



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



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Winter, 2006

NEWSLETTER

Eighteenth Edition

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## ***Board Responds to Hurricane Crisis***

Unless you've just returned from the moon, you're well aware that Hurricanes Katrina and Rita have blasted the Gulf Coasts of Mississippi, Louisiana and Texas. While we're not aware that any of our licensees were killed, we know that many have lost their homes and businesses and face months, even years, of rebuilding and recovery.

The Board moved quickly to address the needs of Mississippians, our examinees, and new applicants. In cooperation with ELSEES, our exam proctor, examinees in the affected areas were granted a month's extension to register for the exam by telephone. The Board also granted an exemption from Continuing Professional Competency compliance for 2005 for our licensees living in the affected counties and parishes.

In response to the urgent need for PE's in the affected areas, the Board issued licenses to completed and approved comity PE applicants every Friday for nine weeks. At the end of a typical month, we license around 30 comity PE's ; however, in September and October we issued 136 PE comity licenses. Expedited licensure ceased in November to allow for the annual license renewal process.

Our thoughts and best wishes are with those of you who have lost so much.

## When preparing Rural Utility Service filings....

Many small towns/cities/water associations don't have the in-house expertise to prepare a PER - Preliminary Engineering Report - when filing for assistance with the Rural Utility Service (RUS), a division of the USDA. Professional Engineers find themselves in an awkward situation. Their client can't pay them for the PER unless RUS loans are granted; yet, the Code of Conduct prohibits working on a *contingency* basis.

The Board has discussed this situation with the RUS. It was their recommendation for the PE and client to have a contract on the front end, recognizing that the engineer may not get paid if the loan doesn't come through. By having a contract early, the contingency issue doesn't apply.

RUS commented that a second thorny issue may occur later. If the scope changes, based on a recommendation from RUS, or if the RUS finds the engineering fees in the original contract to be unreasonable, the original contract must either be set aside and a second contract done, or the original contract must be amended.....all the more reason for there to be a contract in the beginning.

## Regarding Continuing Professional Competency (CPC)

Our last newsletter announced that the 2006 renewal form would require non-exempt licensees to briefly summarize their 2005 continuing education activities. Even with this notice, the Board has been inundated with emails and phone calls from licensees asking the Board staff to "look up their PDH/CPC information from last year" !

**Rule 23.6 states that it is the responsibility of the licensee to maintain his CPC records.** The rule also requires that these records be maintained for three (3) years, and may be requested by the Board for auditing.

Please understand that the Board does not maintain CPC records for individual licensees. **The licensee is required to keep his/her own records, including what was reported to the Board in one's renewal submission.** With almost 9,000 licensees, it is not possible for the Board to research its archives to retrieve last year's renewal submissions.

### **What is your opinion?**

1. Should the Board continue the exemption from Continuing Professional Competency compliance for licensees age 60 or older with 20 years or more of licensed practice? (Rule 23.7-d)
2. The PE/PS licensure law will be reviewed by the state legislature in 2009. Should the Board seek a revision to surveying licensure which will set a date in the future at which point an applicant must have *at least* a two year college degree in order to qualify?
3. What other suggested changes might you have regarding the PE/PS licensure law?

**Please submit your opinions only by email to: [information@pepls.state.ms.us](mailto:information@pepls.state.ms.us)**

## ***Filing an Anonymous Complaint***

Few licensees want to file a complaint against their professional peers. Even though the Code of Conduct requires the licensee to report rule violations to the Board, many professionals would rather look the other way. Others choose to submit an anonymous complaint.

Board Rule 18 requires a written submission of the charges by the person or persons making them, unless prima facie evidence is submitted. Many of the anonymous complaints submitted require additional information before the Board can proceed; with an anonymous complaint there is no way for this contact to be made. The file is inevitably closed. Because the person filing the complaint is anonymous, the complainant may feel that the Board is not doing its job, when in reality, more communication and information was needed.

If you think another professional is violating a rule, depending on the individuals involved, you may consider respectfully bring the matter to his attention, as a matter of professional courtesy; if there is no change, you should proceed with filing a complaint. But, of course, there are other situations when it is best to file a complaint as soon as you become aware of the apparent violation. The Board's complaint form is a simple fill-in-the-blank form that can be obtained upon request to the Board's main email address at [information@pepls.state.ms.us](mailto:information@pepls.state.ms.us)

## **Attention Professional Surveyors !**

Have you ever thought of writing a question for the two hour Mississippi Section PS examination? The Board is seeking to add questions to its exam database. Here is your opportunity to write a question on some topic or scenario that you feel would make a good exam question. Submit your suggested questions to the Board's main email address at [information@pepls.state.ms.us](mailto:information@pepls.state.ms.us). Thanks!

## **Updated Standards for Surveys**

**All Professional Surveyors need to aware that the Standards of Surveying in Mississippi have been updated (see Rule 21 on the Board's web site). When the Board evaluates a survey plat for Standards compliance, it uses the checklists which can also be found on the web site; you should adapt these checklists for use in your practice.**

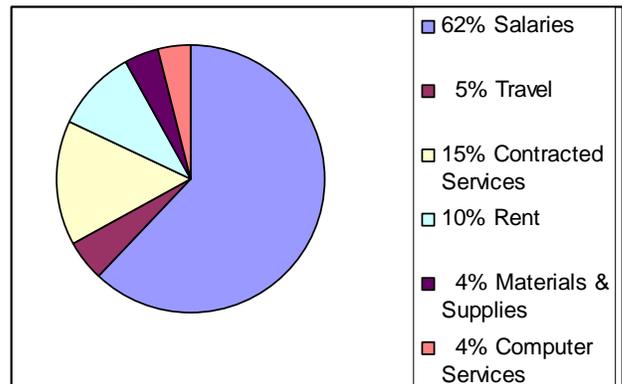
### ***Freebies***

On our web site at [www.pepls.state.ms.us](http://www.pepls.state.ms.us) you can get **free** copies of the Board rules, the current law, the current roster of PE's, PE's by Miss. County, PS's, PS's by Miss. County, Retirees, Engineering COA's, Surveying COA's, and the Standards of Practice for Surveys checklists. You can also print out verification of your individual licensure; this replaces the wallet card mailing.

### **April, 2005 Exam Results**

<b>Discipline</b>	<b>Tested</b>	<b>Passed</b>	<b>%</b>
Chemical	2	2	100
Civil	47	18	38
Electrical	9	7	78
Environmental	13	4	31
Mechanical	14	4	29
Structural	2	0	0
FE	174	110	63
FS	31	9	29
PS	13	7	54
Miss. Section	28	17	61

### ***Board Expenditures FY2005***



## **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.

David Ray Breece, PE of Charlotte, NC, agreed to a consent order for failing to comply with Rule 23 – Continuing Professional Competency- in 2004. He agreed to obtain 35 PDH by 12/31/2005 and to pay reimbursement of Board administrative expenses.

Irvin Rudolph Jenkins, PS, of Coldwater, MS, agreed to a consent order for providing surveys that contained Minimum Standards violations. He was fined \$500 with \$250 waived for a probationary period of one year, during which he must take a Minimum Standards course. He was ordered to submit his next three plats for Board review.

The PE license of Earl Frederick McKinney, Lexington, KY, was revoked due to a violation of Rule 17.07, in that his license was revoked in another state; he was also assessed \$330 of Board administrative expenses.

The Attorney General's office is currently investigating a case of unlicensed practice of surveying and falsely using the seal and signature of a licensed Professional Surveyor. 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.

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