

MODEL RULES

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210 INTRODUCTION

210.10 Introduction

A. Purpose

The purpose of adopting rules of procedure is to ensure the protection of the public by ensuring the proper performance of the duties of the board of licensure by the regulation of member and personnel procedures, meetings, records, examinations, and the conduct thereof.

B. Requirements for Adoption

The adopted rules of procedure may not be inconsistent with the constitution and laws of this jurisdiction. They must be approved by appropriate legislative authority of the jurisdiction.

(Section 120.60 A, Board Powers, NCEES Model Law)

C. Authority of Rules

Rules of procedure adopted by the board shall be binding upon persons licensed under the Act and shall be applicable to corporations holding a certificate of authorization.

(Section 120.60 A, Board Powers, NCEES Model Law)

210.20 Definitions

A. The NCEES Model Law, Section 110.20, Definitions, provides definitions of the following terms:

1. Engineering

- a. Engineer
- b. Professional engineer
- c. Professional engineer, retired
- d. Engineer intern
- e. Practice of engineering
- f. Inactive licensee

2. Surveying

- a. Professional surveyor
- b. Professional surveyor, retired
- c. Surveyor intern
- d. Practice of surveying
- e. Inactive licensee

3. Other

- a. Board
- b. Jurisdiction
- c. Responsible charge
- d. Rules of Professional Conduct
- e. Firm
- f. Managing agent
- g. Rules
- h. Signature
- i. Seal

B. The following definitions are included in Model Rules only:

1. Model Law Engineer – The term “Model Law Engineer” refers to a person who:

- a. Is a graduate of an engineering program accredited by the Engineering Accreditation Commission of ABET, Inc. (EAC/ABET)
- b. Passes the 8-hour NCEES Fundamentals of Engineering (FE) exam and an 8-hour NCEES Principles and Practice of Engineering (PE) exam using the NCEES cut score (Section 110.20, Definitions, NCEES Model Law)
- c. Completes 4 years of acceptable engineering experience after confirmation of a bachelor of science degree in an engineering program, which may include up to 1 year of experience for a graduate engineering degree
- d. Has a record clear of disciplinary action

2. Model Law Surveyor – The term “Model Law Surveyor” refers to a person who:
 - a. Is a graduate of an EAC/ABET-accredited Surveying Engineering Group program, a Surveying and Mapping Group program accredited by the Applied Science Accreditation Commission of ABET (ASAC/ABET)
 - b. Passes the 8-hour NCEES Fundamentals of Surveying (FS) exam and a 6-hour NCEES Principles and Practice of Surveying (PS) exam using the NCEES cut score
 - c. Completes 4 years of acceptable surveying experience after confirmation of a bachelor of science degree in a surveying/geomatics program, which may include up to 1 year of experience for a graduate surveying/geomatics degree
 - d. Has a record clear of disciplinary action

The jurisdiction may require a Model Law Surveyor to pass its state-specific exam for surveyors.

3. Model Law Structural Engineer – The term “Model Law Structural Engineer” refers to a licensed engineer who:
 - a. Is a graduate of an engineering program accredited by the Engineering Accreditation Commission of ABET, Inc. (EAC/ABET)
 - b. Passes a minimum of 18 semester (27 quarter) hours of structural analysis and design courses. At least 9 of the semester (14 quarter) hours must be structural design courses.
 - c. Passes the 8-hour NCEES Fundamentals of Engineering (FE) examination.

- d. Passes 16 hours of structural examinations consisting of one of the following:
 - (1) NCEES structural examinations, 8 hours of which are SE II
 - (2) 16-hour state-written structural examinations taken prior to 2004
 - (3) NCEES SE II plus 8-hour state-written examinations
- e. Completes 4 years of acceptable structural engineering experience after confirmation of a bachelor’s degree. A maximum of 1 year of credit may be given for graduate engineering degrees that include at least 6 semester (9 quarter) hours of structural engineering (in addition to the 18 hours noted above).
- f. Has a record clear of disciplinary action.

