



# THE PELS NEWS

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

May 2014

Newsletter

Thirty-Fourth Edition

## THE PRESIDENT'S MESSAGE

By H. James Engstrom, P.E.



Some of us (5 Board Members and 2 Staff) have recently returned from the Southern Zone Meeting of the National Council of Examiners for Engineering and Surveying (NCEES) in Charleston, SC.

There are four national zones that meet each year and then all meet at the national meeting in the summer to discuss, vote upon and/or conclude actions on the current issues. Although I was skeptical of the merit of these meetings when I first became a board member, I now appreciate their value. I feel all board members benefit from the knowledge they gain associating with other state boards and learning from their experiences as well as being a part of shaping the regulations governing the practice of professional engineers and surveyors in the United States.

According to current NCEES President Patty Mamola, PE (NCEES' first female President), "In 1920, seven states got together to form NCEES for the primary purpose of improving mobility." Prior to NCEES fully taking effect over the following years, most states had their own separate regulations and requirements that, in many cases, were unique when compared to other states. NCEES created the MODEL LAW for the requirements and regulations governing licensure. Each state is encouraged to have their legislature adopt these Model Laws so that licensees as well as the general public could expect the same requirements in each state. This has generally been done although, due in large part to state legislatures, some differences do exist from state to state. These differences hamper mobility (reciprocity) of licensees across state borders.

Another thing that hampers mobility is the different Continuing Professional Competency (CPC) requirements from state to state. NCEES is attempting to either get the states to have the same CPC requirements, or to accept a licensee's CPC if it has been satisfied in his/her state. This will be a challenge.

These goals are sometimes made more difficult when state legislatures for one reason or another decide to add or subtract special interest type laws or regulations as has been done in several states.

The Texas Board reported that their legislature now requires criminal background checks as well as fingerprinting for licensure.

NCEES reports that computer based testing (CBT) for the FE and FS exams appear to be going smoothly. They continue to work on CBT for the 20 or so PE exam disciplines and will probably start with a few disciplines and then add others as it proceeds.

NCEES also reports that many countries are using the NCEES system of licensure as a model for their own system.

In 2020, the NCEES Model Law is to be changed to require more than a BS as the educational requirement for licensure. It will be some years more before the state legislatures have adopted this.

The Uniform Procedures and Legislative Guidelines (UPLG) committee report discussed an effort to try to "uncouple" the requirement that the 4 years of experience occur before an applicant could take the PE exam rather than after. South Dakota as well as some other states have voiced opposition to this. The jury is still out. It will probably come up for a vote at the national meeting in late summer.

These are just a few of the many issues in the works at NCEES, but some I thought might be interesting to you.

Our Arkansas Board now has about 80% of new applications and 90% of renewal applications being made online. We now have a social media presence with a Newsroom and Facebook. The rebuilding of our parking lot is complete. With the exception of some unusual disciplinary hearings, our year so far has been a normal one for a change.

If you have any questions concerning matters of the Board, please do not hesitate to contact me or the Board office.~ Jim Engstrom, PE

## **Board Members**

**H James Engstrom, PE**  
President  
Engineer Member

**Ivan Hoffman, PS**  
Vice President  
Surveyor Member

**Ronald R. Hawkins, PE PS**  
Engineer & Surveyor  
Member

**Sherman Smith, PE PS**  
Engineer Member

**Frank Vozel, PE**  
Engineer Member

**Tommy Bond, PE, PS**  
Engineer Member

**Robert Holloway, PE PS**  
Engineer Member

**Nora Moses**  
Consumer Member

**Dan Young**  
Consumer Member

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**James Atchley, PE**  
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**Office hours Monday-Friday**

8:00 a.m. – 4:30 p.m.

## **THE DIRECTOR'S CORNER**

by Steve Haralson, PE

### ***JUST A LITTLE LATE OR SOMETHING MORE SERIOUS?***

**Lapse (1) *the termination of a right or privilege through neglect to exercise it within some limit of time* (2) *termination of coverage for nonpayment of premiums***

#### **- *Merriam Webster Dictionary***

Anyone that keeps up with local affairs even a little bit is probably aware of the current brouhaha in this state over the issue of lapsed law licenses for judicial candidates. The issue peaked when a circuit judge candidate was disqualified because her law license had been administratively suspended earlier for failing to complete the required continuing education. As a result of the suspension, it was found she failed to meet the constitutionally mandated qualification of being licensed for 6 years.

