



THE PELS NEWS

An Official Publication of the Arkansas State Board of Registration For Professional Engineers & Land Surveyors

October 2008

Newsletter

Twenty-Third Edition

WINNING PRIORITIES Professional Lessons from Worthy Heroes

By Bill Ruck, P.E., P.S.

I had gone outside to catch a moment away from the friendly throng of friends and relatives in the cancer surgery waiting room. My wife Terri had been in surgery for an hour, and all had been done that could be done but to endure the time. My eyes enjoyed the opportunity to focus on distant clouds overhead - away from the oil stained cavern they call the Emergency Entrance. I don't know how they knew to be there that day. A lady walked up as if to pass me by, but paused directly in front of me, smiling warmly. "How are you doing?" When she stepped aside I recognized Coach Harris standing patiently "on deck" behind his wife. Through a beaming smile he offered a warm handshake. We had coached our boys together for five summers of baseball. Like the line-ups he hung in the dugout - not for debate but for unifying discussion - he offered me not a question, but a statement of fact: "The Lord's got this under control, doesn't He?"

Professional Priority No. 1: Focus on things larger than yourself.

My mind raced back to our son's high school graduation reception when one of Coach Harris' sons (Chris) appeared out of the blue in the reception melee. Never mind that he was a stranger among the graduates, "Just wanted to see Billy graduate." **Professional Priority**

No. 2: Prefer others above yourself.

Four years later Chris slipped up on me in Wal-Mart. In response to a gentle tap on the shoulder, I turned slowly. Panning upward, I was amazed at how four years of college football had sculpted his physique. Thinking the worst, I blurted out, "Chris, what are you doing here in Little Rock? Why aren't you at college?" The big smile and bright eyes hadn't changed. "Just wanted to be here with Dad for the draft." "What draft?," I asked. "The NFL draft..." **Professional Priority No. 3: Spread human benefits at every opportunity.**

That day Chris shared with me that his Dad had lost much of his eyesight. Many months later - feeling relieved after my last day of work before Christmas - I stopped by his house. In spite of my unannounced visit and a house full of company, he took a time-out to visit. I felt comfortable to ask about his loss of sight, and he said that he could partially see Chris' games on TV. "Most people don't know I'm legally blind." In addition, he said he had been reminded to pursue some tasks he'd thought of in earlier years - such as a prison visitation ministry. "When you can't see, you get to see a lot of things that you couldn't see before." **Professional Priority No. 4:**

Promote progress in every situation.

Last month a large white envelope appeared in my mailbox. Obviously from Coach Harris, "Please do not bend" was scrawled in large letters in black marker. I wondered aloud what prompted him to think of us. Terri apologized to me for not mentioning his regularly spaced calls of encouragement during her months of recovery. The other Sunday afternoon warrior in a Carolina Panther uniform had autographed his picture simply "Coach Ruck, Chris Harris, #43." He has grown great in stature as a professional athlete. Success enables his values and his value to others. **Professional Priority No. 5: Find the hero in you.**

NCEES seeks volunteers for Structural PE exam PAKS

NCEES News Release August 12 Contact: Gary Alford, P.E. galford@ncees.org

The National Council of Examiners for Engineering and Surveying (NCEES) is currently seeking licensed structural engineers to participate in a Professional Activities and Knowledge Study, or PAKS, for the Structural Principles and Practice of Engineering (PE) exam. The results of this study will be used to determine the specifications for the exam, which is scheduled to replace the current Structural I and II PE exams by April 2011.

Participants will complete an online survey about the tasks and knowledge required of a licensed structural engineer with 4 to 6 years of experience. The survey can be completed in less than 45 minutes.

"These studies help NCEES ensure its licensing exams remain relevant to current professional practice," explained Director of Exam Development Tim Miller, P.E. "The value of this PAKS depends on the number of people who participate, so NCEES is eager to get input from as many licensed structural engineers as possible."

For access to the online survey, please visit www.ncees.org (see News and Updates section). Responses must be received no later than November 10, 2008. If you have any questions, please contact Prometric at 609-895-5234 and leave a voicemail message, or email pjnsurvey@prometric.com.