210.25 Inclusions and Exclusions of Surveying Practice

A. Activities Included within Surveying Practice

Activities that must be accomplished under the responsible charge of a professional surveyor (unless specifically exempted in Section B on the next page) include, but are not limited to, the following:

1. The creation of maps and georeferenced databases representing authoritative locations for boundaries, the location of fixed works, or topography. This includes maps and georeferenced databases prepared by any person, firm, or government agency where that data is provided to the public as a survey product.
2. Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes:

geodetic control, orthoimagery, elevation and hydrographic, fixed works, private and public boundaries, and cadastral information.

3. Certification of positional accuracy of maps or measured survey data.
4. Adjustment or authoritative interpretation of raw survey data.
5. Geographic Information System (GIS) - based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected.
6. Authoritative interpretation of maps, deeds, or other land title documents to resolve conflicting data elements.
7. Acquisition of field data required to authoritatively position fixed works or cadastral data relative to geodetic control.
8. Analysis, adjustment or transformation of cadastral data of the of the parcel layer(s) with respect to the geodetic control layer within a GIS resulting in the affirmation of positional accuracy.

B. Activities Excluded from Surveying Practice

A distinction must be made in the use of electronic systems between making or documenting original measurements in the creation of survey products, versus the copying, interpretation, or representation of those measurements in such systems. Further, a distinction must be made according to the intent, use, or purpose of measurement products in electronic systems to determine a definitive location versus the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not to be included as activities within the definition of surveying:

1. The creation of general maps:
 - a. Prepared by private firms or government agencies for use as guides to motorists, boaters, aviators or pedestrians;
 - b. Prepared for publication in a gazetteer or atlas as an educational tool or reference publication;
 - c. Prepared for or by education institutions for use in the curriculum of any course of study;
 - d. Produced by any electronic or print media firm as an illustrative guide to the geographic location of any event;
 - e. Prepared by laypersons for conversational or illustrative purposes. This includes advertising material and users guides.
2. The transcription of previously georeferenced data into a GIS or LIS by manual or electronic means, and the maintenance thereof, provided the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and/or the precise location of fixed works of humans.
3. The transcription of public record data, without modification except for graphical purposes, into a GIS- or LIS-based cadastre (tax maps and associated records) by manual or electronic means, and the maintenance of that cadastre, provided the data are clearly not intended to authoritatively represent property boundaries. This includes tax maps and zoning maps.
4. The preparation of any document by any federal government agency that does not define real property boundaries. This includes civilian and military versions of quadrangle topographic maps, military

maps, satellite imagery, and other such documents.

5. The incorporation or use of documents or databases prepared by any federal agency into a GIS/LIS, including but not limited to federal census and demographic data, quadrangle topographic maps, and military maps.
6. Inventory maps and databases created by any organization, in either hard-copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which they have rights or for which they have management responsibility. The distribution of these maps and/or databases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source(s) and date(s), and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.
7. Maps and databases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists, archeologists, historians, or other persons qualified to document such data.
8. Maps and georeferenced databases depicting physical features and events prepared by any government agency where the access to that data is restricted by statute. This includes georeferenced data generated by law enforcement agencies involving crime statistics and criminal activities.

220 THE LICENSING BOARD

220.10 Organization of the Board

A. Composition and Selection of the Board

The board consists of professional engineers, professional surveyors, and public members, who are appointed by the governor. They are appointed on a staggered basis so that the terms of members expire at different times. The term of each member is years. Each member holds office until the expiration of the term or until a successor has been appointed and has qualified. If a vacancy on the board occurs for any reason and the governor fails to appoint a successor within 3 months, the board has the power to fill the vacancy until the governor makes an appointment.

(Section 120.10, Board Appointments, Terms, NCEES Model Law)

B. Qualifications of Members

1. Each engineering member of the board shall be a citizen, and a resident of this jurisdiction, and licensed as a professional engineer in this jurisdiction. The member must have a record of the lawful practice of engineering as a professional engineer for at least 12 years of which 5 years must have been in responsible charge of engineering projects.
2. Each professional surveyor member of the board shall be a citizen, and a resident of this jurisdiction, and licensed as a professional surveyor in this jurisdiction. The member must have a record of the lawful practice of surveying as a professional surveyor for at least 12 years of which 5 must have been in responsible charge of surveying projects.
3. The public members must not be or have been engineers or surveyors and shall be a citizen and resident of this jurisdiction.