In the aftermath, it has been revealed that a number of other judicial candidates, including the incumbent that would have opposed the one disqualified, also had their licenses suspended in the recent past. Most of the suspensions were merely for failing to pay the renewal fee on time. How this will eventually be resolved is not clear at this time, and the Arkansas Supreme Court has been asked to rule on the matter. Regardless of the outcome, it is an embarrassing mess for all involved.

This issue does not just affect lawyers. In 2011, the Board received a complaint that an engineer who had not renewed his license was serving as an expert witness in a court case. The complaint was submitted by opposing counsel after the trial ended, and the matter before this Board resulted in a disciplinary action.

Being a procrastinator myself, I know it is tempting to put the renewal notice aside when it is received – after all there are probably at least 30-45 days until expiration. Even so, the above examples show there should be at least some sense of urgency, and they also provide at least a couple of clear lessons:

- practicing on a license that is lapsed for any reason and for any length of time is unlicensed practice, and we all know that unlicensed practice is a violation of the Board's laws and rules; and
- there is no reason to put you, your reputation or your practice at risk by delaying.

We have implemented improvements to hopefully make renewing easier and more convenient. Most recently, the Board voted to absorb the online credit card transaction fee so that those renewing via the website pay no more than those by check or money order. We hope to do more in the future and if you have ideas, suggestions or comments feel free to let us know. **BUT DON'T BE LATE!!!**

### **Verification of Exam(s) and or Licensure**

If you need verification of your Arkansas license or examinations for another jurisdiction, it may be possible to do it in an expedited manner electronically by visiting the **NCEES License/Exam Verification** website at <https://verify.ncees.org/>. If the state is listed, then select that state and supply the requested information. If it's not listed, please complete their form and forward it to the Arkansas Board's office via email, fax, or USPS.



**By James Atchley, PE  
REPORT ON DISCIPLINARY ACTIONS  
by the Board since May 2013**

**CASE NUMBER** #2013-02, in the matter of HPD, LLC

**COMPLAINT** An Illinois firm, HPD, LLC was charged with providing or offering to provide engineering services without a Certificate of Authorization.

**RESOLUTION** After a hearing on March 12, 2014, the charges were sustained and HPD, LLC was assessed a civil penalty of \$1,500.

**CASE NUMBER** #2013-07, in the matter of Aaron Burroughs, PE

**COMPLAINT** Because of the actions of his employee, Douglas Fellenz, the Board concluded Burroughs' conduct may have constituted two counts of unlicensed practice of surveying, six counts of offering or providing surveying services in Arkansas without a valid Certificate of Authorization, and seven counts of false or misleading advertising.

**RESOLUTION** On 10/04/2013, without admitting the allegations, Burroughs entered into a Consent Agreement with the Board which called for a reprimand to his file and payment of a civil penalty of \$2,000.

**CASE NUMBER** #2013-08, in the matter of Douglas Fellenz, EI, SI

**COMPLAINT** Fellenz was charged with four counts of the unlicensed practice of surveying, four counts of the fraudulent use of another licensee's seal, unauthorized practice of, or offer to practice, surveying by a firm, unlicensed practice of engineering, unauthorized practice of, or offer to practice, engineering by a firm, and an ethical lapse in the form of failing to faithfully serve the legitimate interest of his employer.

**RESOLUTION** On 11/12/2013 Fellenz entered into a Consent Agreement with the Board which called for revocation of his EI and SI certificates and a letter of reprimand.

**CASE NUMBER** #2013-10, in the matter of the C.T. Brannon Corporation

**COMPLAINT** The firm self-reported that a project had been completed in Arkansas without a valid Certificate of Authorization.

**RESOLUTION** On 10/09/2013, the firm entered into a Consent Agreement with the Board which called for an admission of violation and payment of a civil penalty of \$1,000.



<b>2014</b>	May 12	Complaint Committee Meeting, PELS Board Office
	May 13	Board Meeting, PELS Board Office
	26	Memorial Day – State offices closed
	July 1	Cut-off date for applications to take the October Exams
	4	Independence Day – State offices closed
	July 8	Board Meeting, PELS Board Office
	Aug TBD	Board Meeting, PELS Board Office
	20-23	NCEES Annual Meeting, Seattle, Washington
	Sept 9	Board Meeting, PELS Board Office
	Oct 24	PE/PS & AR State Specific Exams, Arkansas State Fair Grounds
	Nov 4	Registration with NCEES opens for April 2014 PE/PS exam
	10	Veterans Day – State offices closed
	11	Board Meeting, PELS Board Office
	27	Thanksgiving Day – State offices closed
	Dec 24-25	Christmas Eve & Day – State offices closed
<b>2015</b>	Jan 1	New Year's Day – State offices closed
	1	Cut-off date for PE/PS applications for April 2015 exams
	13	Board Meeting, PELS Board Office
	19	Dr. Martin Luther King, Jr., Birthday – State offices closed
	Feb TBD	Board Meeting, PELS Board Office
	17	President's Day – State offices closed

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# THE WAY WE WERE

## *A history of the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors*

### *Passing Scores & Proctors*

While previous articles on testing have focused on exam development and exam takers, some mention should also be made of those that administered them, how they were scored and specifically how it was determined if an examinee passed.