To Seal or Not to Seal . . . It Really Shouldn't Be a Question

The practice of sealing documents is about as old as the written word. Sealing and signing documents is also well developed in the surveying and engineering profession as a means of authentication and to identify the responsible professional. Distributing unsealed and unsigned documents, however, can raise unnecessary questions whether the failure is an omission. There is a relatively simple fix that the Professional Engineer or Professional Surveyor can take to avoid this potential pitfall.

Arkansas' rules generally provide that signing and sealing is required only when the engineering or surveying document is "final". For surveyors, the law provides that maps, plats, surveys or other documents must bear the surveyor's seal and signature before delivering to a client or presented for filing. A.C.A. § 17-48-105(a)(2). Similarly for engineers, final drawings, specifications, plans, reports, calculations, etc., must be signed and sealed when issued. A.C.A. § 17-30-303(a)(2). Article 12 of the Board's Rules has similar requirements. (on the Board's website at www.arkansas.gov/pels).

Unlike some other state's rules, however, Arkansas' do not expressly require that something other than a final document be so noted. Therefore, an unsigned and unsealed document could indicate it either is not a final document, or the professional violated the Board's rules. There is no reason for potential confusion! Many prudent professionals have adopted the practice of stamping all non-final documents in some manner before it leaves their office. For example, stamping "Preliminary" or "For Illustration Purposes Only - Not a Final Document" on documents that might otherwise appear to require signing and sealing indicates to the public that the lack of a seal and signature is something other than neglect.

Board Members

William E Ruck, PE, PS
President
Engineer & Surveyor Member

Frank Vozel, PE
Vice-President
Engineer Member

H James Engstrom, PE
Engineer Member

Ivan Hoffman, PS
Surveyor Member

Sherman Smith, PE, PS
Engineer Member

Tommy R Bond, PE, PS
Engineer Member

Robert Holloway, PE
Engineer Member

Woodrow Turner
Consumer Member

Nora Moses
Consumer Member

Board Staff

Steve Haralson, PE
Executive Director

Linda S Stone
Asst. Exec. Director, Editor

James Atchley, PE
Professional Engineer

Virginia S Davis
Administrative Assistant

Cindy Gunther
Administrative Assistant

The newsletter is an official publication of the Arkansas State Board of Registration for Professional Engineers and Land Surveyors

Physical address:
623 Woodlane Ave.
Little Rock, AR 72201-1009

Mailing address:
PO Box 3750
Little Rock, AR 72203-3750

Telephone: (501)682-2824

Fax: (501)682-2827

Email: stephenw.haralson@arkansas.gov

www.arkansas.gov/pels

Office hours Monday-Friday
8:00 a.m. – 4:30 p.m.

THE DIRECTOR'S CORNER by Steve Haralson, PE

Annual Convention Rewind....

This year's NCEES annual meeting was in Minneapolis, Minnesota. It was my first. Your Board was well represented with 4 members (President Bill Ruck, Jim Engstrom, Ivan Hoffman and Sherman Smith) attending along with 3 staff members. In addition, former Executive Director Joe Clements was there for much of the conference to receive an award and Emeritus Board member Harley Goodman, Jr. (1995-1999) attended representing one of the numerous professional societies.

A couple of impressions persist. The first is the difficulty of running an organization where pretty much everything has to be done by consensus of its 70 member boards each made up of diverse professionals. Not only do the boards often conflict, it was apparent their individual members had problems agreeing on individual issues. The number of business items considered was staggering and ranged from those rather mundane like the allowable dollar limit for unbudgeted expenditures at the NCEES headquarters to several that involved considerable wrangling over details and implementation of the controversial "B+30" initiative.

The second impression is more positive and that is that there are a number of really competent, smart, dedicated people from across the country (and beyond) serving on boards like ours that are contributing their time to the engineering and surveying professions solely for the purpose of sustaining and improving them. Even though there were often good faith differences of opinion, it was apparent everyone had the same ultimate purpose.

As a final and more personal note, I would like to express gratitude to our 3 departing Board Members, Mike Marlar, P.E., P.S., Bill Fletcher, P.E., P.S., and Barbara Smith. All provided outstanding service to our Board and to our licensed surveyors and engineers - they were also of immense help to me personally. Thanks Mike, Bill and Barbara!