(Section 120.20, Board Qualifications, NCEES Model Law)

C. Officers

The board elects (or appoints) annually from its membership as officers a chairperson, vice chairperson, and a secretary.

(Section 120.50, Board Organization and Meetings, NCEES Model Law)

D. Meetings

1. The board holds at least meetings each year. Other meetings may be called as prescribed by law.

(Section 120.50, Board Organization and Meetings, NCEES Model Law)

2. Notices of meeting dates and times are normally given several months in advance for all the regular meetings of the year. For special meetings, 5 days notice must be given.

3. Place of meetings is determined in advance by members of the board.

4. All meetings are open to the public unless the meeting is closed for reasons defined by the laws of this jurisdiction.

E. Quorum

A quorum of the board shall consist of not less than members.

(Section 120.50, Board Organization and Meetings, NCEES Model Law)

F. Voting

All members of the board, including the chairperson, are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The chairperson shall vote as a member of the board.

G. Rules of Order

The latest edition of *Roberts Rules of Order* shall govern the normal proceedings of the board. Exceptions include hearings which may be disciplinary in nature.

H. Compensation and Expenses

When attending to the work of the board, each member shall receive compensation as

prescribed by the laws of this jurisdiction or by board regulation approved by the appropriate legislative body or authority. This includes meetings of committees of the board and time spent in necessary travel. Further, members shall be reimbursed for costs for actual travel, incidental, clerical, and all expense necessarily incurred in carrying out the duties of the members of the board.

(Section 120.30, Board Compensation, Expenses, NCEES Model Law)

I. Board Administrator

The board may employ an individual who shall be responsible for the administration of the policies of the board and for the processing of its routine operations.

J. Employment of Personnel

The board may employ those persons required and qualified, including full or part-time, necessary to perform the administration of the laws of this jurisdiction and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary.

(Section 120.70, Receipts and Disbursements, NCEES Model Law)

K. Use of Forms

All applications and requests for which the board has prescribed a form must be presented on these forms.

L. Records

The Freedom of Information Act requires that most records, papers, and reports of the board are public in nature and may be obtained from the board upon written request and payment of costs of reproduction, handling, and mailing. Other records, papers, and reports, most of which are confidential, are not considered to be public in nature and are not available except when required by court action. These include, but are not limited to, examination material for examinations not yet given, file records of examination problem

solutions, letters of inquiry and reference concerning applicants, board inquiry forms concerning applicants, investigative files where investigation is pending, and all other materials of like confidential nature.

(In part from Section 120.80 D, Records and Reports, NCEES Model Law)

M. Roster

The board administrator shall publish a roster showing the name and last known address of all professional engineers and professional surveyors licensed in this jurisdiction.

(Section 120.90, Roster, NCEES Model Law)

N. Declaratory Rulings

A declaratory ruling is a jurisdiction agency response to a request by a member of the public who has inquired about the applicability of any statutory provision or of any regulation or order of the agency.

1. This board will issue, when requested, declaratory rulings to those persons who are affected by a statutory provision or rule with respect to the applicability of any statutory provision or of any regulation or order of the agency.
2. Sufficient facts must be supplied in the request to provide the board basis for the issuance of a declaratory ruling.
3. Requests for declaratory rulings must be in writing and must specifically state that it is a request for a declaratory ruling.
4. Declaratory rulings will be provided in accordance with (applicable jurisdiction law).