#### **PASSING SCORES**

Although many things have changed from the very early days until now, one thing has not – the Board has always retained the authority to decide when someone passes an exam. The original 1925 law provided that an applicant had passed when it was “in a manner satisfactory to a majority of the Board” Act 202 of 1925 § 10.

Jumping forward to today, and though the Board still retains the authority to set the passing score, it like all other licensing Boards in the U.S. accepts “standards of passing as established by NCEES.” Rules of the Board, Article 11.C.3. The method used to set the NCEES “cut score” is fairly regimented and detailed as described on its website.

For about the first 25 years and until the 1950’s, it appears that exam grading was quite informal. Minutes show the usual approach was that the Board would simply vote to license those that made an acceptable grade. Beyond that, however, there seemed little consistency because sometimes the entire Board would grade an exam, sometimes only one, and there is even a reference to the Board summoning N.B. Garver to explain how he graded a particular exam.

Things got a little more formal when the exams were changed to two days in the late 1940’s and the Board also changed the way it “scored” applicants. Rules in the 1948 roster explained now that applicants would be given two scores - one based on the applicant’s “education, professional experience, testimony of references, and other reliable sources of information” and the other would be based on examinations. Each score would be given a 50% weight and the total combined score would have to be at least 75%. This method was used for roughly the next 30 years. The first record of results from this approach are available beginning with the 1950 exams and all are shown to have passed that year. The first shown to fail under this method came at the July 1951 exams and they had the following scores:

<u>Experience</u>	<u>General</u>	<u>Field</u>
75	43	73
75	68	65
80	64	60

Engineer Intern exams started around this time too and it appears that Dr. Wray, the University of Arkansas professor hired to prepare and grade the exams, was also charged with determining who passed. The first results from those showed scores from seven different subject areas and a total overall score.

Later examination results became more streamlined. In the late 1950’s two scores were reported with one being for the “General” portion of the exam, one for the “Specific” portion and an overall score that was the average of the two. Around this time, Professor Wray also apparently began “adjusting” the scores based on the overall performance of the examinees. His report on the 1957 results states the grades were “adjusted to a basis that requires 75 for passing”.

Maybe because of the prior experience with the engineer exams, the basic format for scoring for surveyor exams didn’t change all that much from one year to the next. Early results showed two scores with one for an open book and another for a closed book portion with an overall combined, and two continued to be reported after the NCEES examinations were administered with one score for the morning and one for the afternoon sessions.

The final examination to be administered by the Board was the surveyor intern exams and probably because it was a national examination and scored by the national organization from the beginning, it had the most consistent scoring scheme. Results for those almost always showed one raw score and one adjusted score.

#### **Proctors**

Any summary of how exams have been administered is a fairly simple matter because the only apparent engineering exam proctors for the first 75 years or so were either Board members, Board staff, Professor Wray or other University of Arkansas staff – later, staff at other schools participated in administering the fundamentals exams to their student. Surveyor exams were administered first by Land Survey Committee members as long as that continued to exist, and then later either Board members or Board staff with Dr. Knowles assisting with the Fundamentals examinations.

One of the few reported points of contention involved whether to allow example problems and solutions in to the exam room. Calculators were first allowed in 1972 and programmable calculators were allowed in 1980.

Amid growing concerns over exam security, the Board chose in 2005 to contract with ELSEES, a newly-formed division of NCEES, to administer their exams and this ended direct involvement by the Board or staff with exam administration except for the locally developed Arkansas Specific surveying examination and that is still administered by Board staff.

