



THE PELS NEWS

A Publication of the State Board of Licensure For Professional Engineers & Professional Surveyors

May 2010

Newsletter

Twenty-Sixth Edition

The President's Message By Frank Vozel, P.E.

REGISTERED BY RECIPROCITY OR LICENSED BY COMITY?

When the Board recently amended its rules, two of the apparently least substantive but most obvious changes were replacing the term "register" with "license" and the term "reciprocal" with "comity". The justification given for both was that license and comity are the more modern terms and they are the same as used in national model laws and rules.

Just blame it on my being an engineer, but my curiosity got the best of me, and I set out to find out why and when the older terms originated. As it turns out, the reciprocal to comity change is fairly obvious, not so registration to licensure.

The concept of reciprocity emerged in the early 1900's as more and more states passed laws requiring engineering registration. Because the registration laws differed, however, it was necessary for an engineer to be registered in each state he or she practiced. It was these differences that led states to begin the process of developing uniform standards so that reciprocal arrangements could be developed. This effort led to seven states forming the Council of Board of Engineering Examiners (Council) in 1920 – the Council is now the National Council of Examiners for Engineering and Surveying or NCEES.

Arkansas' initial engineer registration law expressly provided for reciprocal registration agreements. When passed in 1925, Act 202 provided that "The Board is hereby empowered to arrange for reciprocal registration of professional engineers from other states, territories, and countries to practice in this State under terms mutually agreed upon." Rules passed shortly thereafter identified Arkansas as one of 17 states that were members of the Council and that any engineer registered with the Arkansas Board could also register with the Council and obtain a "reciprocal registration card" that would entitle the holder to practice in any of the other jurisdictions.

As most of the other states developed licensing laws, it apparently became more and more difficult to harmonize their differing requirements, and so harder to implement reciprocal licensing. In the foreword to the 1945 Arkansas roster, then Board President Neal Garver wrote that "much delay has been encountered in completing these reciprocal registrations because of differences in policies of various state Boards . . .". As a result, the roster also contained a "Policy of the Board" providing that reciprocal registration would be provided to only those where "the requirements for registration in their home state . . . are the equal of those of the State of Arkansas." In 1965, this policy was adopted nationally by the Council and termed a "Policy on Comity". Comity had officially arrived although the two terms continued to be used interchangeably and both are still used.

Much harder to track is the evolution of "register" to "license". Register appears to have been used almost exclusively here as well nationally even into the 1970's and 1980's. In the 1990's, some groups proposed to NCEES a two-tiered licensing system with the lower tier being a "Registered Engineer" and the upper tier a "Professional Licensed Engineer". It may be a stretch, and the proposal was not adopted anyway, but it seems that afterwards, registration fell into disfavor and now the Model Laws and Rules and the majority of other states use the term licensure instead of register.

I'm sure there are some that might say, "this is much to do about nothing", and they could be correct.

BOARD NOW ACCEPTING ON-LINE APPLICATIONS FOR STUDENTS!

On May 4, 2010 the Board started accepting applications from students applying on-line for the Fundamentals of Engineering and Surveying Examinations. The Professional Examination and Licensing System (PELS) can accommodate Engineer and Surveyor Intern license applications from students who are within 12 months (or 2 semesters) of graduation. There are plans to accommodate all types of applicants in the near future including those applying for an examination or for licensure via Comity.

One of the many benefits of submitting an application on-line is the applicant's ability to view their application status and whether things like references, license and education verifications have been received.

Eventually licensees will be able to login and view their licensure information, update their mailing address, and renew their license all via this new system.

REMEMBERING DR. E. WALTER LEFEVRE (1932 – 2009)

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THE DIRECTOR'S CORNER

by Steve Haralson, PE

The death of Dr. LeFevre in late 2009, along with the reporting of all his accomplishments and honors during his nothing short of remarkable 50 plus year career caused a good deal of personal reflection. I first met Dr. LeFevre in 1975 while considering transferring from another college and entering the Civil Engineering program at the University of Arkansas at Fayetteville. Of course, I knew nothing of the man other than he was the head of that Department. On that hot summer day in Fayetteville, he in a matter-of-fact way convinced me that engineering was a good career, and I could finish the degree in not much more than the 4 years needed at the other school.

