

MISSISSIPPI

Board of Licensure for Professional Engineers and Surveyors



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Spring/Summer, 2013

NEWSLETTER

Twenty-seventh Edition

A Letter of Education to all Mississippi-licensed Professional Engineers (April, 2013)

As Professional Engineers, we are all aware how broad-based our professional has become. Just one demonstration of this fact is the 25 different licensing examinations offered by NCEES covering the primary areas of today's profession. The technical skills of a Professional Engineer (PE) are founded in the formal education received prior to licensure, but continuing technical and professional development is required to fully develop one's expertise. Through a combination of formal education and experience, a PE develops and maintains areas of expertise that can be narrowly focused in one discipline or broadly applied across many fields. In this latter way, it is possible for an engineer to become competent to design complex systems and facilities.

Our Board's primary function is not the promotion of engineering but to ensure public health and safety. To facilitate this, the Board has promulgated Rules and Regulations providing a framework for professional and ethical conduct by PEs. As a Professional Engineer, you have this same responsibility and are expected to use your professional expertise in an ethical and technically competent way adhering to the Board's Rules and Regulations. Further, you have an ethical responsibility to limit your practice to those areas of engineering in which you have developed and maintained professional competence.

Representatives of your Board have been meeting with representatives of the Board of Architecture about insuring building safety and protection of the public in conjunction with services offered by engineers and architects. We have agreed to continue meeting to collaborate on activities designed to protect public health and safety.

This Letter of Education to Professional Engineers is to address an issue that has been brought to the attention of your Board. Specifically, there appears to be a public safety issue that our two boards are working

together to address, related to the issues of building permits and subsequent building construction in the state of Mississippi.

While we have every confidence that the vast majority of our licensees are striving to practice within their area of professional expertise, we must also remind PEs of their ethical obligation relative to practice, with reference to items 6, 8, and 12 of the code of Professional Conduct Rule 17.6-Ethics, as presented below:

6. The licensee shall not permit or allow himself, his professional identification, seal, firm, or business name, or his services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create an opportunity for the unauthorized practice of engineering and/or surveying by any person, firm or corporation in this state;

8. The licensee shall not knowingly associate with or permit or allow the use of his name, firm name or professional identification or seal in any business venture, project or enterprise which he knows or has reason to believe is involved in professional practices which violate any provision of the Law regulating the practice of engineering and/or surveying; and

12. The licensee shall be personally and professionally responsible and accountable for the care, custody, control and use of his engineer's and/or surveyor's seal, his professional signature and identification.

In summary, it is not enough to practice competently within your area(s) of expertise. It is also expected that you will exercise diligence in assuring that your work is not misrepresented to the public. You are expected to make every reasonable effort to prevent an unqualified person from providing the services of engineers, or, for that matter, providing the services that require the expertise of an architect.

This is relevant as it has come to our attention that some individuals have used building plans where an engineer has stamped portions of the work he performed (i.e., foundation, structural, drainage, etc.) in a manner suggesting that the engineer is the primary professional for *all* aspects of the project. In this way, a public official or owner is led to believe a building was fully designed by a competent professional, and that professional has ensured the design meets all requirements needed to protect those occupying the building.

Please remember, it is not sufficient to ensure your work is technically accurate, or that you seal only that part of the project for which you are responsible, but that you are *also* responsible to ensure that your work is not misrepresented to the public. Therefore, we suggest you must assume some level of responsibility for insuring that the appropriate professionals are engaged in all projects with which you are associated, in an effort to ensure that the project will be completed in a way that protects the public.

We invite you to contact the Board with questions regarding this matter. Further, please recognize that our Board is not in a position to aggressively look for violations. Instead, we act upon complaints filed with the Board and we earnestly ask that you report infractions. It is your ethical responsibility in accordance with Board rules to report to the Board engineers practicing outside their areas of expertise. It is also your ethical responsibility to report unlicensed individuals practicing engineering. As an engineer, you have this responsibility to the profession and to the general public. Once a complaint is filed, we will diligently pursue all who violate our law, rules, and procedures.

Thank you in advance for your cooperation and assistance.

By Board Direction,
Joseph E. Lauderdale,
Board President

Thirty-four Licensing Boards Meet in Biloxi

The Professional Engineer and Professional Surveyor licensing boards of all fifty states and U.S. territories are members of the National Council of Examiners for Engineering & Surveying (NCEES). There are four geographical “zones” of NCEES: Western, Northeast, Central and Southern. NCEES holds one annual meeting a year, and each Zone holds its own meeting once a year, hosted by a state board in that Zone.

In April, 2013, your Mississippi Board hosted a joint meeting of both the Southern and the Central Zones of NCEES. The site was Biloxi, Mississippi at the Beau Rivage Resort. 230 delegates from thirty-four state and territorial licensing boards attended. They participated in workshops and forums on the national licensing exams, comity licensure concerns, current education issues, the conversion to computer-based exams, finances, Model Law and Model Rules, various board processes, law enforcement and the sharing of disciplinary information.

