



THE PELS NEWS

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

May 2011

Newsletter

Twenty-Eight Edition

THE PRESIDENT'S MESSAGE

By Tommy Bond, P.E., P.S.

From Slide Rules to iPads

For Christmas last year, Pat, my ever thoughtful wife of more than 50 years bought an iPad for me. My first impression upon finally getting the thing out of its box, cardboard, plastic wrapping, etc. was that it would likely end up behind the seat of my truck along with the battery operated filet knife I haven't used either, or in the floor in the corner of my office next to the picture I have never quite gotten to hanging. It just looked like one of those things way too complicated to be of much use.

My grandson was really excited about it though and offered to give his grandpa a tour of its features. Figuring it couldn't be as bad as the other option of Wii bowling, we sat at the kitchen table and the demonstration began.

Well did I ever get hooked! How in the world could someone make something that small and light do that many things? We looked at newspapers, aerial photographs, maps, pictures and found we could make them larger or smaller or switch from one to the other by just moving our fingers across the screen. Soon I was sending and receiving e-mails too and it now goes with me just about everywhere.

My new favorite iPad is really just one of the latest things to remind me how much things have changed since I began my engineering and surveying career back in the early 1960's. Computers have replaced drafting tables, pens, and lettering sets, copiers have replaced blue line machines, and GPS units have replaced transits and levels. Of course, slide rules are a thing of the past – just try to find one today and someone that knows how to use it.

I have challenged the Board and Board staff to change too. You may have noticed some already like applying for and renewing licenses largely online. We recently started scanning old and new licensee and applicant files and hope to have all in electronic format in the next couple of years. Within the next 6 months we hope to transition to paperless Board meetings and thus saving the several reams of paper now used for each one. Of course NCEES is changing too and in the next few years, at least the fundamentals examinations will be administered on computer with the pencil and paper exams gone forever.

As I finish typing this article on my new favorite toy and prepare to send it electronically to the Board for you to download from the website (www.pels.arkansas.gov), let me conclude by thanking each of you for your support and patience and welcome your comments and suggestions for the future. I have got to run because my grandson and I have finally scheduled that Wii bowling game.

On-line Renewal Participation Increases Dramatically!

The Board of Licensure for Professional Engineers and Professional Surveyors would like to thank those of you that made this year's renewal seasons for engineering and surveying a great success. Online renewals were a huge success going from a 65% usage in 2009 to 90% in 2010!

The Board has been promoting the online renewal system as a means to expedite the renewal process and control costs. Another change was moving from a paper form to a renewal reminder.

Thank you to those of you that took the time to utilize our online renewal system this year!

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THE DIRECTOR'S CORNER

by Steve Haralson, PE

ETHICS & EXCUSES – WHAT'S YOURS?

There are any number of books on ethics and ethical behavior, but the title of a recent book caught my eye enough to take a closer look. The book was largely about the importance of ethical behavior excuses and why we should pay attention to them. The author argued that a code of conduct that made no allowances for excuses is fundamentally flawed.

Others have argued that there are both good and bad excuses. For example, a driver that chooses to hit a car with one person in it when there was a mechanical emergency likely wouldn't be blamed if the only other choice was to hit a school bus filled with children. Conversely, excuses like "everyone did it", or "it wasn't illegal" are notoriously bad ones. An excuse of "I didn't know" falls somewhere in between, because it could mean either that the behavior might have been different with knowledge, or that there just wasn't enough interest to find out.

The various discussions on excuses made me wonder about our own obligation under the Board's Code of Professional Conduct and whether it might have its own good and bad excuses. Because ours is enforceable and can ultimately result in some type of imposed sanction or penalty, it could be that a "good excuse" might mean the difference between "a slap on the wrist" or something more severe.

I asked James to take a look at some of the more recent excuses for actual or alleged ethical lapses. Here are just a few of what he reported and my take on whether they are good or bad:

Excuse 1. – *I didn't do it.* If true, this one is a winner every time. If false, it's one of the worst and causes a whole new set of problems.

Excuse 2. – *The Client wanted it done that way.* This could show either a lot of loyalty to a client, or that it is okay to blame another.

Excuse 3. – *It's not that big of a deal or it didn't seem like it was at the time.* Rarely good because it shows a lack of respect for one's ethical obligations and that those obligations may come in second to other considerations.

Excuse 4. – *It turned out alright.* Essentially saying "the end justifies the means". Does anyone buy that?

Excuse 5. – *I had to in order to get the job or work.* A really bad one because it shows the person puts profit before anything else and disregards a professional's primary obligation to protect the public.