I remembered also that from day one of Dr. LeFevre's Engineering Economics course, taught to 1st and 2nd year students, that one of his main messages was about the need to become licensed. It seemed that education and licensing were part and parcel of the same thing to him, and that there was no reason to get a degree if you didn't also get a license. Of course, that meant that there really was no option other than taking the fundamentals examination while in school. When I signed up for the exam, he gave us a two-page sheet that contained advice on how to prepare – by the way, this Board still gives out Dr. LeFevre's same identical two-page sheet to students when signing up now.

The last time I saw Dr. LeFevre was at a meeting between the Board and Engineering Faculty at Fayetteville in 2008. Although his mobility wasn't very good, it was apparent his mind was still as sharp as ever and he talked at length about the current issues regarding licensing and engineering education. It was obvious his interest in students, education and the future of engineering were as vital to him in 2008 as it was in 1975.

Dr. LeFevre's passing leaves a large void – at the University, the Board (he was, of course a former member), and in the engineering profession generally. It will be difficult if not impossible to replace his far reaching vision and leadership in so many areas.

My guess is, however, that Dr. LeFevre would scold us for making such a fuss over him and tell us that that we should get back to work. Thanks Dr. LeFevre!!

A TESTIMONIAL TO DR E. WALT LAFEVRE

by Dan Flowers, PE, Director
Arkansas State Highway and Transportation Dept.

Thank you for the opportunity to provide a testimonial to the life of Dr. E. Walter LeFevre.

To many of us who were in engineering school and had Walt as an instructor, and who subsequently worked with him on a professional basis, he was a great mentor and friend.

I was a student at the University of Arkansas when Walt came to the Department of Civil Engineering. He quickly earned my respect and was an instructor that made me feel comfortable. I actually learned a thing or two about soil mechanics under Walt.

A number of years later, following graduation and going to work for the Highway and Transportation Department, I had the occasion to be involved with Walt in a partnership between the College of Engineering and the Highway and Transportation Department in establishing the Mack-Blackwell National Rural Transportation Study Center. Walt's leadership and commitment to the Center has been a major, lasting influence in its great success and its significant contribution to the transportation industry and the highway engineering profession, nationally.

In addition, I had the pleasure of serving on the Arkansas State Board of Registration for Professional Engineers and Professional Land Surveyors with Dr. LeFevre.

I observed through my experience on the Board that Walt was a dedicated person who made service to the profession a major part of his life. He was a person who was as is sometimes said "an engineer's engineer".

Dr. Walt LeFevre was an outstanding engineer who has influenced the lives and professional development of an untold number of people through his service to our profession.

THE COMPLAINT CORNER

By James Atchley, PE

REPORT ON DISCIPLINARY ACTIONS Taken by the Board since November 2009

#2008-38, in the matter of John C. Williams, PS

Charged with failure to file plats with the State Surveyor, failure to comply with a subpoena of the Board, and sealing plats not prepared under his responsible charge. After a formal hearing by the Board on 10/20/09, the Board reprimanded his license and assessed a civil penalty of \$5,100.

#2009-23, in the matter of Environmental Services Group, Inc

Charged with six counts of offering engineering services in Arkansas without a valid COA, one count of offering surveying services in Arkansas without a valid COA, and one count of failure to pay the civil penalty from an earlier Order. After a formal hearing by the Board on 3/8/2010, found guilty and assessed a civil penalty of \$20,000.

#2009-26, in the matter of Lawrence Fischer, PE

Charged with sealing plans not prepared under his responsible charge. The Board accepted a surrender of license and assessed a \$100 civil penalty.

#2009-32, in the matter of William C. Jenkins, PS

Charged with failure to file plats with the State Surveyor. After a formal hearing by the Board on 3/8/2010, found guilty and assessed a civil penalty of \$100.

#2009-34, in the matter of Kenneth Hemsworth and the Sponseller Group, Inc

Charged with unlicensed practice of engineering and offering engineering services in Arkansas without a valid COA. The Board accepted a Consent Agreement on 1/12/2010, which provided an admission of violation and assessed a civil penalty of \$1,000.

#2009-41, in the matter of Energy Smart Corporation

Charged with offering engineering services in Arkansas without a valid COA. After a formal hearing by the Board on 3/30/2010, found guilty and assessed a civil penalty of \$100.