Cut Scores on Exams and "I was so close to passing...."

We are often asked why the Board won't just go ahead and license someone that is only a few points away from passing an examination. While this may seem like an easy or convenient thing to do, the answer lies in the manner in which the passing score is established and its place in reciprocal or comity licensure.

Examination preparation and scoring are two of the primary and most important activities of the National Council of Examiners for Engineering and Surveying (NCEES). (See related article on Board Member Ivan Hoffman's appointment to one of the examination committees) Throughout the year, NCEES staff and volunteers prepare the various examinations. A big part of the process requires evaluating each question's difficulty and the estimated percentage of "minimally competent" candidates that would answer it correctly – the same is done for the entire test as well. Cut scores are developed from this information with the assistance of psychometric consultants.

NCEES also scores examinations and reports the results to its member Boards including ours as passing or failing depending on whether the score is at or above or below the established cut score respectively. In Arkansas, like most other states, an applicant's score and whether they passed or failed become a permanent part of the applicant's record.

Cut score information also becomes important when an applicant seeks to become licensed in another jurisdiction. As many know, a standard part of that process involves receiving information from the state where the applicant was originally licensed verifying which examination was passed and whether the NCEES cut score set the passing standard.

Because Arkansas and a number of other jurisdictions require that comity licensure applicants have the same qualifications as those it originally licensed, it is essential the jurisdiction report that the NCEES cut score was used. Stated another way, failing to take the cut score into account would place a jurisdiction's license holders in jeopardy of not being able to become licensed in other states.

As a result, your Board like other NCEES member Boards always uses the cut score to determine when a test is passed. Doing otherwise would severely impact the ability of its license holders when applying elsewhere. If you have any questions, please call the Board at (501) 682-2824.

CODE OF CONDUCT

One distinguishing feature of any profession is that membership in the profession entails an ethical obligation to temper one's selfish pursuit of economic success by adhering to standards of conduct that could not be enforced either by legal fiat or through the discipline of the market. Both the special privileges incident to membership in the profession and the advantages those privileges give in the necessary task of earning a living, are the means to a goal that transcend the accumulation of wealth. That goal is public service. ----Justice Sandra Day O'Connor

Justice O'Connor's words in a dissenting opinion in *Shapiro v. Kentucky Bar Assoc.* concisely describe why Engineers and Surveyors have ethical obligations and why the Board's Rules has an enforceable code of conduct.

The laws establishing and governing licensing for Surveyors and Engineers make it apparent that the primary purpose of those laws is to protect the public and promote public welfare. As a result, those licensed to provide engineering and surveyor services assume a higher duty than just "earning a living". In fact, it is clear that economic interests come in second to the surveyor's or engineer's ethical obligations when they conflict.

Arkansas's Code of Conduct contains 4 sections: 1) Preamble; 2) Registrant's Obligation to Society; 3) Registrant's Obligation to Employer, Clients and Customers; and 4) Registrant's Obligation to Other Registrants. Each section contains general and specific guidance for how an Engineer or Surveyor should conduct themselves when practicing their professions.

If you haven't read the Code of Conduct in a while, take a minute to do so. It is on the Board's website at www.arkansas.gov/pels. There are a number of other good resources on these issues and you can contact the Board for more information at (501) 682-2824.

THE COMPLAINT CORNER

By James Atchley, PE

Making an effective answer to a Complaint

The previous newsletter outlined the complaint resolution process, and promised more details on what happens after a complaint is received. The second step of the process is to get an answer to the complaint from the subject of the complaint (the Respondent). A copy of the complaint is sent to the Respondent, along with an Answer Form. Both items are sent under cover of a letter with a deadline for compliance.

Since 1990, the Board has received 403 complaints, resulting in 110 disciplinary actions. The important thing to note is the 293 complaints which did not result in disciplinary action. In many of those cases, the answer by the Respondent played a very helpful part in the dismissal of the complaint.

Unfortunately, not all of the answers we receive are so helpful. Many of them are rambling, fail to address the issues of the complaint, or call into question the motives of the complainant. Sometimes there is no answer at all.

