



THE PELS NEWS

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

October 2009

Newsletter

Twenty-Fifth Edition

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

The Arkansas Highway and Transportation Department – a tradition of Professional Licensure

One of the Board's many "unofficial" duties is to encourage and demonstrate the value of professional licensure. Because I have worked for 39 years for an agency that stresses licensure from top to bottom, it's second nature to me.

Promoting licensure at AHTD is not a new thing and goes back longer than I or anyone here can remember. It is just understood that every engineer or surveyor is expected to achieve professional licensure and that opportunities for career advancement are extremely limited without it.

I remember very clearly that my number one priority after becoming employed was to become licensed. In addition to being a personal goal, my supervisors and co-workers expected and encouraged me to strive for licensure. Licensure was then and still remains a top goal for our agency.

67 job titles at AHTD have engineer or surveyor intern or professional licensure as a minimum requirement and it applies at all levels of the organization from entry level engineer to my job as Deputy Director and Chief Engineer. 239 of the 268 engineers employed by AHTD, almost 90%, are licensed. 12 of 12 surveyors in the Surveys Division are licensed too.

I believe the professional licensure requirement is a benefit to our organization, our employees and the citizens of Arkansas. For our organization, we can be confident that personnel in key areas have demonstrated abilities according to a well-accepted standard and maintain those abilities with continuing education requirements. For our employees it provides a clear and attainable goal for both professional and career development. For our citizens, it is assurance that licensed, competent professionals that must adhere to a strict code of conduct are responsible for the planning, design, contracting and construction for the millions of dollars spent on highway construction and maintenance by our agency.

In closing, I challenge each of you to cultivate an atmosphere and culture in your organization that places a very high emphasis on professional licensure. Be sure that everyone understands that their licensure should not only be a personal goal, but it is also a goal of your organization.

For me, it's just second nature.

BOARD TO BEGIN ACCEPTING ON-LINE APPLICATIONS IN EARLY 2010

In just a couple of months, the Board will have the capability of accepting professional and intern surveyor and engineer license applications as well as certificate of authorization applications on-line through its website. At that time PELS, the Professional Examination and Licensing System, developed by the Arkansas Department of Information Systems (DIS) with assistance from the Information Network of Arkansas (INA) will go live.

Implementation of the on-line system was the result of several months of intense effort by DIS, INA and Board staff. PELS will accommodate all types of license applications currently received by the Board including original and comity applications and even those with NCEES records. Payment can be made on line too.

"We have tried to make the application extremely flexible and user friendly" said Romany Brooks who was in charge of development for DIS. "In addition to facilitating the submission and receipt of application information, it will also give the applicant the ability to track its status and whether things like references and license and education verifications have been received."

NEW AGENCY NAME!

As you may have noticed at the top of the page, our agency name has changed. The rationale – in 2005, the Surveyor Law (A.C.A. §17-48-101 *et seq.*) was amended to change all references from "Land Surveyor" to "Professional Surveyor" but the agency name was not. The term "registration" has been changed to "licensure" to reflect more modern usages of those terms and to make it consistent with National Council of Examiners for Engineering and Surveying (NCEES) model laws and rules and other state's licensing board laws and rules.

THE DIRECTOR'S CORNER

by Steve Haralson, PE

... and in just exactly what year did we get left behind?

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Engineer Member

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Engineer Member

H James Engstrom, PE

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Ivan Hoffman, PS

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8:00 a.m. – 4:30 p.m.

The NCEES annual meeting was in Louisville, Kentucky this year. One of the many programs was on how to communicate with the “new generation” of licensees. For me, the information on the “Millennials”, those born from 1980 to 2000, was eye-opening.

The first half of the presentation revealed that Baby Boomers, myself included, communicate almost completely differently from a Millennial. For example, 99% of Millennials have a profile on a social networking site like Facebook, many are using Twitter to keep up with family and friends, and iPhones are extremely popular. In short, this group is technologically savvy and likes their communications to be as personalized as possible.

