeks prior to each meeting.

The Board of Directors shall prepare a consent agenda for each Annual Business Meeting. Individual motions may be removed from the consent agenda upon request by any Member Board.

**Section 6.02 Quorum and Voting.** A quorum for the transaction of business at the Annual Business Meetings of the Council shall be delegates from a majority of Member Boards. A majority vote of the Member Boards represented shall be required for affirmative action unless otherwise provided for in the *Bylaws*.

Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. If a Member Board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish. An associate member may serve as a Member Board delegate for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the state, such designation may come from the agency director for that board.

**Section 6.03 Special Meetings.** Special meetings of the Council may be called by the President, or by the delegates, representatives, or officers of the majority of the Member Boards. The same *Bylaws* relative to quorum, voting, procedure and conduct of business at an Annual Business Meeting shall apply to special meetings.

**Section 6.04 Zone Meetings.** Zone meetings may be held each year. A quorum for the transaction of business at zone meetings shall be delegates from a majority of Member Boards of the zone. The Vice President from the zone shall preside at the zone meetings and submit copies of its minutes to the Council.

**Section 6.05 Rules of Order.** The Council shall be governed by the most recent edition of *Robert's Rules of Order, Newly Revised* when not in conflict with the *Bylaws*. The presiding officer shall rule on all questions

pertaining to the *Bylaws* and rules of order in the conduct of the meetings. The President may appoint a parliamentarian to assist the presiding officer.

The order of business for the Annual Business Meeting shall be established by the President and published as part of the meeting agenda prior to the beginning of the meeting.

## **ARTICLE 7. COMMITTEES OF THE COUNCIL.**

**7.01 Standing Committees.** The standing committees of the Council shall be the following: Advisory Committee on Council Activities (ACCA), Awards, Education, Examination Audit, Examinations for Professional Engineers (EPE), Examinations for Professional Surveyors (EPS), Examination Policy and Procedures (EPP), Finances, Law Enforcement, Member Board Administrators (MBA), and Uniform Procedures and Legislative Guidelines (UPLG).

The structure and membership of all standing committees shall be commensurate with the charges unless otherwise provided for in the *Bylaws*. The composition of the committees should reflect the diversity of the Council membership.

A committee member may be appointed to serve on only one standing committee during any administrative year.

Appointments shall limit the tenure on any one committee to a maximum of four consecutive years, including any time as chair, except that (1) an individual may serve for three years as an EPS Committee member, two additional years as the EPS Committee vice chair, and two additional years as the EPS Committee chair; and (2) an individual may serve for three years as an EPE Committee member, two additional years as the EPE Committee vice chair, and two additional years as the EPE Committee chair. The chairs of the EPE and EPS Committee shall have had experience in developing NCEES examinations before assuming the position of chair. This experience is defined as involvement in at least two of the following activities: item writing or review, participation on a cut score panel, involvement in a Professional Activities and Knowledge Study (PAKS) committee or on examination specification committees, or participation on an examination development committee. The ascension track to the chair shall also include psychometric training approved by NCEES. A committee chair appointment shall be limited in tenure to a maximum of two consecutive years on any one committee.

Members, associate members, past presidents, and emeritus members shall be eligible to serve on any committee or task force. Committee members may continue to serve until the conclusion of the term of office to which they were appointed even if their terms with Member Boards have ended.

### **Rationale for proposed changes to Section 7.01**

The 2018–19 Bylaws Committee received a charge to review *Bylaws* 7.01 (as proposed by the 2017–18 ACCA and approved by the Council at the 2018 annual meeting) to propose an amendment that clarifies who is allowed to serve on standing committees and task forces. The ACCA rationale for the change was as follows: “*Bylaws* 3.07, Past Presidents, states that past presidents are eligible to serve on committees of the Council. However, *Bylaws* 7.01, Standing Committees, does not specifically mention past presidents. This motion is simply to clarify the current process.”