So in the end, are there excuses, good or bad, to ethical behavior? For Surveyors and Engineers it is hard to imagine that there are, and that Einstein's observation "Relativity applies to physics, not ethics" is a good guide to follow.



Applications submitted on-line need less processing time

Submitting online applications through the Professional Examination and Licensure System (PELS) feature on the Boards website has proven to decrease processing time, applicant wait time and increased overall efficiency. If a correction is needed to an application, the applicant can make that update in real time with no need to wait for the paper document to reach them.

So the next time you need to submit an application or check its status, do it on-line at <https://pelslicensing.arkansas.gov/>

THE COMPLAINT CORNER
By James Atchley, PE

REPORT ON DISCIPLINARY ACTIONS
by the Board since November 2010

2010-06 in the matter of King's Associates, Inc

Charged with two violations of 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 imposed a civil penalty of \$2,500.

2010-13 in the matter of Chris Shirley and Ozarchitecture, Inc

Charged with providing or offering to provide engineering services in Arkansas without licensure, and through a firm without a valid COA. The Board accepted a Consent Agreement which provided for an admission of violation and imposed a civil penalty of \$1,000.

2010-14 in the matter of Lonnie Ray Marler

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

2010-22 in the matter of the LPA Group, Inc

Charged with allowing an unlicensed engineer to represent the firm to clients in Arkansas. The Board accepted a Consent Agreement which provided for an admission of violation and imposed a civil penalty of \$1,000.

2010-24 in the matter of Kenneth Jones

Charged with providing or offering to provide engineering services in Arkansas without licensure. After a formal hearing, the Board imposed a civil penalty of \$1,000.

2010-27 in the matter of Environmental Services Group, Inc

Charged with providing or offering to provide engineering services in Arkansas without a valid COA, and failure to comply with an earlier Board order. After a formal hearing, the Board imposed a civil penalty of \$7,000.

2010-31 in the matter of Southern Geodetic Land Surveying, LLC

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

Continuing Professional Competency Audits

During the regular meeting on November 10, 2009, the Board issued a Minute Order setting forth procedures to be used by staff for Continuing Professional Competency (CPC) audits. The procedures were incorporated into the Amended Rules effective which became effective at the end of February.

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 for audit will be made 180 days after the renewal period ends. The sample size will be two (2) percent of the renewals, randomly selected for each audit.
- Those licensees selected will be contacted by mail and asked to provide records to support reported PDH credit for the prior licensing period. 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. Those not responding to the first notice will be contacted again.
- Licensees who do not respond within the allotted time, or who are unable to document their PDH claims, will be served with a complaint alleging fraud or deceit in obtaining licensure. The complaint will then be prosecuted according to the disciplinary action procedures of Article 15 of the Rules of the Board. Potential sanctions could include a civil penalty, probation, suspension or revocation.

Audits for the latest Professional Engineer renewal period will be conducted beginning June 30, 2011. 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.

BOARD DIRECTS RULE CHANGE CLARIFYING WHEN LICENSEE OPERATES IN HIS OR HER NAME

At its February meeting, the Board directed staff to include amendments in its next rulemaking clarifying when a licensee is operating under his or her name and not requiring a Certificate of Authorization (COA). The Board's action came as a result of inquiries from licensees revealing confusion and possible conflicting interpretations.

As background information, the Board's laws and rules generally require that a "Firm" obtain a COA prior to providing engineering and/or surveying services. A.C.A. §§17-30-303; 17-48-207. A Firm is defined as any form of business entity with the exception of "an individual licensee operating under his or her name." A.C.A. §§ 17-30-101 (3)(B); 17-48101((1)(B)). As a result, an individual licensee operating in his or her own name is not required to obtain a COA.

The Board believes the underlying reasons for requiring a Firm to obtain a COA and for exempting the individual licensee when operating in his or her own name are clear. Further, the Board believes that the COA and proper administration of the individual licensee exception to that requirement are important tools in the Board's charge to protect the public.

In order to obtain a COA, a Firm must demonstrate that it has one or more licensed personnel responsible for and authorized to provide its professional activities. A.C.A. §§17-30-303(b)(1); 17-48-207(b)(1). Information regarding the firm's qualifications can then be made available to the public in at least a couple of ways:

- 1) by requiring that the Firm stamp or seal on documents prepared by its authorized personnel; and
- 2) by the Board publishing a roster that the public may access and rely upon to determine whether a particular firm is authorized and qualified to provide engineering and/or surveying services.

The exception for the individual licensee operating under his or her name recognizes that the reasons for a COA do not apply when the business entity and the responsible licensee are the same and the public can access that information. In order for this to occur, however, the names of the entity and the individual licensee must be so closely aligned that the identity of one is apparent from the other. Further, the name should be one that is "personal" to the licensee meaning that there is no potential for the name to be taken or used by another.