ADMINISTRATIVE HEARINGS

In the last newsletter, we discussed the Notice of Hearing, where the Respondent is given notice of the charges against him so that a defense against the charges might be prepared, and invited to appear before the Board to present that defense.

The Administrative Procedures Act (Arkansas Code Annotated §25-15-213) provides the specifications for administrative hearings. The important points are:

- Administrative hearings are conducted as part of a publicly-noticed meeting of the Board. Anyone who wishes to attend is welcome.
- The Board must provide an impartial Hearing Officer to referee the proceedings. The Hearing Officer makes sure the proceedings are conducted in an orderly fashion, and according to the APA. The Hearing Officer also rules on evidentiary questions, swears in witnesses, and so forth. The Hearing Officer does not participate in the Board's decision.
- The Board must make and keep a record of the proceeding. A Court Reporter is retained by the Board to prepare a verbatim transcript of the hearing.
- The Board is represented by an Assistant Attorney General, who presents the case against the Respondent. The Board has the burden of proof.
- The Respondent has the right to be heard in person or by counsel and to offer witnesses, affidavits, and/or documentary evidence in defense of the charges, and also to examine the Board's witnesses and challenge the Board's evidence.
- After all of the evidence has been presented, the Hearing Officer declares the evidentiary part of the record to be closed, and instructs the Board to deliberate for their decision. The deliberations are not recorded, but they are an open part of the meeting, and the public is welcome to observe.
- The Board's decision is "reduced to writing" and served on the Respondent as an Order of the Board.

The foregoing should provide some idea of how the Board conducts hearings. For those who are aggrieved by the Board's decisions, we will discuss appeals for judicial review in the next newsletter.

AUDIT PROCEDURES

During their regular meeting on November 10, 2009, the Board issued a Minute Order setting forth procedures to be used by staff for future Continuing Professional Competency (CPC) audits. The purpose of an audit is to verify that the licensee has documentation for reported professional development hour (PDH) credits. The following summarizes those procedures:

- Selection will be random and the sample size will be two (2) percent of the population.
- Those selected will be contacted by mail and asked to provide records to support reported PDH credit for the prior licensing period. Those not responding to the first notice will be contacted again. As provided in Article 20.F. of the Board's rules, the records will include a log showing the activities claimed along with some record showing the activity was attended and/or completed which can include verification by the provider. Licensees will have thirty (30) day to respond to each inquiry.
- Licensees who do not respond, or are unable to document their PDH claims will be served with a complaint alleging fraud or deceit. The complaint will then be prosecuted according to the disciplinary action procedures of Article 15 of the Rules of the Board which may include a hearing. Potential sanctions could include a civil penalty, probation, suspension or revocation.

CPC audits will resume after June 30, 2010. Please review Article 20 of the Rules of the Board closely, both to make sure you have the necessary PDH credit as well as the necessary documentation. Feel free to contact the Board if you have questions or comments regarding these procedures.

SURVEYING LICENSURE ISSUES UPDATE

State-Specific Professional Surveyor Exam Committee Meets Dr. Richard Elgin, PS, PE

The Arkansas Board's State-Specific Professional Surveyor Exam Committee recently met at the Board's offices in Little Rock. Chaired by Dr. Richard Elgin, the committee is made up of 18 Professional Surveyors from different practice backgrounds and geographic areas of the State. The committee will meet periodically to review the appropriateness of the materials and syllabus of the State-Specific exam, which is one of the exams required for licensure as an Arkansas Professional Surveyor. The group also reviews each question in the bank of questions used on the exam and also writes new questions. "The Board appreciates the time and dedication of this group," said Ivan Hoffman, Surveyor Member of the Board. "The Board's purpose is to make the exam complete, fair and appropriate and to assure competence of those whom we license. This group helps us achieve that goal."

Exam content and the percentage of subject areas included on the exam were discussed. The committee segmented the Exam into seven subject areas and established percentages for each subject as follows:

Resurveys, Retracements	20%
Calculation Problems on the USPLSS	20%
Original GLO Methods, Procedures	19%
Minimum Standards	14%
State Statutes and Board Rules	12%
State Plane Coordinates	9%
Riparian Boundaries	<u>6%</u>
	100%

Of course these subject areas and the quantities on the Exam are all based on State of Arkansas rules, statutes, legal principles, law, procedures, standards and surveying practice in effect at the time of the Exam. The Board invites comments relative to those seven task areas and the percentage of each area assigned for the Exam.