**Section 7.02 Advisory Committee on Council Activities.** The Advisory Committee on Council Activities (ACCA) shall consist of a chair and members from each zone. At least one member shall be a professional engineer, one member a professional surveyor, and one member a member board administrator. The committee shall provide advice and briefing to the President and the Board of Directors on new policy issues, problems, and plans that warrant preliminary assessment of policy choices and procedures not as yet assigned to a standing committee or involving several existing committees. Consultants appointed to this committee shall have served on the Board of Directors.

The committee will act as principal advisor to the President and the Board of Directors on such specific non-recurring problems or plans as the President may explicitly assign to the committee. The committee shall review the *Manual of Policy and Position Statements*, in consideration of past and current action of the Council, and present any proposed revisions ~~to the Board of Directors for review and forwarding to the Council for ratification at the Annual Business Meeting as needed.~~

#### **Rationale for proposed changes to Section 7.02**

The 2018–19 Bylaws Committee received a charge to review *Bylaws* 7.02 (as proposed by the 2017–18 ACCA and approved by the Council at the 2018 annual meeting) and propose an amendment to the description of ACCA. The ACCA rationale for the change was as follows: “ACCA is proposing changes in the first paragraph because the current language does not require that any professional engineers or member board administrators be on ACCA. The proposed language will correct this missing language by requiring at least one professional engineer, one professional surveyor, and one member board administrator to be on the committee. It is proposing changes to the second paragraph to match current practice, which is that motions are presented as needed and then voted upon, but not ratified.”

**Section 7.03 Committee on Awards.** The Committee on Awards shall have one member from each zone plus the chair. When available, these members should be past members of the Board of Directors who have received the Distinguished Service Award of NCEES. It shall, by October 1 of each year, canvass the Member Boards for nominations for the awards to be given at the Annual Business Meeting, including the Distinguished Service Award. It shall be guided by the established policies and procedures for the awards. Nominations shall be submitted by entities as defined in Council policy by January 31 of the next year.

The committee shall complete its recommendations and submit its report to the Board of Directors by April 1. [The Board of Directors shall review the report and approve individuals to receive awards.](#)

#### **Rationale for proposed changes to Section 7.03**

The 2018–19 Bylaws Committee received a charge to review *Bylaws* 7.03 (as proposed by the 2017–18 Awards Committee and approved by the Council at the 2018 annual meeting) to propose an amendment that clarifies the process of designating award recipients. The Awards Committee rationale for the change was as follows: “The committee is proposing these changes to make the *Bylaws* consistent with current practice.”

**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.

**Section 7.05 Committee on Examination Audit.** The Committee on Examination Audit shall consist of a chair and one member selected from each zone representing when possible private practice, academia, government, and industry. In addition, the President shall appoint as consultants the chairs of the Committees on Examinations for Professional Engineers and Examinations for Professional Surveyors.

This committee shall be responsible for an independent audit annually of the NCEES examination program.

This committee will report directly to the Board of Directors.

**Section 7.06 Committee on Examinations for Professional Engineers.** The Committee on Examinations for Professional Engineers (EPE) shall consist of a chair and three members from each zone. It shall supervise the preparation of examination specifications and be responsible for the content and scoring of all examinations in the fundamentals and principles and practice of engineering.

The committee, in the interest of uniformity and efficiency, may prepare examination development procedures and shall review examination scores and make recommendations of minimum passing grades for examinations.

At least 50 percent of the committee members should be carryover members to provide continuity of the program.

This committee shall have the authority to recommend, in connection with its work, the appointment of consultants.

**Section 7.07 Committee on Examinations for Professional Surveyors.** The Committee on Examinations for Professional Surveyors (EPS) shall consist of a chair and three members from each zone. ~~All members shall be professional surveyors.~~ EPS shall supervise the preparation of examination specifications and be responsible for the content and scoring of all examinations in the fundamentals and principles and practice of surveying.

The committee, in the interest of uniformity and efficiency, ~~may shall~~ prepare examination development procedures and shall review examination scores and make recommendations of minimum passing grades for examinations.

At least 50 percent of the committee members should be carryover members to provide continuity of the program.

This committee shall have the authority to recommend, in connection with its work, the appointment of consultants.