The Board also recognizes that the same rationale applies to the name on an individual licensee's stamp or seal, and that the Board's rules require the name on the seal to "correspond" to the name on the licensee's certificate (Rules of the Board, Article 12.4.b.). The Board also noted that the rules provide examples of stamps where, at a minimum, the licensee's first and middle initial are provided along with the full last name.

Similarly, the Board directed that the rules be amended to clarify that a licensee operates in his or her own name when the name of the entity corresponds to the name on the individual licensee's certificate and includes at least the licensee's first and middle initials along with the last name. Further, the name cannot be a registered trade name or otherwise fictitious name that can be potentially conveyed or taken and used by another.

Finally, it should be understood that the above limitations apply only to those individuals seeking to operate without the need for a COA. An individual could operate a business or firm with a name other than their own, but it would require that the individual apply for and receive a COA.

Need to Change Your Contact Information?

Licensees needing to change the contact information may do so themselves and without the need for Board staff assistance. Please visit www.pels.arkansas.gov and click on the "Change Contact Information" link under the "Online Services" on the left of the screen. You will now be at the Professional Examination and Licensing System (PELS).

If you haven't done so already, a user name and password will need to be created by clicking the "New Online User" button. On the New Online User screen, you'll enter a unique user name, password, valid e-mail address and other information then click on "register". At this point, an e-mail will be sent to the e-mail address provided. Follow the instructions in the email to complete the registration process and then you will be able to log into PELS. Once logged in, you may view and change selected information from your file, including contact information.

The primary benefit to changing contact information online is that they are made in real time without having to wait on an e-mail confirmation or hard copy to reach our office and the assurance that the change will be when and how you want it.

So the next time you want to change contact information, log-in to PELS and get immediate results!

Examinees Passing the October 2010 exams

Fundamentals of Surveying

Evan Balducci
Allen Broadway
Steven Hoyt
Brandon Wood

Principles of Surveying

William Gaston
Roy Harton
Allen Miller
Michael Wright

2 Hour State Specific Exam

Kevin Foshee
Wilson Powell
Allen Miller
Joshua Junghans

Nathan Adams
Matthew Allen
Wesley Allen
Rex Bair
Joshua Ball
Nick Baltz
Chase Batson
Travis Black
Brandon Brown
Jared Bymaster
Allison Byrum
Bryce Caldwell
Jessica Carreiro
Justin Carter
Anthony Cole
Johnathan Conley
Nathan Connors
Andrew Crofts
William Darty

Theodore Duensing
David Duhart
Zackary Eubanks
Terry Fang
Jonathan Foster
Ben Franks
Antonio Gamboa Carrillo
Jason Gangluff
Amanda Garbacz
Dillon Goins
Humberto Guerrero
Vincent Hall
Dillon Harris
Joseph Hawkins
Joseph Hill
Robert Hill
James Holland
Charles Holt
Brandon Jones

Fundamentals of Engineering

Casey Jones
Joseph Kaminski
Venkata Sudhir Kamisetty
Saranga Kodikara
Maneesh Krishnan
Shannon Langwell
Dong Lee
Matthew Lewis
James Locke
Pedro Maltos
Jonathan Martin
Michael Massery
Jay Mehta
William Merck
Kevin Michael
Lucas Mills
Daniel Mullen
Matthew Nanak
John Nichols

Solomon Parker
Rachel Paul
Blake Peacock
Ormond Peters
Julianne Pettey
Patrick Pfriemer
Christopher Poe
John Ponthieux
Charles Powers
Morgan Race
Md. Khalid Rahman
Zachary Reeves
Michael Rowlett
Allan Saavedra
Everardo Sanchez
Stephen Sichmeller
Natasha Smith
Sean Smith
John Snyder

Ben Sparks
Brian Stalling
Joshua Stimson
Cassia Tally
Jason Terhune
Jerry Terrell
Chong Thor
Brock Tillman
Mark Upchurch
Joshua Vangilder
Brian Wagaman
Alexander Weaver
John Wellenberger
Nathan Wells
Shane Wells
Jason Williams
Kyle Williams
Alexander Wyatt
Qi Yang
Yixiao Zhang

Principles of Engineering

Brent Anderson
Tausha Barbaree
Anthony Beaver
Bryan Billingsley
Casper Briggs
Dylan Cobb
Sarah Davis
Andrew Diehl

Christopher Dougherty
Adam Hall
Sam Hall
Tyler Halsey
Fred Harper
Michael Heck
Jonathan Herbeck
Cody Hudson