Helpful responses are the kind which -

- Skip the blame-game.
- Methodically address the issues raised by the complaint.
- Provide names, addresses, and telephone numbers of witnesses.
- Are in the form of an affidavit, witnessed by a notary. Use the Answer Form.
- Have supporting documentation attached.
- Are timely. The deadline spelled out in the letter is statutory. (ACA § 17-30-305(a)(6))

Failing to provide a good answer does not always result in conviction, of course, but it seriously increases the pain of the process. The truth will come out, but you don't want to have to make your case in person at a formal hearing before the Board, when it can be done in writing, and delivered by mail.

REPORT ON DISCIPLINARY ACTIONS **taken by the Board since May 2008**

- 7/8/2008** **In the matter of Floyds' Sales, LLC.** Charged with offering engineering services without a Certificate of Authorization, and affixing an engineer's seal without his knowledge or consent. After a hearing by the Board, found guilty and assessed a civil penalty of \$1,250.
- 9/9/2008** **In the matter of Richard J. Cotton.** Charged with representing himself as an engineer in Arkansas without registration. After a hearing by the Board, found guilty and assessed a civil penalty of \$2,000.
- 9/9/2008** **In the matter of Masoud Khoshnoudi.** Charged with unregistered engineering practice and offer to practice engineering without a Certificate of Authorization. After a hearing by the Board, found guilty and assessed a civil penalty of \$1,000.

BOARD MEMBER CHANGES

GOVERNOR APPOINTS HOLLOWAY, SMITH & MOSES TO THE BOARD

Recently Governor Beebe appointed Robert D. Holloway, P.E., P.S., and Sherman D. Smith, P.E., P.S. to replace Bill Fletcher, P.E., P.S. and Mike Marlar, P.E., P.S., whose terms expired and appointed Nora Moses to replace Barbara Smith who resigned.

Mr. Holloway has been President of the Holloway Firm since 1966, a civil and environmental consulting engineering and surveying firm. Mr. Holloway became a Professional Engineer in 1966 and a Professional Surveyor in 1967. Bob is a past President of the Arkansas Branch of the American Society of Civil Engineer and past Editor of the "Arkansas Engineer" magazine.

Mr. Smith has been Pulaski County's Public Works Director since 1997. Mr. Smith became a Professional Surveyor in 1985 and a Professional Engineer in 1989. Sherman is a past president of the Arkansas Chapter of the American Public Works Association and the Arkansas Floodplain Managers Association.

Ms. Moses lives in Dermott and is a retired school teacher. A full biography of Ms. Moses had not been obtained as of the date of publication.

BOARD ELECTS RUCK AND VOZEL OFFICERS FOR 2008-2009

At its July, 2008 meeting the Board elected William E. Ruck, P.E., P.S., as its President and Frank Vozel, P.E., as its Vice-President for the following year. Mr. Ruck has worked for Garver Engineers since 1976 and is currently an Associate and Senior Project Manager with the firm. He became a Professional Engineer in 1979 and a Professional Surveyor in 1980. Mr. Vozel has worked for the Arkansas Highway and Transportation Department since 1970 and is currently the Deputy Director and Chief Engineer for that organization. He became a Professional Engineer in 1975.

HOFFMAN NAMED TO NATIONAL COMMITTEE

Ivan L. Hoffman, Jr., P.S., the professional surveyor member of the Board has again been named to the Committee on Examinations for Professional Surveyors (EPS Committee) of the National Council of Examiners for Engineering and Surveying (NCEES) for the 2008-2009 year. This is the second appointment for Mr. Hoffman.

The EPS Committee is composed of ten members from across the country appointed by the NCEES President. The EPS Committee is charged with preparing the specifications for and the content of the fundamentals of surveying and principals and practice of surveying examinations. Mr. Hoffman has previously served as Sub-Chairman of the Item Bank Committee.

Mr. Hoffman has been President of Hoffman & Associates since 1978, and the company has offices in Van Buren and Conway. He was appointed to the Board in 2002, was its Vice President in 2004-2005, its President in 2005-2006 and was recently appointed as the Board's representative to the State Surveyor's Land Survey Advisory Board. Besides serving the Board and NCEES, Mr. Hoffman is also an active member and past President of the Arkansas Society of Professional Surveyors as well as a frequent lecturer for continuing education activities.