For many of the delegates, especially those from the Central Zone, it was their very first visit to our state. We took advantage of this opportunity to “sell Mississippi” with good food, interesting speakers (such as PE Henry Seawell of Thompson Engineering, the engineering firm on the Beau Rivage Resort project), a tour of the Biloxi area with before and after Katrina photos, the promotion of local tourism spots, and just good old-fashioned Southern hospitality.

We are pleased to report that the meeting was an outstanding success. The feedback has been so good that Mississippi may be asked to host again, well before our turn comes up in the usual rotation. The Central Zone folks, especially those from Minnesota and the Dakotas, were thrilled with our April weather, and most especially *cheese grits!*

If you're asked to be a Reference...

At some point in your career as a PE or a PS, you may be asked to serve as a reference for someone applying for licensure. Your licensing board relies heavily on the information you provide on the experience verification form and/or the character reference form. Please recognize your responsibility. As a professional, you are charged with protecting the public, so give an honest evaluation of the applicant's qualifications for licensure. Unintended misinformation, or a simple error by the reference, can result in denial of an application.

- Be specific about the dates covered.
- Focus on whether the work done was technically competent.
- If you are verifying qualifying experience, did the applicant's work meet the definition of engineering or surveying? The definition is on the form.
- Give an adequate explanation of your relationship to the applicant, such as whether you were the immediate supervisor, or you were “up the chain of command” over the applicant.
- If the work was part time, “do the math.” Convert part time experience to a full time basis; for example, 6 months of part time experience at 20 hours per week equates to about 3 months of full time experience.
- Be sure to *complete* the form; an incomplete reference form may render the application incomplete as well. Affix your Mississippi seal as your certification that you have completed the form, giving your professional evaluation of the applicant's qualifications.

Examinees who passed the October 2012 exams

MS 2 hr PS Exam

David George Atwell
John Warren Fenstermaker
Jonathan David Harrison
Brandon Charles Herpin
Bradley Jerome Hill
Jon Philip Hoebelheinrich
Lawrence Edward Jenkins
Alfred Jonathan Kesler

Principles/Practice of Engineering

John Aultman	Tracy Bedwell
Perry Brown	Erica Davis
Jesse Doyle	Afshin Edrissi
Daniel Evans	Steven Ford
Samuel Hardin	Wesley Hardin
Michael Herlihy	John Herman
Benjamin Hogan	Isaac Howard
Vivek Jain	John Murphy
Miranda Nichols	Matthew Parrish
Randall Pigott	Kenneth Pilgrim
Charles Quick	Brent Rishel
Todd Rushing	Ryan Seals
Marcus Shorter	Ryan Steiner
Andrew Tomlinson	Robin Whitlow

Fundamentals of Engineering

Isaac Adcock	Ethan Anderson	William Anton
Blake Armstrong	Matthew Arnold	Zachary Aspin
Timothy Barnes	Andrew Behel	Zackary Breeland
Durlon Bryant	Joshua Burnette	Brandon Butler
Joseph Carpenter	Thomas Carter	Brandon Cavataio
Charles Cook	Cassidy Coon	Michael Crowe
Dustin Culver	Cole Farris	Anthony Favaloro
Dana Foxworth	Matthew Gaines	Anthony Harper
Jeremy Herring	Eric Hill	Graham Hubbard
Justin Huff	Warren Huggins	Mark Hussey
James Jamerson	Daniel John	Parker Jones
Tyler Jordan	Shyam Kandoi	Michael Kennedy
M. Kirkland	Robert Knesal	Brady Knight
Jackson Knott	Erik LaVine	Jonathan Lewis
Daniel Lofton	Robert Logan	Jonathan Love
Jeffrey Lyles	Brian Mathews	Matthew McGough
J. Mitchell	John Monroe	Andy Morris
G. Mullendore	Zachary Myers	William Nelson
William Patrick	James Peden	Justin Pruden
William Quigley	B. Robinson	Javier Salazar
Joseph Spahn	James Stewart	Anthony Talluto
Russell Thames	Lewis Trotter	Derek Tutor
Danielle Usner	Steven Utroska	Derek Ventura
William Warner	Matthew Watts	Jack Webb
Nathan White	Kyle Williams	Nicholas Willis
William Wroe	Jennifer Ziegler	

Principles/Practice of Surveying

Brian Paul Byars
Jon Philip Hoebelheinrich
William Shawn Stewart
Richard Edwin Sullivan

Fundamentals of Surveying

Chad Bryan	Justin Coulter
Garrett Dendy	William Hardin
Ellis McMahan	Ronald Northrop
Justin Walker	Keble Ward
Jordan Whittington	

*Mississippi's Robert Green to be
NSPE President*

Robert A. Green, PE, of Mississippi State, MS will become President of the National Society of Professional Engineers in July, 2013.