Kyle Kruger
Jessica McQueen
Dwayne Melton
Susan Mitchell
Mark Nichols
Justin Northcutt
Jason Oliver
Jason Otwell

Bart Patton
Craig Phillips
Matthew Ragland
John Riordan
Paul Robbins
Matthew Robinson
John Scroggins
Jeffery Smalley
Ronson Smith

Gregory Sorenson
Daniel Uptagrafft
James Vetter
Leah Walker
Scott West
Shelly West
Bo Wilkins
James Wright
Elisha Wright-Kehner

NCEES Chooses Pearson VUE for Development of Future FE, FS Computer-Based Exam Delivery

NEWS RELEASE February 28, 2011 Contact: Jerry Carter, NCEES Executive Director, jcarter@ncees.org

NCEES has selected electronic testing company Pearson VUE for computer-based delivery of the Fundamentals of Engineering and Fundamentals of Surveying exams. The NCEES Board of Directors voted to approve the electronic testing company at its February 18–19 meeting.

The first Computer-Based Testing (CBT) exams will likely be released in mid-2013 and delivered through Pearson VUE's owned-and-operated network of Pearson Professional Centers and other select locations as determined by NCEES.

The FE and FS exams are the first step in the process of becoming a licensed professional engineer or professional surveyor. More than 50,000 examinees currently take these exams each year.

The state licensing boards that compose NCEES voted in August 2010 to begin administering the two exams via computer-based testing at the earliest feasible date. The decision followed a prolonged study by a special task force convened to research the issue.

"We've been interested in CBT for a long time but knew that to transition such a large program successfully, we had to choose the right partner," said Jerry Carter, executive director of NCEES. "Pearson VUE has taken a very collaborative approach to the process—asking questions to make sure they are addressing our unique needs and guiding us through the process so we can maximize the security, test development, and candidate service benefits that will be possible as a result of this transition.

"There is much work to be done, but we're both committed to an end product that will not only add new layers of security to protect the licensure process and the public it serves, but will also offer greater candidate convenience and provide more uniformity in testing conditions," Carter added.

Pearson VUE is a global leader in computer-based testing, with the world's most comprehensive and secure network of testing centers across 165 countries. It provides testing services for academic, government, and professional testing programs, including licensure exams for the National Council of State Boards of Nursing and the National Association of Boards of Pharmacy, as well as the Graduate Management Admissions Test (GMAT). Pearson VUE is part of Pearson plc, the largest commercial testing company and education publisher in the world.

"In engineering and surveying, precision is key. NCEES exam candidates value accuracy and efficiency, so we're honored that NCEES has placed its trust in Pearson VUE to deliver on that expectation," said Robert Whelan, president and CEO of Pearson VUE. "We're committed to exceeding their requirements and validating that they made the right decision in choosing Pearson VUE for CBT."

For more information, contact NCEES Executive Director Jerry Carter or Associate Executive Director Davy McDowell, P.E., at 864-654-6824.

Reprinted courtesy of NCEES

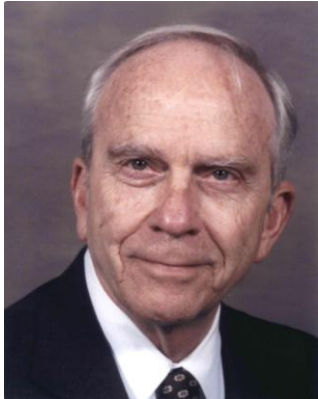
IN MEMORIAM

We are saddened to report that within the past 6 months we lost two of our prior Board Members, Bert Jordan and Charles "Charlie" Deitz. With the passing of these two engineers, the engineering profession lost over 100 years of combined experience and knowledge and they will be sorely missed by all.

Bert S. Jordan (1924-2010), P.E. 945, Board Member 1976-1980

Mr. Jordan passed away on December 12, 2010 at the age of 86. He graduated from the University of Arkansas at Fayetteville with a degree in Mechanical Engineering in 1950 and became licensed as a Professional Engineer in 1953.

Mr. Jordan served on the Board from 1976 to 1980. He is survived by his wife of 60 years, Gertrude and two daughters.



Charles E. Deitz (1925-2011), P.E. 1347, Board Member 1968-1979

Mr. Deitz passed away on February 5, 2011 at the age of 86. He graduated from the University of Arkansas at Fayetteville with a degree in Electrical Engineering in 1950 and became licensed as a Professional Engineer in 1956.

Mr. Deitz served on the Board from 1968 to 1979. He is survived by his wife of 60 years, Dana, a daughter and others.

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