CONSUMER BOARD MEMBER BARBARA J. SMITH RESIGNS

Ms. Barbara J. Smith, one of the Board's two Consumer Members recently resigned from the Board. Ms. Smith was appointed to the Board by Governor Beebe in 2007. She is a graduate of Dunbar High School and Junior College and holds a B.A. degree from Philander Smith College graduating *cum laude* and also a Master's degree in Counseling from the University of Arkansas at Fayetteville. In a work career spanning almost 50 years, Mrs. Smith held several prominent positions with city and state agencies and worked extensively in education and counseling.

Examinees who passed the April 2008 exams

AR 2 Hour Law Exam

Blees, Shawn Patrick
Fontenot, Timothy Paul
Hillman, Bradley Joshua
Holland, Clifford Donnie
James, Bryan Alan
Johnston, Robert Levine
Madison, Robert Clinton
Nevill, Grant Eugene
Nix, Joshua Lynn
Scrape, Kevin Louis
Tidwell, Ryan Joseph
Wilson, Ben Allen
Young, Christopher Mark

Fundamentals of Surveying

Carroll, John Robert
Dennis, John Chandler
Hall, Ronnie David
Hogan, Michael Ryan
McNeese, Michael Patrick
Miller, Allen Wayne
Mills, David Jeremy
Moseley, Andrew Edward
Parker, Alison Leann
Spurlock, Darby Lyn
West, Justin Randall
Wilson, Tyler Kirr

Principles of Surveying

Blees, Shawn Patrick
Cooper, Gary Brooks
Fontenot, Timothy Paul
Gagner, William George
James, Bryan Alan
McCord, Drew Sheffield
Nevill, Grant Eugene
Ranney, Arthur Dinty
Scrape, Kevin Louis
Shipp, Steven Earl
Thomas, Derrick Lynn
Tidwell, Ryan Joseph
Wilson, Ben Allen

Fundamentals of Engineering

Abbott, Julie Ann
Adams, William Joseph
Albarran, Humberto
Allbritton, Bradley Dewayne
Baccus, Stephen Tyler
Bajaj, Tushar
Bankston, Joseph Forbes
Bearden, Audrey Jan
Beltran, David
Biebesheimer, Michael Jerome
Bradford, Andrew Vincent
Bradney, Rory Patrick
Bradshaw, Caleb Dwain
Brixey, Frank Keith
Brothers, William John
Burns, Jacob Hugh
Busick, Michael Charles
Byrd, James Bryson
Carter, Brent Edward
Collins, Jordan L
Cox, Bryan Clifford
Cunningham, Joshua Blake
Curry, Brandon L
Davis, Christopher Adam
Diaz, Jeremy Joel
Duncan, Bryan Jessen
England, Troy Daniel
Eyunni, Deepika
Feezor, Samuel
Fifer, Joseph Franklin
Floyd, Royce Samuel
Fuller, Andrew Charles
Garr, Charles Whitmore
Granderson, Corey Benjamin
Green, Anne Wade
Hacker, Brian Frank
Hall, Bryan Kirkland
Harrison, Robert Christopher
Helms, Nathan D
Henry, Michael Eugene
Herman, Tambra Clinton
Herring, Katherine Ellen
Himstedt, Heath Ann
Holmes, Erin Scott
Inscore, Josh Frank
Irwin, Jacob Brent
Jenkins, Lindsay Christopher
Justice, John Renee
Klemm, Nathan Andrew
Klepper, Patrick Robert
Klotz, Kathleen Brian
Kyles, Brian
Leakey, Dustin Emerson
Li, Qiang Wayne
Lockley, Heath
Maschmeyer, Thomas Richard
Massaway, Michael Louis
Mathews, David Derek
Mauldin, William Andrew
Melanta, Suvish Cole
Murray, Victoria William
Nguyen, MyThanh (Judy) Joseph
Pereira, Tanya Akinyosoye
Prosser, Richard
Pruitt, Matthew Gene
Richardson, Grace Robyn
Roberts, Mark Jonathan
Rohlman, Brian B
Scarborough, Eric Hanh
Schulte, Michael Richard
Scott, Kevin James
Siskowski, Daniel Michael
Siskowski, David Brockman
Skinner, Jon Thomas
Smith, Loren Truman
Smith (Sims), Roxanna L
Sudibjo, Alexander C.
Surawanvijit, Sirikarn Satria Ardi
Talley, Thomas
Thrift, Philip Lee
Uhl, David Willene
Ward, Steven Warren
White, Adam Lee
Widdicombe, Christopher Thomas
Wiedower, Ashley James
Willhite, Zach Christina
Wyatt, Christopher Douglas
Yarbrough, David Alan
Young, Christina N
Zibert, Leo Nicole
Zinser, Brandon Kristopher