SURVEYOR EDUCATION ADVISORY TASK FORCE BEGINS PREPARING DRAFT RULES

On January 11th and March 24th the Surveyor Education Advisory Task Force (SEATF) held meetings at the Board offices to develop recommended rules to implement Act 392 of 2009 (Act) that will dramatically change the requirements for future Surveyor Intern and Professional Surveyor applicants and licensees.

The Act requires that, as of January 1, 2017, an applicant for either intern or professional licensure have educational qualifications consisting of either a bachelor of science (BS) degree with 30 hours of semester credit hours of courses involving surveying, mapping and real property, or an associates of science or applied science in surveying (AS) degree. Experience requirements for professional applicants will change also, and those with a BS degree will be required to have 3 years experience and those with an AS degree will be required to have 6 years experience.

In late 2009, the Board authorized forming the SEATF and that it would consist of up to 9 members. The Board also specified that the members be diverse with representatives from the Board, the State Surveyor's office, the Arkansas Society of Professional Surveyors, those who employ and contract for engineering services, and college and universities that either provide or have traditionally provided surveyor education. Members of the Task Force include Ivan Hoffman, P.S., Ronnie Hawkins, P.E., P.S., Everett Rowland, P.S., Lanny Beavers, P.S., Kit Carson, P.E., P.S., Tom Jacobs, P.S., Larry Lachowsky, P.S., Dr. Rodney Williams, P.E., P.S. and Tom Parson, P.E. The SEATF intends to make its recommendations to the Board by the end of the 3rd quarter of 2010 with rulemaking to start shortly thereafter. Please call the Board at (501) 682-2824 or e-mail at StephenW.Haralson@arkansas.gov if you have questions or comments.

2 Hour State Specific Exam

Beard, Jason Donald
Brewer, Charles Timothy
Burdeaux, David Kevin
Cooper, Gary Brooks
Dow, Logan Alan
Gabert, Mark A.
Harris, Ronald R.
Horn, Adam W.
Hicks, Charles Kevin
Mace, Robert Kent
Pearson, James B.
Richards, Scott Allen
Robinson, Christopher Jacob
Russell, Bradley Gene
Satterfield, Buford Martin
Schroeder, Lee Allen
Smith, Eric Stephen

Fundamentals of Surveying

Drake, Thomas Jason
Harris, Halen Dean
Johnson, Keaton Blane
Nix, David Allen
Stocks, Brandon Thomas
Turbeville, Matthew Neil

Principles of Surveying

Bass, Canada McKenzie
Dow, Logan Alan
Russell, Bradley Gene
Satterfield, Buford Martin
Smith, Eric Stephen



Anderson, Dustin Charles
Baldwin, Blake Andrew
Barito, Adam Joseph
Beard, Jeff
Benson, Timothy Lewis
Bledsoe, John Robert
Bloodworth, James Maxwell
Bockelman, Joshua Leo
Brown, Bradley Michael
Bryant, Blake Alexander
Charlton, Lyle Francis
Clark, Douglas Christen Jens
Clyburn, Collins Roy
Cobb, Harrison Lee
Colebank, Robert Cameron
Davidson, John Alan
Deem, Cameron Tyler
Dillon, Jeremy Ross
Dispennette, Denny Wayne
Ellis, Garrett Hammans
Farmer, Peter E
Foster, Brandon Lynn
Gasaway, Missie Ann
Gass, Matthew Thomas
Gatling, Chris D
Gertsch, Andrew Jacob
Goad, Daniel Robert

Bachelor, Nathaniel Lee
Baker, Chris Ackerman
Bass, Joshua David
Beardslee, Chad Samuel
Bennett, Kyle Aaron
Boggs, Michael Andrew
Brooks, Jeremy Allen
Burghart, Steven Gene
Clark, Bradley David
Dean, James F
Danforth, Steven Douglas
Doyle, John Thomas
Ely, Jonathan Max
Fletcher, Raymond Dow