## CONGRATULATIONS EXAMINEES - OCTOBER 2013

### FUNDAMENTALS OF ENGINEERING

Seth Adams	Gregory Dillett	Courtney Hill	Joseph Mayfield	Caleb Posey	Andrew Simms
Adam Albright	Robert Dorch	John Holloway	Christine Mcalpine	Daniel Power	Zachary Slinkard
Eric Anderson	Ryan Dufour	Wesley Honnell	Katherine McWilliams	Jackie Rabb	Nathan Smith
Eric Apgar	Neil Eastwood	John Hoover	Austin Miller	Kenneth Rains	William Stanton
James Bailey	Ashlee Ellis	Daniel Hoyer	Jessie Moncrief	David Ramsey	Joel Stewart
Russell Bair	Keith Enlow	Steven Hryniewicz	Josiah Moore	Andrew Raybon	Zane Sturm
Nadia Bhatti	Jordan Falls	Nathan Huffer	Zachary Morehart	Colby Reavis	Rashid Swann
Andrew Binder	Justin Franco	Tai Huynh	Christopher Morris	Bryan Rich	Jeffery Thomas
Dominick Bisogni	William Goodson	Collin Jackson	Nathaniel Newton	Bryce Robertson	W Upton
Brett Bland	Ryan Hagedorn	Bruno Jacobo	Amlam Niragire	Eric Romero	Brett Vaughn
Ethan Broadway	Douglas Hall	Kylie Keene	Everett Noblin	Benjamin Ross	Alexander Warzecha
Daniel Bryant	Christopher Hankins	David Kimmel	Jared Northcutt	Marshall Rucker	Michael Wear
Joshua Collins	Matthew Harrison	William Lake	Kirby Parks	Brandon Rush	Micah Wyssmann
Benjamin Cottrell	Justin Hart	Michael Lunday	Jordan Patoka	Morgan Rush	Josh Yancey
Jonathan Crews	Seth Hathcock	Kirsch Mackey	Justin Payne	Gibran Santana	Jordan Zielinski
Doddridge Davis	Joshua Hernandez	Matthew Martin	Alexander Pichalski	Anna Shafer	Jonathan Zinck
Shanyce Day					

### PRINCIPLES & PRACTICE OF ENGINEERING

Steven Bishop	Kirk Grimmelsman	Kathleen Mauldin
Joshua Bockelman	Raymond Herndon	William Mauldin
Preston Campbell	Clinton Hoover	Christopher Melhorn
Brian Eddins	Mark Johnson	Monica Pazahanick
Jesse Eisenhart	Thomas Johnson	Christopher Poague
Daniel George	Maneesh Krishnan	Jason Scates
Thomas Gerard	Mathew Lewis	Samuel Selig
Maxwell Good	Cordell Lyons	Donnie Sharp

### FUNDAMENTALS

#### OF SURVEYING

Terek Sigmon

### ARKANSAS STATE SPECIFIC EXAM

Eric Stuart  
Scott C North  
Jesse P Murphy

### PRINCIPLES & PRACTICE

#### OF SURVEYING

Mitchell Lane  
Spencer Thomas

You've run the course and passed the exams! Well done and remember,  
"There are no secrets to success. It is the result of preparation,  
hard work and learning from failure." ~ Colin Powell



**NCEES**

*advancing licensure for  
engineers and surveyors*

NCEES launches computer-based testing  
January 8, 2014

NCEES is pleased to announce that the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams have fully transitioned to computer-based testing and are now administered exclusively at approved Pearson VUE test centers. Computer-based testing provides many advantages for both examinees and NCEES. Examinees are now able to schedule their exam at a time and location that work best for them and receive their results within 7 to 10 days. NCEES gains enhanced security and better uniformity in testing conditions with the move to computer-based testing.

"We are excited that computer-based testing for the FE and FS is under way and that all of our preparation leading up to the conversion has been successful," said Jerry Carter, NCEES Chief Executive Officer. "The transition to computer-based testing is a positive step forward for NCEES." To learn more about the FE and FS exams, visit [ncees.org/exams](http://ncees.org/exams).



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## SOCIAL MEDIA




The Arkansas Board is pleased to announce its presence through our Newsroom and Facebook pages.

Working with the Information Network of Arkansas (INA) a Newsroom and Facebook page have been created to help expand our reach of public information and better connect with audiences through media technology.

In 2013 the Board started electronic correspondence through E-mail which was initially set up to provide notification of newsletter postings and renewal notices. In addition to the current email notifications our social media sites have been created to provide you with current information and resources such as news and updates. You can choose to receive additional information in multiple formats through subscribing to our RSS feed or staying connected on Facebook.

### How to Follow The Arkansas Board:

 **ALL FEEDS** RSS feed – Utilizing Internet Explorer, click the “All News” link under the pictures on our homepage to access our Newsroom. To subscribe click the “All Feeds” link



Facebook – Access Facebook and then click “Like”. This will allow you to follow our postings.

- Stay Connected” by clicking the  Icon at the bottom of the Newsroom page.
- Login to Facebook & search for the **AR Board of Licensure for Professional Engineers & Professional Surveyors**
- Type our Facebook address <https://www.facebook.com/AR.PELS.Board>) into your browser.

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