Mr. Green is the Undergraduate Coordinator at Mississippi State University, acting on behalf of the Dean in undergraduate matters as well as managing the college's Computer Initiative. He was previously the Chief Test Engineer at DIAL, the Diagnostic Instrumentation and Analysis Laboratory at MSU.

He holds a BS in Chemical Engineering and an MS in Mechanical Engineering from MSU. He also has an M.A. in National Security and Strategic Studies from the US Naval War College and is working on his Ph.D. dissertation in Public Policy and Administration.

Mr. Green also serves as a Navy Reserve Officer, holding the rank of Commander and has been selected to the rank of Captain (O-6). He is a Naval Engineering Duty Officer with expertise in design and acquisition of ships and ships' systems and combat systems, and is currently the Commanding Officer of the SurgeMain Region Gulf unit which has seven subordinate units. He has been awarded numerous awards for his military service.

He is a Past President of the Mississippi Engineering Society, an elder within the Presbyterian Church, and in his spare time (?) he enjoys reading, writing and digital photography.

*The MS Board of Licensure congratulates NSPE
for an excellent choice for their next President !*

False Certification

An early step in the online licensure renewal process requires the licensee to CERTIFY compliance with the Continuing Professional Competency rule. Unless the licensee certifies "YES", that he/she is in compliance, the system will not allow the licensee to proceed with the renewal of the license.

If an audit shows the licensee was clearly not in compliance (insufficient PDH by Dec. 31, no ethics PDH within 2 years, etc.) the licensee will be charged with false certification as well as a violation for insufficient continuing education.

IMPORTANT EXAM INFO !

- October, 2013 will be the last FE and FS exam administrations in pencil-and-paper format. Effective January 1, 2014, the FE and FS exams will only be offered via computer-based testing format (CBT).
- Computer-based FE and FS exams will be administered only at approved Pearson VUE testing centers.
- FE and FS candidates can schedule appointments at Pearson VUE testing centers across the country as early as January 2, 2014; registration for the FE and FS exams will open November 4, 2013.
- The CBT FE and FS exams will be six hours long, which will include a tutorial, breaks, the exam, and a brief survey at the conclusion of the exam.
- CBT examinees may take their exams up to three times during a 12 month period, during January, February, April, May, July, August, October, and November.
- www.ncees.org has a great deal more information on computer-based testing, including several helpful videos. Just click on the right side of the home page under "Find out about computer-based testing."

NCEES Speakers Kit Available

The best way for students to learn about engineering or surveying licensure is to hear about it from someone who has done it. That's why NCEES has developed the Speakers Kit and Speakers Link. (<http://ncees.org/licensure/outreach/>)

The Speakers Kit provides the tools to make the case for becoming licensed, while the Speakers Link helps connect students and young professionals with licensees who can speak from experience about the path to a P.E. or a P.S.

And remember, as part of continuing education, a licensee may claim up to 3 PDH annually for educational outreach activities.

Disciplinary 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; others are closed due to unsubstantiated or insufficient evidence of violations. Below is a recap of recent disciplinary actions.

John Crigler and Michael Rose agreed to consent orders levying penalties for failing to report past disciplinary action as required on the license renewal form.

Chander Nangia voluntarily surrendered his license in lieu of disciplinary action for failing to report past disciplinary action as required on the license renewal form.

TCGroup, Inc., MiNo Marine, LLC, and CTSI Consulting Engineers and Surveyors agreed to consent orders for practicing without the Engineering COA's required by law. Fines were levied and paid. Cases are resolved.

A cease and desist order was issued to Harry T. Smith for unlicensed practice by practicing engineering after his PE license had lapsed.

Kimble Slayton agreed to a consent order for non-compliance with the Mississippi Surveying Standards. Penalties included one year probation, a fine was levied and paid, and review of next three plats.

James Russell agreed to a consent order for practicing engineering and surveying without the Engineering and Surveying COA's required by law. A fine was levied and paid; the case is resolved.

21st Century agreed to a consent order for practicing surveying without the Surveying COA required by law. A fine was levied and paid; the case is resolved.

Robert Taylor agreed to a consent order for aiding and abetting an unlicensed firm to conduct surveys in the state of Mississippi. A fine was levied and paid; the case is resolved.

As a result of being audited for 2012 compliance with the Continuing Professional Competency rule, it was found that these individuals did not acceptably comply: James Waddell, Joseph Moffett, Alvin Fairburn, Jeremy Loudonbeck, Robert Bannerman, John White, Lonnie Barham, Jr., Daniel Vinet, John Saber, David Walthall, Ronald Voelker, Charles Roberts. They agreed to consent orders which levied monetary fines and additional PDH's for 2013.

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