The world in which I, and most other Baby Boomers, grew up was much simpler, and my preferred communication methods reflect as much. Typewriters were still very popular, and the modern computer and fax machines were just emerging – there was no such thing as satellite television, VCRs, cellular phones or the internet. As a result, I learned to communicate mostly by the written word and telephone.

It occurred to me that our Board communicates much more like a Baby Boomer than a Millennial. Although lately we have made more use of the Board's website and on-line license renewals, we still largely communicate on paper and most of the time on forms that haven't changed much in the last forty years. Of course, there is absolutely no “networking”, and anyone wanting information must come to us.

The final part of the presentation focused on the decreasing rate of professional engineering licensure, reasons why, and whether communication, or the lack of it, is a contributing factor. Interestingly, the reduction in those taking the professional examination (PE) is occurring even though more are taking the fundamentals of engineering examination (FE). Surveyors, by the way, are doing much better, and there does not appear to be the same reduction rates as that of engineers.

Survey results seemed to indicate that there is indeed a communication gap. 32% of FE takers said they did not even understand the requirements for professional licensure. While 9% of FE takers stated conclusively they would not take the PE in the future, it is clear that only about a third of the remaining 90% or so actually followed through and did.

So, would it help if we communicated differently with the Millennials? The presenters stopped short of drawing this conclusion, but it seemed clear to me that we can do better. Over the next few years, look for us to try a few things that will hopefully get us better in touch with engineering students and newly licensed interns. On-line applications will be a reality by the end of this year, with optional e-mail notifications hopefully coming soon, too. We are also looking into ways to communicate directly with interns during the time they should be preparing to take the PE. There are probably other ways we could be more effective, and we welcome any suggestions you (and especially if you are under 30) might have for us old guys! I look forward to hearing from you – and use the land line for now!!

BOARD ADOPTS AMENDED RULES

At its September 15th meeting the Board adopted amended rules and they became effective September 27th - they are now posted on the Board's website at www.arkansas.gov/pels. Prior to adoption, the Board accepted public comments and held a public hearing on September 1. Comment's included the American Council of Engineering Companies and several license holders.

Some of the amendments were necessary as a result of earlier amendments to the engineer and surveyor laws, some were to accommodate anticipated future changes to the NCEES exams, and others were the result of changes in Board policies and procedures. Some of the more notable amendments include:

- Clarifying what constitutes an offer to provide services - the prior rule made it a violation to “offer to provide” surveying or engineering services without being licensed but did not define whether advertising, passing out business cards or other things might be considered as an offer. Amendments to Article 2 list specific activities and procedures that can be undertaken before an offer occurs.
- Allowing the Board to accept electronic records and electronically signed documents – these amendments to Article 6 were added to comply with a law passed in the 2007 Legislative session requiring agencies to pass rules regarding the acceptance of electronic documents and signatures. The amended rule provides that the Board may accept an electronic version of any form or application.
- Increase in the cost of some NCEES exams and change in the manner of payment – In October 2008, NCEES increased the cost of several of their examinations including the principles and practice of surveying and the principles and practice of engineering. Article 9 was amended to increase the fees in the same amount as the NCEES increase. In addition, and beginning with the October 2010 administration, NCEES examination fees will be paid directly to the exam administrator after being admitted and at the same time as paying the administration fee.
- Providing options for electronic document signature/transmission – the prior rule had few options to electronically sign and transmit documents. Amendments to Article 12 expressly provide for electronically signing documents as well as options to electronically transmit them.

THE COMPLAINT CORNER

By James Atchley, PE

REPORT ON DISCIPLINARY ACTIONS

Taken by the Board since April 2009

6/9/2009 In the matter of Jerrel Shaffer and SKS Engineers, Inc

Charged with practicing or offering to practice engineering in Arkansas without registration, and without a valid COA. The Board accepted a Consent Agreement which provided for an admission of violation and a civil penalty of \$1,000.