Fundamentals of Engineering

Goldman, Taylor Mitchell
Goodhart, John Matthew
Green, Matthew Landon
Hankton, Walter Bryant
Harrison, Mary Elizabeth
Haynes, Nathan Lee
Hebert, Brandon Joseph
Hesseltine, Lauren Kate
Higgs, Parker Hayden
Hulett, Zachary Frank
Hutchinson, Gerald Eugene
Jensen, Kevin Neil
Jones, Charles Nathaniel
Kaufman, Andrew Michael
King, Josh David
Kirshberger, Steven John
Koch, Jacob Allen
Langford, Jonathan Wesley
Layson, Jacob Calvin
Long, Warren Russell
Lovellette, Danielle
Luo, Kun
McCollum, Mark Wesley
McCoy, Kathryn Lea
Meeks, Caleb Lee
Mehner, Angela Christine
Miranda, Brent Thomas

Principles of Engineering

Floyd, Byron James
Foreman, Julia Kristine
Funkhouser, Joel Carman
Grimes, Robert Brandon
Hamilton, Yvonne Margaret
Herbner, Travis Brandon
Johnston, Jason Cabe
Jones, Daniel Alan
Keahey, Jessica Nicole
Koss, Matthew Aloysius
Kuddes, Benjamin Logan
Lofton, Joshua Stephen
MacDonald, Jason Allen
Macfarlan, Kevin Hunter

Morfa, Jose H
Nanneman, Andy David
Newton, Byron Heath
Neyers, Jeffery William
Osweiler, Adam Benjamin
Poe, Luke R
Rawn, Jeremy D
Rose, Brenden Patrick
Sanders, Christopher
Sandmann, Annastacia Marie
Satyawakta, Shashank Bahadur
Sigsby, Natalie Jade
Smith, Edward Alexander
Smith, Fred Glenn
Spain, Todd Curtis
St Cyr, Kordero D
Stevens, Jeremy Wayne
Strahan, Terrence Nathaniel
Treat, Jeremy Dean
Vickers, Michael Wayne
Wehmeyer, Steven Craig
West, Jeffery Christopher
Wilson, Tyler James
Yang, Teng
Zhao, Yongsheng

Malone, Ben Michael
Matsumura, Kenichi
McFadden, William Wesley
Parker, Thomas A
Probst, Aaron David
Reno, Damon Brian
Sartain, Brian Thomas
Teafatiller, Thomas Jeremy
Tolley, Travis Allen
Walters, Samuel John
White, William Russell
Wilson, Nathan Eugene
Yancey, Seth Roger
Zhang, Jing

NCEES TO BEGIN EXAMINEE MANAGEMENT SYSTEM IN OCTOBER 2010

Consistent with its goal of improving exam security procedures, NCEES announced that it will begin implementing an examinee management system beginning with the October 2010 exam administration for all exam takers. The new system will primarily allow NCEES to track a candidate's exam attempts regardless of where those attempts are made.

The change will be largely minor for those approved by the Arkansas Board because registration into the new system will occur at the same time application is made with NCEES for exam administration. One new feature is that NCEES will now assign a unique identification number to be placed on each examinee's answer sheet.

Please contact the Board staff if you need additional information about the system.

BOARD DIRECTS RULE CHANGE ON CONTINUING EDUCATION & CARRYOVER

At its January meeting the Board voted to direct that future rulemaking amend and clarify its rules regarding continuing education carryover consistent with the long-standing policy that a licensee can carry over as many hours as he or she is required to report. The Board's action was in response to a number of questions from licensees about how carry over hours would be administered in light of biennial license renewals. The Board also asked that the next newsletter inform licensees of the upcoming amendment so they can plan continuing education activities accordingly.

The amendment is necessary because of the transition to biennial license renewal and the practice of reporting continuing education when renewing. The Board's current rules on continuing education and carryover were written when licenses were renewed annually and are not readily adaptable to the new renewal period.

When amended, the rules will provide that a licensee, beginning in 2011, will have to report 30 hours of continuing education since the last renewal, and any prior carryover can be used to satisfy this amount if necessary. In addition, the rules will provide that up to 30 hours can be carried over to the next renewal period. The Board believed this method to be consistent with the current rules because it would be double the amounts when renewing and reporting annually, and would continue to give licensees the opportunity to carry over enough to satisfy the subsequent renewal period.

It is expected that rulemaking will commence in late 2010 or early 2011. You may call the Board at (501) 682-2824 or e-mail at StephenW.Haralson@arkansas.gov if you have questions, comments or suggestions regarding this matter.

**STATE BOARD OF LICENSURE
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