#### **Rationale for proposed changes to Section 7.07**

The 2018–19 Bylaws Committee received a charge to review *Bylaws* 7.07 (as proposed by the 2017–18 EPS Committee and approved by the Council at the 2018 annual meeting) to propose an amendment to the description of the EPS Committee. The EPS Committee rationale for the change was as follows: “EPS is proposing the amendment in the first paragraph to eliminate the possibility of having EPS Committee members who lack the specialized knowledge required for development of the surveying exams. It is also changing ‘may’ to ‘shall’ as a housekeeping change for consistency.”

**Section 7.08 Committee on Examination Policy and Procedures.** The Committee on Examination Policy and Procedures (EPP) shall consist of a chair, ~~and~~ two members selected from each zone, ~~and the chairs of the Committee on Examinations for Professional Engineers and Examinations for Professional Surveyors (or their representatives) as consultants.~~ In addition, the President may appoint ~~as consultants the chairs of the Committees on Examinations for Professional Engineers and Examinations for Professional Surveyors and their subcommittees~~ other consultants as deemed necessary, including a member board administrator.

This committee shall be responsible for reviewing the effectiveness of the examinations and recommending policies, specifications, and procedures consistent with the trends in the engineering and surveying professions.

#### **Rationale for proposed changes to Section 7.08**

The 2018–19 Bylaws Committee received a charge to review *Bylaws* 7.08 (as proposed by the 2017–18 EPP Committee and approved by the Council at the 2018 annual meeting) to propose an amendment to the description of the EPP Committee. The EPP Committee rationale for the change was as follows: “The president consistently invites the chairs of the EPE and EPS committees as consultants. Adding ‘their representatives’ gives the option for the chair to have a respective committee member represent the committee if the chair is unable to attend. The EPP Committee also feels that having an MBA member as a consultant is beneficial,



especially when policy changes are proposed. MBAs provide an administrative perspective on how policy changes may affect their boards.”

**Section 7.09 Committee on Finances.** The Committee on Finances shall consist of a chair and two members from each zone. It shall study the financial needs of the Council, recommend sources of income and ways and means of securing adequate funds for the proper operation of the Council, and assist the Board of Directors in the financial year’s budget performance and report its findings to the Council. This committee shall recommend to the Board of Directors the next year’s budget for approval. Financial procedures shall be in accordance with Article 9, Finances, and established policies and procedures of the Council. The President-Elect and Treasurer shall serve as ex-officio members of the committee.

**Section 7.10 Committee on Law Enforcement.** The Committee on Law Enforcement shall consist of a chair and members from each zone. At least one member shall be a surveyor. The committee shall receive comments and suggestions from Member Boards regarding state board regulatory functions and submit recommendations for action to the Board of Directors. The committee will consider and recommend methods for Member Boards to achieve more effective and uniform enforcement of licensing acts and for greater interstate coordination of enforcement actions, including better utilization of available technologies. The committee is responsible for periodically updating the *Investigation and Enforcement Guidelines* to assist Member Boards in investigative techniques, ~~formal~~ hearing procedures, and ~~informal~~ settlements.

**Rationale for proposed changes to Section 7.10**

The 2018–19 Bylaws Committee received a charge to review *Bylaws* 7.10 (as proposed by the 2017–18 Law Enforcement Committee and approved by the Council at the 2018 annual meeting) to propose an amendment to the description of the Law Enforcement Committee. The Law Enforcement Committee rationale for the change was as follows: “The committee is proposing these changes to eliminate unnecessary words that could potentially cause misunderstanding.”

**Section 7.11 Committee on Member Board Administrators.** The Committee on Member Board Administrators shall consist of a chair, ~~who shall be a member board administrator; and~~ at least two members ~~board administrators~~ from each zone. ~~Two members shall be; and two~~ current members or emeritus members of Member Boards. The committee shall arrange for the conference of administrators at the Annual Meeting and Interim Meetings of the NCEES zones. Throughout the year, the committee shall strive to provide close cooperation between administrators and to facilitate and assist any efforts by the Member Boards in addressing licensure processes and practices.