220.20 Adoption and Amendment of Rules

A. Adoption of Rules

Rules or regulations are adopted by this board, under the provision of the code of laws governing the practice of engineering or surveying which may be reasonably necessary for the proper performance of its duties and

the regulations of the proceedings before it. They must not be inconsistent with the constitution and laws of this jurisdiction. *(Section 120.60, Board Powers, NCEES Model Law)*

B. Petition for Adoption or Amendment of Rules

An interested person may petition the board requesting the promulgation, amendment, or repeal of a regulation. The petition shall be submitted in the following form:

Petition to Adopt, Amend, or Repeal a Regulation

1. Name of Petitioner: _____
Address of Petitioner: _____
Phone #: _____
2. Describe the change which is proposed. (Clearly and concisely describe the changes which are proposed showing either the new proposal or an amendment with deletions and additions or a statement to repeal a quoted regulation.)
3. Purpose of proposed change. (Describe what effect the proposed change will have and why you believe it should be made.)
4. Signature of petitioner and date.
Signature: _____
Date: _____

The board within 30 days shall either deny the petition in writing with reasons for the denial or initiate regulation-making procedures.

C. Procedure for Adoption and Amendment of Rules

Procedures for adoption and amendments of rules and regulations of this board shall be in compliance with the jurisdiction licensing and administrative procedures act (other names of such acts are likely) of this jurisdiction.

1. Regulation is defined as a statement by the board that prescribes law or policy which applies to professional engineers or professional surveyors, and has legal effect.

2. The board must file a notice of proposed promulgation of regulations with the legislative council (or other legislative authority). The notice must be published at least 2 weeks prior to the final promulgation of the regulation and include:
 - a. A statement of the time, place, and nature of the public hearing at which the proposed regulation shall be considered;
 - b. Reference to the specific statute which authorizes the promulgation of the particular regulation;
 - c. Either the provisions of or a synopsis of the proposed regulation.

The board must also publish the notice of the proposed promulgation of regulations in accordance with jurisdiction law prior to the final promulgation of the regulation which shall include:

- a. A statement of time, place, and manner in which interested persons may present their views thereon;
 - b. A statement of either the terms or substance of the intended action or a description of the subjects and issues involved.
3. A public hearing on the proposed regulation or amendment which shall give interested persons an opportunity to be heard through submission of written data, views, or argument with or without opportunity for oral presentation. Further, an opportunity for oral hearing must be granted if requested by 25 persons, by a government subdivision or agency, or by an association having not less than 25 members. All written and oral submissions respective to the proposed regulation must be considered.

D. Board Decision

If a promulgated regulation is to be enacted, the approved regulation must be filed with the proper authority so that it will be published in the jurisdiction register.

E. Promulgating Rules in Emergency Situations

An emergency situation is defined as “an imminent peril to the public health, safety, or welfare.” The regulation must be filed with the proper legislative authority (legislative council) with the reasons requiring emergency promulgation. The promulgation of the rule may then be done under the provisions of the jurisdiction specifically stated for emergency proceedings.

F. Compliance with Administrative Procedures Act

All rules or regulations adopted by this board shall comply substantially with the provision of the administrative procedures act of this Jurisdiction. (Chapter... Title... Code... Jurisdiction... Date...)

220.30 Fees

A. Changes in Fee Schedule

Changes in the fee schedule are made by board regulation in accordance with applicable jurisdiction law.

B. Application Fees for Licensure

1. For professional engineers and professional surveyors as provided in the Model Law, Section 130.20 B.
2. For engineer intern and surveyor intern certification as provided in the *Model Law*, Section 130.20 B.
3. For certification of corporation as provided in the *Model Law*, Section 130.20 C.
4. When the issuance of a certificate to an applicant is denied, the fee paid shall be retained as application fee. Applications

received without the proper fee will be returned to the applicant.

(Section 130.20 D, *Application and Licensure Fees*, NCEES Model Law)

C. Examination Fees

1. Examination fees are determined from time to time by board regulation in accordance with the provisions of (applicable jurisdiction law).
2. The current fees in effect may be obtained from the board.
3. Fees for regrading examinations are the same as those charged by the National Council of Examiners for Engineering and Surveying.
4. The examination fees will not be returned to an applicant.

D. Roster

The fee for a copy of the annual (biannual or other) roster shall be determined by the board based on costs for its publication.