6/9/2009 In the matter of ASTEC, Inc

Charged with providing or offering to provide engineering services in Arkansas without a valid COA. The Board accepted a Consent Agreement which provided for an admission of violation and a civil penalty of \$500.

7/9/2009 In the matter of Rickey E. Reeves

Charged with three counts of unlicensed surveying practice. After a formal hearing by the Board, found guilty and assessed a civil penalty of \$6,000.

Notice of Hearing

The last newsletter dealt with the actions of the Complaint Committee of the Board. Recall that one of the possible actions of the Complaint Committee was to conclude there was probable cause to believe one or more violations had occurred, and to recommend the matter be set for hearing by the Board.

The fundamental components of agency procedural due process require that the Respondent be given adequate notice of the charges against him, so that a defense against the charges might be prepared, and that an opportunity to hear that defense be provided. This column will cover the notice component. With the next newsletter, we will cover the hearing itself.

The Administrative Procedures Act (Arkansas Code Annotated §25-15-101) provides the specifications for the Notice of Hearing:

§25-15-208(a)(2)(A) A statement of the time, place, and nature of the hearing;

§25-15-208(a)(2)(B) A statement of the legal authority and jurisdiction under which the hearing is to be held;

§25-15-208(a)(2)(C) A short and plain statement of the matters of fact and law asserted.

A Notice of Hearing is not complete or lawful if it does not contain these elements. In addition, the Notice of Hearing form used by the Board also contains a statement concerning the rights of the Respondent to be heard in person or by counsel and to offer witnesses, affidavits, and/or documentary evidence in defense of the charges.

A Notice of Hearing is of no value unless it reaches the Respondent in a timely manner. Under the Administrative Procedures Act (Arkansas Code Annotated §25-15-210(c)) and Rules of the Board (Article 15.C), parties may be served with the Notice of Hearing either personally or by mail, not less than twenty days before the hearing date.

Save Yourself A Headache – Get A Written Contract

**Reprinted courtesy of the Alabama Board of Licensure
for Professional Engineers and Land Surveyors**



In the engineering & land surveying professions (as with most professions) there would be considerably less headaches if one were to have a written contract prior to beginning work for a client. In some states a written contract is mandatory when providing engineering or land surveying services. As a minimum, the written contract should contain the following:

1. A detailed description & scope of the services to be performed
2. Name & contact information (to include License #) of the PE or PLS who is performing the services
3. Schedule and procedure for financial compensation
4. The starting and projected ending date of the services
5. A method for dispute resolution.

BOARD MEMBER NEWS

GOVERNOR APPOINTS HAWKINS, REAPPOINTS ENGSTROM

In early July, Governor Beebe appointed Ronald R. (Ronnie) Hawkins, P.E., P.S. to the Board as its dual-licensee member. Hawkins replaced Bill Ruck, P.E., P.S. who had served since 2005. Mr. Hawkins founded and is currently President and CEO of Hawkins-Weir Engineers, Inc., in Van Buren.



Governor Beebe also reappointed H.J. (Jim) Engstrom, III, P.E. to his fifth term. Engstrom was first appointed to the Board in 1993 and will remain the current longest-serving member. Mr. Engstrom is President and Owner of H.J. Engstrom & Associates, Inc. in Little Rock.

HOFFMAN & BOND APPOINTED TO NCEES COMMITTEES

In August, the National Council of Examiners for Engineering and Surveying (NCEES) President David Whitman appointed Board Members Ivan Hoffman, P.S. and Tommy Bond, P.E., P.S. to NCEES Committees for 2009-2010.

Mr. Hoffman was appointed for a third time to the Committee on Examinations for Professional Surveyors that is responsible for the content and scoring of the fundamentals of surveying and principles and practice of surveying examinations. Mr. Hoffman is currently the Item Review sub-chairman on the committee and in his previous appointments served as Item Bank sub-chairman. Mr. Hoffman recently served on the Committee on Examination for Policy and Procedures calculator subcommittee.