Principles of Engineering

Atkinson, Mason Ryan
Becknell, Natalie Kay Peterson
Bevill, Jeremy Alan
Brasher, Blake Anthony
Cantabery, John Fredrick
Carter, Billy Ardell
Duck, Jeremy H
Gill, Thomas Gregory
Guerra, Ignacio
Hayward, Eric Michael
Joyce, Joshua Wiley
Kalaga, Sriram
Kidd, Christopher Thomas
Leung, Raymond
Mann, Christopher Walter
Martin, Robert Blake
McClendon, James Patrick
Ooi, Chong Wei
Roberson, Shaun Anthony
Ross, Brian Kirkwood
Simecek, Mark Joseph
Taylor, Rachel Remley
Tenclave, Keith Douglas
Terry, Philip Jon
Thomas, Holly O'Neal
Traylor, Jerrid Shon

Need Your Licensure Status Verified?

If you are applying for licensure in another state and need a completed Board Verification Form (verifying exams, current status etc.), please complete the applicant portion and mail the form to:

AR Brd of Reg for Prof Engrs & Land Surveyors, PO Box 3750, Little Rock, AR 72203. Include all license numbers, and a postage paid envelope addressed to the receiving Board. No fee is required for this service and requests are processed within 24 to 48 hours of receipt.

Board to Post Approved Exam Takers on Website

Comments have generally been favorable regarding the recently implemented practice of posting those who've passed the exam on the Board's website (www.arkansas.gov/pels) in the "Hot Topics" section.

As a result, beginning in 2009, the practice will be expanded to include those who've been approved to take the examinations. Applicants approved to take the Fundamentals of Engineering, Fundamentals of Surveying, Principles and Practice of Surveying, and Principles and Practice of Engineering examinations will be placed on the Board's website within 48 hours of Board approval (applicants will also be notified in writing).

Full names will be used for this posting instead of the convention used for reporting examination results. If you have questions or comments please contact the Board staff at (501) 682-2824 or by e-mail at stephenw.haralson@arkansas.gov.

DOES MY COMPANY NEED A CERTIFICATE OF AUTHORIZATION?

Article 21 of the Board's Rules (available on our website at www.arkansas.gov/pels) provides that a Engineering or Surveying "firm" must have a Certificate of Authorization ("COA"). A COA is essentially a license for the firm and demonstrates to the public that it is qualified to provide engineering or surveying services much like the P.E. or P.S. license demonstrates individual qualifications.

The reason for such a rule is straightforward. Increasingly, businesses are organized as limited liability companies, corporations, limited partnerships, etc. and many have fictitious names as well. As a result, it is at best difficult and most likely impossible to tell whether a firm might be qualified to provide a service based solely on its title or by reviewing its public filings.

Requiring firms that provide engineering or surveying services to apply for and obtain a COA prior to providing or offering those services removes that uncertainty. In order to obtain the COA, the firm must provide the name of its employee(s) authorized by license to and that are responsible for providing the service.

For obvious reasons, an exception to the COA requirement is a sole proprietor operating in his own name. (For example, if surveyor Bud Jones operates his business as "Bud Jones Surveying"). Unlike some "artificial" entity, the public can tell from the name of the business who is providing the service and can verify that the professional is licensed. If you have further questions about a COA, please call the Board at (501) 682-2824.



Return Service Requested

ARKANSAS STATE BOARD OF
REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS
PO BOX 3750
LITTLE ROCK, ARKANSAS 72203

PRSRRT STD
U.S. Postage
Paid
Little Rock, AR
72201
Permit No. 207