E. Renewal Fee

1. Renewal fees are payable before the last day of the month of each year (other intervals).
2. Each licensee will be notified by the board of the expiration date of his/her certificate of licensure and the amount of the renewal fee at least 1 month before the expiration date.
3. Amount of Renewal Fee – The renewal fee is set by regulation of the board in accordance with the provisions of (applicable jurisdiction law).
4. Penalties for Late Renewal – Renewal fees in arrears are subject to a penalty for late renewal in accordance with jurisdiction law. After 6 months, a new application may be required to be filed to continue to

practice engineering or surveying in this jurisdiction.

(In part from Section 140.20, *Expirations, Renewals, and Reinstatement to Active Practice*, NCEES Model Law)

F. Certificate Fee

The fee for the issuance of a duplicate certificate to a licensee is determined by regulation of the board in accordance with the provision of (applicable jurisdiction law). (Section 140.30, *Reissuance of Certificates*, NCEES Model Law)

230 CANDIDATES FOR LICENSURE

230.10 Programs Approved by the Board

A. The term “an engineering program of 4 years or more” used in Section 130.10 A in *Model Law* is interpreted by this board to mean:

1. A baccalaureate degree program in engineering accredited by EAC/ABET at the time of the awarding of the degree. (A board may accept the degree if accreditation is received within a prescribed period of time.)
2. A baccalaureate degree in engineering not accredited by ABET such as those programs recently developed or programs offered by foreign schools evaluated by the board as being substantially equivalent to those which have been accredited.

B. Surveying Program Approved by the Board

The following shall be considered as minimum evidence to the board that the applicant is qualified in terms of education to be certified as a surveyor intern:

1. Graduation from “an EAC/ABET or ASAC/ABET surveying program of 4 years or more” as described in Section 130.10 B.1 in *Model Law*, and accredited at the time of awarding of the baccalaureate degree. (A board may accept the degree if accreditation is received within a prescribed period of time.)

2. Graduation from “a program related to surveying of 4 years or more” as described in Section 130.10 B.2 in *Model Law* is interpreted to be a baccalaureate degree including surveying courses, mathematics, and physical science.
3. Graduation from a “4-year or more program as acceptable to the board” as described in Section 130.10 B.3 in *Model Law* is interpreted to mean a program other than those defined in 1 or 2 above that is accepted by the board.
(Section 130.10, *General Requirements for Licensure, NCEES Model Law*)

230.20 Experience

A. As a Professional Engineer

In evaluating experience which indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

1. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Only work of an engineering nature which follows graduation is creditable.
3. Experience must not be obtained in violation of the licensure act.
4. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in an engineering or engineering-related group.
5. Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
6. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.
7. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the board.
(Section 130.10, *General Requirements for Licensure, NCEES Model Law*)
8. Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.
(Section 130.10, *General Requirements for Licensure, NCEES Model Law*)
9. Successful completion of graduate study leading to the master’s degree in engineering which has followed a baccalaureate degree in engineering may be used for credit for 1 year’s experience. If the Ph.D. in engineering is completed under the same conditions, 2 years’ total experience may be credited. The 2 years’ credit includes the 1 year for the master’s degree. If the Ph.D. is obtained without the master’s degree, the credit for experience may be 2 years.
10. Experience may not be anticipated. The experience must have been gained by the time of the application.
11. Experience in construction, to be creditable, must demonstrate the application of engineering principles.
12. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the

fundamental principles of engineering design.

13. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.
14. Experience may be summarized as shown in Appendix A, Suggested Guidelines for Evaluating Progressive Engineering Experience. Appendix A is for reference only, and the language should not be adopted into the board rules.

B. As a Professional Surveyor

In evaluating experience which indicates to the board that the applicant may be competent to practice surveying, the following will be considered:

1. Experience must be progressive on surveying projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Experience must not be obtained in violation of the licensure act.
3. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally it would be expected that the applicant while in the armed services served in a surveying group.
4. Experience should be gained under the supervision of a licensed professional surveyor or if not, an explanation should be made showing why the experience should be considered acceptable.
5. Teaching experience to be creditable must be at an advanced level in a surveying program approved by the board.
6. A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination.