Mr. Bond was appointed to the Committee on Examination Policy and Procedures that is responsible for reviewing examination effectiveness and recommending policies, specification and procedures for current and future examinations. This is Mr. Bond's first appointment.

NEW LEADERSHIP

Board Elects Vozel and Bond Officers for 2009-2010

At its June 2009 meeting, the Board elected Frank Vozel, P.E., as President and Tommy Bond, P.E., P.S. as Vice-President for the year. Mr. Vozel has worked for the Arkansas Highway and Transportation Department since 1970 and is currently the Deputy Director and Chief Engineer. He became a Professional Engineer in 1975.



Mr. Bond founded Bond Consulting Engineers, Inc. in 1966 and is still actively involved in its management. He became a Professional Engineer in 1965 and a Professional Surveyor in 1967.

Examinees who passed April 2009 exams

2 Hour State Specific Exam

Barnett, James Keith
Berry, William R
Burke, Clayton Monroe
Cropper, Rhett David
Dow, Logan Alan
Dunn, David Orell
Gagner, William George
Goodwin, James Cody
Grayham, Jason Herbert
Johnsen, Jason David
Massey, Joseph Wayne
Maxwell, Christopher Ray
Pacheco, Mark Alison
Pugh, Joseph Courtney
Ranney, Arthur Dinty
Rosson, Randall Scott
Shoffner, William Corbitt R
Sledge, Kirt Lawrence

Fundamentals of Surveying

Cloud, Randall Paul
Enderlin, Garry Ross
Finkus, Jacob Dewayne
Kaufman, Brandon D
Moring, Dakotah Jacob
Parker, Jeffrey Scott
Antipolo, Jeremy Marcelo

Principles of Surveying

Berry, William R
Burke, Clayton Monroe
Goodwin, James Cody
Johnsen, Jason David
Massey, Joseph Wayne
Maxwell, Christopher Ray
Salyer, John Kyle



Fundamentals of Engineering

Alexander, Cameron Gray
Attwood, Harvie Malcolm
Aydani, Soraya Lynn
Bailey, Bryan William
Ballard, Brandon Lee
Barfield, Jonathan Thomas
Blackwell, Derek Lynn
Blankenship, Ryan Lee
Booth, James Ramont
Bowers, Lance Alan
Buckmaster, Vanessa Marie
Bunnell, Kris Allan
Burkey, Eric Thomas
Buscher, Michael Brandon
Campbell, Kevin McKay
Carbary, Jordan Leslie
Chanthaseny, Yadrnaphalay
Conyers, Daniel Bryce
Crittenden, Joshua Dean
Cullen, Charles Michael
David, Morgan Michele
Delassus, Patrick Michael
Delavan, Mark Robert
Delorenzis, Lea Roxann
DeVito, Brandon Christopher
Eaves, Marcus Lester
Eichman, Christopher Michael
Farrell, Sarah Isabel
Faulkner, Chris Ellis
Ferguson, Brandon Paul
Fleming, Robert Andrew
Foshee, Christian L

Appel, Thomas Jason
Bice, Ashley Ray
Borkar, Sandeep
Breckenridge, Clifton Kyle
Castor, Ryan Warren
Charles, Nathan James
Garner, Jason Paul
Gilbert, James Gordon
Gilbreath, William Barton
Griffin, Nicholas John
Hadden, Ian Thompson

French, Aaron Kyle
Greubel, Nathan Frank
Gunlock, Joshua Don
Hammon, Felicia LaDon
Haynes, Caleb Lee
Head, Steven Jerome
Heinrichs, Eric A
Hill, Alan Lee
Hissam, Jonathan Curtis
Hong, Qilong
Hoyt, Christopher Glen
Jacks, Robert Brian
John, Emerson Esmond
Johnson, Zachary Stuart
Jones, John Paul
Kennedy, Ben Russell
Kimbrell, Clinton Dale
Kleck, Jacob Ryan
Knight, Gabe Joshua
Kristofcak, Lukas
Lee, Austin Britt
Leeper, Jason
Leitmeyer, Donald A
Lewis, Jerrod Lamont
Li, Jingfeng
Lindsey, Jeffrey Don
Maddox, William Everett
Marotti, Bradley James
Marrs, Dave Calhoun
McDonald, Jeremy Bryant
McMullen, Matthew Gregory