**Rationale for proposed changes to Section 7.11**

The 2018–19 Bylaws Committee received a charge to review *Bylaws* 7.11 (as proposed by the 2017–18 MBA Committee and approved by the Council at the 2018 annual meeting) to propose an amendment to the description of the MBA Committee. The MBA Committee rationale for the change was as follows: “The MBA Committee is proposing this change to clarify the purpose of MBAs within the committee, maintain zone diversity, and recognize the desire/need to consider the perspective of the MBA role as viewed by board members.”

**Section 7.12 Committee on Uniform Procedures and Legislative Guidelines.** The Committee on Uniform Procedures and Legislative Guidelines (UPLG) shall consist of a chair and members from each zone. At least one member shall be a surveyor. The committee shall promote effective procedures for uniform comity by maintaining the *Model Law* and *Model Rules*. The committee shall incorporate revisions to *Model Law* and *Model Rules* language as result of motions, suggestions, and comments from other NCEES committees, task forces, and Member Boards. The committee is empowered to recommend amendments that it feels may be necessary. A comprehensive review of the *Model Law* and *Model Rules*, with the view of possible revision, is to be made by the committee at least once every five years.

**Section 7.13 Special Committees and Task Forces.** Special committees and task forces may be appointed at any time by the President for any purpose pertinent to the work of the Council. Such committee or task force shall be assigned specific charges and time for completion of their work and report to the Board of Directors. Such committee or task force membership shall be representative of the knowledge and experience required.

**Section 7.14 Participating Organizations Liaison Council.** In addition to the committees of the Council, there shall be a Participating Organizations Liaison Council (POLC). This council shall consist of one representative appointed by each participating organization. The President shall serve as chair of POLC. A two- or three-year term of appointment is suggested for each designated representative, each of whom should have ready communication with the governing board of the organization represented in order to effectively serve in a consultative and advisory capacity for the Council.

POLC should bring to the Council the policies and thinking of the board of directors of the participating organizations on all matters pertaining to licensure and legal recognition of engineers and surveyors, and should also serve as a channel of communications of Council policies and procedures to participating organizations.

**Section 7.15 Restrictions on Endorsements.** No committee or committee member of the Council shall endorse, recommend, or certify, gratuitously or for profit, on behalf of the Council, any product or service or any publication not issued, published by the Council, or authorized by the Board of Directors.

#### **ARTICLE 8. STAFF.**

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

**Section 8.02 Chief Executive Officer.** The 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 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.

**Section 8.03 Restrictions on Endorsement.** No staff member of the Council shall endorse, recommend, or certify, gratuitously or for profit, on behalf of the Council, any product or service or any publication not issued, published by the Council, or authorized by the Board of Directors.

#### **ARTICLE 9. FINANCES.**

**Section 9.01 Budget Preparation.** The Committee on Finances shall submit a recommended annual budget for review by the Board of Directors. The Committee on Finances will present the budget as part of its committee report for Council approval at the Annual Meeting.

The fiscal year shall begin on October 1 and extend through September 30 of the following calendar year.

**Section 9.02 Annual Audit.** An annual audit shall be made by an independent certified public accountant according to generally accepted auditing standards and reported in the usual auditing format.

**Section 9.03 Business Travel Expenses.** All business travel expenses submitted for reimbursement to the Council shall be in accordance with the travel policy established by the Board of Directors.

## ARTICLE 10. MEMBERSHIP FEES.

**Section 10.01 Fees.** ~~Annual fees of Member Boards are due on January 1 for the ensuing calendar year. Member Board annual membership fees are due 30 days within receipt of an invoice from NCEES.~~ The fee schedule for Member Boards shall be based on the number of licensees of record as of December 31 of the preceding calendar year.

### **Rationale for proposed changes to Section 10.01**

The changes in this section are being proposed as a result of the Bylaws Committee general review. The dates of January 1 and December 31 do not match current practice. Invoices for dues are usually sent in January. After consulting with the NCEES CFO, the committee proposes changing the language to require payment 30 days after the invoice is received. As far as the number of licensees on record, current practice is for the numbers to be due at the beginning of December, so the committee is proposing to say "December" only rather than give an exact date.

**Section 10.011 Fee Schedule.** The annual membership fees for Member Boards shall be determined by the Council in accordance with the financial policy.

