



**Board of Licensure for
Professional Engineers
and Surveyors**



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NEWSLETTER

Seventeenth Edition

Certificates of Authority Issued

As of January 1, 2005, no corporation, firm, or partnership may engage in the practice of professional engineering or professional surveying in the state of Mississippi unless it has been issued a Certificate of Authority (COA) by the Board.

In preparing for this new area of licensure, the Board polled the surrounding states for their numbers of licensed firms versus numbers of licensees. Consequently we expected to receive about 750 Certificate of Authority applications. We surpassed that number the first month! As of this newsletter edition, we have issued almost 1300 engineering Certificates of Authority and almost 300 surveying Certificates of Authority. The current roster of these Certificates of Authority can be found on our web site; it is updated monthly.

A sole proprietorship, owned and operated by a licensee is not required to have a Certificate of Authority. However, a "one man firm" who has incorporated *is* required to have a COA. A limited liability company (LLC) and a professional limited liability company (PLLC) must also have a COA in order to offer or perform engineering or surveying services here.

COA application forms with instructions may be found on the Board web site.

NCEES adopts Design-Build Position Statement

The National Council of Examiners for Engineering and Surveying adopted a position statement on “Design-Build” during the annual meeting held in August, 2004 in Cleveland, Ohio.

The newly adopted NCEES position statement is: *“The NCEES recognized design-build as a growing and viable project-delivery method.*

A variety of organizational arrangements can be used to deliver design-build services. It is the position of NCEES that the organizational arrangements for each project be disclosed to the owner/client at the time of the offering of the services. If engineering or land surveying services are included in a design-build project, it is the position of NCEES that such services fall under the practice of engineering and land surveying and require licensed professionals to be in responsible charge of that portion of the work.

NCEES does not support design-build project delivery in a manner that compromises the role of the engineer or land surveyor in maintaining responsible charge of the engineering or land surveying work.”

A geotechnical testing lab operating without a Professional Engineer in responsible charge is not illegal per se, but the situation is *fraught* with inherent risks of unlicensed practice and other potential violations.

If the lab’s client is a PE, then he is qualified to draw his own conclusions from the lab’s tests. If the client is not a PE, this is extremely difficult for the services to be restricted to testing *only* without any recommendations whatsoever, and it is in giving recommendations that the unlicensed practice of engineering occurs.

Lab technicians need to be certified at certain levels, but they are not allowed to provide engineering analyses or recommendations either.

A Question of Ethics

Situation: A Mayor is pleasantly surprised to learn federal funds have been made available to his city for various projects. However, the Mayor is *unpleasantly* surprised to learn that the funds are available only if a certain PE is hired to perform the engineering on these projects – the PE who lobbied for the funds without the Mayor’s knowledge or authorization. It is the Mayor’s understanding that the City is “obligated” to hire the PE who lobbied for the funds.

-If the Code of Ethics encourages PE’s to seek employment based on qualifications and competence, hasn’t the hiring process already been subverted to one based on political influence?

-If the hiring process is already out of the hands of both the Mayor and his city, is it possible that the PE’s fee, as well as his design, are already pre-determined by the amount of funds available?

-Since the city exerted no effort to obtain these funds, how diligent will it be in ensuring that the fund expenditures are managed wisely and carefully?

This is a recording.....

The Board office is experiencing an increasing number of licensees inappropriately venting their objections to the office staff. During the recent Certificate of Authority (COA) application process, the office staff received scores of angry phone calls from licensees who shouted, ridiculed the requirement with heavy sarcasm, and used profanity.

The requirement for a Certificate of Authority was initiated by the state societies, both engineering and surveying. The legislation was discussed at all the state society meetings for at least two years leading up to its adoption. If a licensee has strong feelings about the COA process, or any other process, such as renewals, examinations, or applications, the appropriate action is a letter to the Board – not abusing office staff simply doing their jobs at the direction of the Board. Threatening comments and profanity will not be tolerated and consequently, recording capability has now been installed at the Board office.

Reading is Fundamental

Every exam cycle we have examinees who miss important deadlines *because they didn't read*. Every renewal cycle we have to return hundreds of renewals to licensees *because they didn't read*. Many applications are delayed due to unacceptable documentation *because the applicant didn't read*. We receive hundreds of phone calls every week from individuals asking for information that has already been made available to them *but they didn't read it*.

Licensees, applicants, and examinees are urged to **read Board communications carefully and thoroughly**. It will save time and money.

Continuing ed reminder:

Mississippi is one of the few states allowing an exemption from continuing education if you are at least 60 years old and have been practicing for 20 years or more. Even though you qualify for this exemption in our state, you are probably subject to full compliance in other states.

The 2006 Renewal notices will contain two new requirements: 1) the licensee shall report state board disciplinary action and/or being found guilty or pleading nolo contendere in a criminal prosecution within the last ten years and 2) non-exempt licensees shall briefly summarize their continuing education activities for the year 2005 (supporting documentation is not required unless chosen for audit).

Exam Changes

Beginning with October, 2005, exam results will be reported only as **pass or fail**; numerical scores will not be given. Diagnostic reports will continue to be furnished to failing examinees to indicate performance on those sections attempted.

In the past, an examinee was allowed two citations (opportunities) per application to take the exam. We have increased that to **three (3)** citations per application. One postponement per application is allowed.

From and after November 1, 2005, an applicant failing three or more attempts of the same exam, regardless of the jurisdiction in which the exam is administered, must submit an application to be readmitted to future administrations of the same exam. If readmitted by the Board, the applicant must wait at least eleven months until the next yearly interval the failed exam is offered before retaking the exam. At the end of the waiting period and continuing thereafter, the applicant may take the exam only once every calendar year.

October, 2004 Exam Results

Discipline	Tested	Passed	%
Agricultural	1	0	0
Chemical	3	2	66
Civil	43	14	33
CSE	1	1	100
Electrical	9	5	56
Environmental	12	2	17
Fire Protection	1	1	100
Industrial	2	0	0
Mechanical	15	6	40
FE	106	69	65
FS	23	9	39
PS	26	16	62
Miss. Section	27	14	52

Disciplinary/Legal Actions

The Board office receives and processes complaints regarding engineering and surveying activities. Some investigations result in disciplinary actions while others result in administrative actions such as letters of education or closing unsubstantiated/insufficient complaints. Below is a recap of recent disciplinary actions.

Scott Lee Harvey of Roanoke, Texas, is under investigation for the unlicensed practice of engineering by the Texas Board. Found in his possession were 11 seal imprint stamps for eleven different states. One of those stamps was #8942 in the state of Mississippi. Mr. Harvey admitted to not ever registering in any state for a PE license and in fact, created his own seal imprints. We have no evidence that he has ever practiced in our state, but if you have knowledge of any work he's done here, please contact the Board office.

Michael Paul Mulrenin, PE 8596, Jackson, Mississippi, agreed to a consent order for failing to respond to a Board communication. He was fined \$100.00.

Benjie Loyd Shoemaker, PS 2545, Brandon, Mississippi, agreed to a consent order for providing a survey that contained Minimum Standards violations. He was fined \$500 with \$250 waived for a probationary period of one year, pending no further violations. He was ordered to obtain 12 PDH prior to 12/31/2004, to update the plat for compliance with the Standards and to submit his next three plats for Board review.

Aaron Smith of Kosciusko, Mississippi, is in plea bargaining negotiations with the Attorney General's office for the unlicensed practice of land surveying. The case was originally investigated by the Board, then referred to the Public Integrity Division of the AG's office; this division specializes in prosecution of identity theft and fraud.