Principles of Engineering

Harrison, Brad Wayne
Henry, Caleb Matthew
Hutchison, Daniel Curtis
Inman, Jared Sloan
Jacuzzi, Anthony Gordon
Jorgensen, Blake Edward
Lachner, Brandon Fairchild
Lettner, Michael Steven
Marin, Claudia Cecelia
Perkins, Philip Robert

Meyers, Billy R
Mizell, Mark Lile
Morgan, Daniel B
Nugent, Michael Andrew
Oguejiofor, Benjamin Nwakile
Pazahanick, Monica Alejandra
Piechocki, Andrew Philip
Post, Colby Tyler
Pye, Matthew Edward
Ramage, Robert Joseph
Ramey, Dalton Wayne
Reed, Kevin Michael
Robison, Jason R
Ryan, Raymond J
Selig, Sam Patrick
Skinner, Joel Elijah
Smedley, Stephen Carl
Smith, Jeffrey G
Snyder, Andrew Kiley
Snyder, Brent Austin
Stovall, Luke Alan
Strobel, Aaron Lewis
Stroupe, Jairus C
Tomlin, Bentley Walter Allen
Tyer, William Thompson
Wagner, Steven Ray
Watson, Jared Charles
Weeks, Chance Y
Williams, Temper Rena
Williams, Christopher Michael
Young, Matthew G

Pokorny, William Henry
Qazi, Adnan Rashid
Reiter, David Michael
Tran, Nam Hoai
Triche, Adam Stanton
Waller, Christopher John
Wasser, Wayne Ralph
Wood, Michael Shane
Wood, Brandon Gene
Wyatt, Deric Michael

ELGIN PREPARES NEW ARKANSAS SPECIFIC SURVEYING EXAMINATION

Beginning with the October 2009 semi-annual exam administration, professional surveyor applicants will be tested on their knowledge of Arkansas surveying laws, rules, and procedures with a new 2-Hour examination prepared by Dr. Richard Elgin, P.E., P.S.

Dr. Elgin is a familiar figure in Arkansas surveying having received his Ph.D. from the University of Arkansas under Dr. David Knowles, P.E., P.S. During this time, he and Dr. Knowles co-authored *Legal Principles of Boundary Location in Arkansas* which is still recognized as the authoritative source of information on Arkansas surveying laws. He is also an authority in examination preparation, having previously served on NCEES examination committees and having prepared the state specific examinations for the Missouri and Kansas Boards.

Besides preparing the examination, Dr. Elgin will also assist the Board in scoring and evaluating the results, and will conduct an exam workshop to receive input from licensees about the content of future examinations.

HELP US COMPLETE THE "WALL OF FAME" WE MAY BE LOOKING FOR YOU!



Before he retired, former Executive Director Joe Clements began gathering and displaying photographs of former Board members. The Board's office now has on display pictures of 48 of the prior 72 Board members from all eras including when the Board was originally formed in 1925.

We need help, however, completing the collection so please let us know if you know the whereabouts of any of the following or their families:

Cyrus H. Bond, Jr.	Robert H. Boyd	Luther R. Branting	Fred M. Carter
Charles S. Christian	Billy Wayne Fly	Maribeth Frazer	James M Hart
Fred J. Herring	Alice Hunt	Bobbie Jones	Frank A. Pritchett
William T. McNutt	Henry E. Nunn	Louis R. Parmelee	Robert J. Rhinehart
E. Wayne Tate	Charles Tenney	Roy E. Warden	Robert E. Williams
Leonard N. White			

Feel free to drop by and look at the pictures of your current and prior Board Members!



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