**Section 10.012 Inactive Status.** Any Member Board in arrears in membership fees 90 days prior to the Annual Business Meeting shall be placed in an inactive status by the Board of Directors. Member Boards in an inactive status shall not be entitled to vote. Individual members of Member Boards may not hold office or serve on committees. Representatives of boards in inactive status may attend meetings of the Council and may have the privilege of the floor. To be reinstated to an active status and to all the rights and privileges pertaining thereto, an inactive Member Board shall pay all fees and assessments in arrears plus those that have accrued during such inactive status period.

**Section 10.013 Dues.** Annual dues for International Affiliate Organizations and Participating Organizations are due on January 1 for the ensuing calendar year.

**Section 10.014 Dues Schedule.** Any annual membership dues of International Affiliate Organizations and Participating Organizations shall be paid in accordance with a schedule established annually by the Board of Directors.

## ARTICLE 11. ELECTIONS.

**Section 11.01 Nominations.** A nomination for the office of President-Elect shall be presented to the Board of Directors by the respective Zone Vice President as voted on by the respective zone at its Zone Interim Meeting. The order of rotation for President-Elect shall be Northeast Zone, Central Zone, Southern Zone, and Western Zone.

Member boards may submit nominations for qualified Treasurer candidates in the third year of the outgoing Treasurer's term. These nominations shall be filed with the Chief Executive Officer not later than 60 days prior to the opening of the Annual Business Meeting.

Any delegate shall have the privilege of making nominations for President-Elect and Treasurer 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.

**Section 11.02 Tellers Committee.** The Tellers Committee shall consist of five members, including a chair and one representative from each zone. No member of the committee is eligible to serve as a teller for an election in which he or she is a candidate. The Tellers Committee will tabulate the results for all votes taken and report the results to the President.

**Section 11.03 Voting.** All elections shall be by ballot at the Annual Business Meeting. All elections shall be by a majority of votes cast unless otherwise stipulated by the *Bylaws*.



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

The Secretary-Treasurer of the zone shall file with the Chief Executive Officer the name of the zone-elected Vice President and Assistant Vice President not less than 60 days prior to the opening of the Annual Business Meeting of the Council.

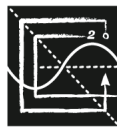
**ARTICLE 12. ADOPTION AND AMENDMENTS.**

**Section 12.01 Adoption.** The *Bylaws* shall become effective upon adoption by the Council at its Annual Business Meeting. For such adoption, a two-thirds affirmative vote of the Member Boards present and in good standing shall be required.

**Section 12.02 Amendments.** The *Bylaws* may be amended at any Annual Business Meeting by a two-thirds affirmative vote of the Member Boards present and in good standing. Any amendment proposed shall be sent to a Special Committee on Bylaws by the President at the President's initiative or as requested based on action by the Council. Any amendments recommended by a Special Committee on Bylaws shall be submitted to all Member Boards at least 60 days prior to the date of the earliest zone meeting preceding the next Annual Business Meeting. Voting shall be by sections. All sections shall be considered in their proposed form, including punctuation and verbiage. Changes to the published amendments will not be permitted during the Annual Business Meeting. Copies of the proposed amendments to be voted upon shall be distributed in written form to delegates at the Annual Business Meeting.

**Section 12.021 Effective Date of Amendments.** An amendment to the *Bylaws* shall become effective upon certification by the presiding officer at the Annual Business Meeting of a two-thirds affirmative vote of the Member Boards in good standing represented.

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**NCEES**

*advancing licensure for  
engineers and surveyors*

P.O. Box 1686, Clemson, S.C. 29633  
[ncees.org](http://ncees.org)

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# A record of volunteer service to the Engineering and Land Surveying professions and a passion to continue.

## Current service to NCEES includes:

- NCEES Surveying Special Award Judge for Tennessee Regional Future City Competition (2017-2019)
- Public Outreach Task Force (2019)
- Southern Zone Assistant Vice President (2017-2019)

## Prior service to NCEES includes:

- Examination for Professional Surveyors (2012-2016)
- Exam Committee for FS and PS exams (2012-2016)
- Participated in Cut-Score Meetings for FS (2005) and PS Exams (2013)
- Judge for First Surveying Award (2016)
- Moderator for the Surveying Forum at Southern Zone Meeting (2016)
- Distinguished Service Award Committee (2015-2017)
- NCEES Calculator Review Committee (2014-2016)

**LINGERFELT**

Candidate for Southern Zone Nominee  
NCEES Southern Zone Vice President

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**Tim L. Lingerfelt, PLS**

*Candidate for Southern Zone*

NCEES Southern Zone Vice President



National Council of Examiners for  
Engineering and Surveying (NCEES)

**Tennessee Board of Examiners for Land Surveyors**

January 24, 2019

**To:** Southern Zone Members

**From:** The Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors is pleased to nominate Tim Lingerfelt, PLS, for Southern Zone Vice President.


Tim is a member of the Tennessee Board of Examiners for Land Surveyors since 2009 and is currently in his second 6-year term. During his time on the board, he has made numerous presentations on professional ethics, the laws and rules of the board, and student outreach at East Tennessee University promoting the FS and importance of licensure. At present, he is the Chairman of the Board as of October 2018. He was Vice Chair from 2009-2011, 2016-2017 and Chairman from 2011-2014. He has served in several positions with the Tennessee Association of Professional Surveyors.

Currently, Tim is the NCEES Southern Zone Assistant Vice President and a member of the Public Outreach Task Force. His NCEES service also includes Examinations for Professional Surveyors Committee, Exam Committee, Cut Score Committee for FS and PS exams and Southern Zone Distinguished Service Award Committee (Chair 2017). Tim has served as a judge for the inaugural NCEES Surveying Award (2016) and as a Surveying Special Award judge for Future City Competitions in Tennessee (2017-2019).

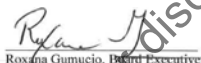
Tim is a candidate we strongly nominate because of his daily involvement that goes above and beyond the call of duty.

It is an honor to nominate our friend and colleague for the office of Southern Zone Vice President and we respectfully request your support.

  
Jackie Dillehay, Board Vice Chairman

  
Ted McKeohan

  
James B. Caughman III

  
Roxana Gumucio, Board Executive  
Director

## Service to TN Board

- Appointed to the Tennessee Board of Examiners for Land Surveyors in 2009 to a six-year term as a Board Member. He is currently serving his second consecutive 6-year term
- Served as Vice Chairman 2009-2011, 2016-2017, Chairman 2011-2014, 2018 to Present
- Participated in numerous Student Outreach Meetings and Meetings with Faculty of East Tennessee State University
- East Tennessee State University Surveying Advisory Board, 2009 to Present

## BIO

Tim graduated from East Tennessee State University in 1977 with a degree in surveying. After working in construction industry for 13 years, he formed a surveying company in 1990. He is now the sole owner of that firm.

Tim and his wife, Bea, have been married for 44 years. They have 2 children and 4 grandchildren.

**Tim Lingerfelt, PLS**  
Alley & Associates  
243 E. Market Street  
Kingsport, TN 37660  
Cell Phone: 423-782-6655  
[tlingerfelt@alleyassociates.com](mailto:tlingerfelt@alleyassociates.com)

## Southern Zone Members and Associate Members:

*It is a great privilege to be nominated for Southern Zone Vice President. During my tenure on the state board and as a NCEES member I have had the distinct honor of meeting, working with and getting to know many outstanding individuals. NCEES is an organization which not only brings professionals together but brings the best out of each and every one.*

*Being from Tennessee where volunteering is our state motto, it is only appropriate that I be able to give more of myself for the professions represented by NCEES. The position of Zone Vice President provides an excellent opportunity to do just that with new members*

*It would be an honor to serve the Southern Zone members.*

*Thank you for your consideration of my candidacy for NCEES Southern Zone Vice President.*

Respectfully,  
Tim Lingerfelt, PLS

# Licensed Population

As of April 1, 2019

Professional Engineers	29,185
Land Surveyors	1,279
Land Surveyors B	70
Land Surveyor Photogrammetrists	120

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# Other Business

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# **Conflict of Interest / Travel Vouchers**

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# Adjourn

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