7. Must demonstrate adequate experience in the technical field aspects of the profession.
8. Experience may be summarized as shown in Appendix B, Suggested Guidelines for Evaluating Progressive Surveying Experience. Appendix B is for reference only, and the language should not be adopted into the board rules.
(Section 130.10, General Requirements for Licensure, NCEES Model Law)

230.30 References

References are those individuals who should have personal knowledge of an applicant and who are able to issue judgments concerning an applicant's experience, ability, character, or reputation.

- A. For licensure as a professional engineer or professional surveyor, an applicant must submit five references, three of whom shall be professional engineers, professional surveyors, or other individuals deemed acceptable to the board who have personal knowledge of the applicant's engineering or surveying experience. In addition, for each employment period, persons familiar with the applicant's experience for that period must be identified. Engineering applicants must have professional engineer references, and surveying applicants must have professional surveyor references.
(Section 130.10, General Requirements for Licensure, NCEES Model Law)
- B. Relatives may not be used as references.
- C. No current board member shall be used as a reference.
- D. Each applicant should inform the persons being used as references that they will be sent a reference form to complete and returned.
- E. It is the responsibility of the applicant to ensure the return of a completed reference form to the board by the person giving the reference within a reasonable time. All reference materials must be complete before

any board action may be taken on an application.

F. Confidentiality of Reference Replies

Replies received from references regarding the qualifications of an applicant shall be placed in files which are considered non-public records. The source and character of the information will not be divulged except in special cases when required by law.

230.40 Examinations

A. Classification of Engineering Examinations

This jurisdiction will provide the following written examinations, prepared and furnished by the National Council of Examiners for Engineering and Surveying, meeting the requirements of this jurisdiction for licensure as an engineer:

1. Examination in the fundamentals of engineering, known as the Fundamentals of Engineering (FE) examination, is 8 hours in duration, and
2. Examination in the principles and practice of engineering, known as the Principles and Practice of Engineering (PE) examination in the appropriate engineering discipline, is 8 hours in duration.

(In part from Section 130.30, Examinations, NCEES Model Law)

B. Eligibility of Applicant for an Engineering Examination

1. Applicants for licensure as a professional engineer will be permitted to sit for the PE examination upon satisfactorily fulfilling all application requirements of this jurisdiction.
2. No applicant may sit for the 8-hour Fundamentals of Engineering (FE) examination or the 8-hour Principles and Practice of Engineering (PE) examination until the board has established that the applicant is eligible for the examinations.

3. An applicant for certification as an engineer intern becomes eligible to sit for the FE examination during the senior year of enrollment in an engineering program leading to a baccalaureate degree in engineering and approved by the board. The enrollment of the applicant must be verified by the school being attended by the applicant.

4. Effective January 1, 2015, a graduate with a bachelor's of science degree in engineering requiring more than 120 credits may request that credits earned in excess of 120 credits be applied to satisfy the requirements for an additional 30 credits of acceptable upper-level undergraduate or graduate-level coursework.

5. Engineering Ph.D. applicants with an undergraduate degree from an EAC/ABET program and a Ph.D. or doctorate in engineering from an institution that offers EAC/ABET undergraduate programs in the Ph.D. field of engineering and with experience that meets the qualifications defined by the board may sit for the professional engineering examination without having taken or passed the FE examination.

C. Classification of Surveying Examinations

This jurisdiction will provide the following written examinations, prepared and furnished by the National Council of Examiners for Engineering and Surveying, meeting the requirements of this jurisdiction for licensure as a surveyor:

1. Examination in the fundamentals of surveying, known as the Fundamentals of Surveying (FS) examination, is 8 hours in duration, and
2. Examination in the principles and practice of surveying, known as the Principles and Practice of Surveying (PS) examination, is 6 hours in duration. Jurisdictions have the

right to administer separate modules on jurisdiction laws and procedures for the practice of surveying.

(In part from Section 130.30, Examinations, NCEES Model Law)

D. Eligibility of Applicant for a Surveying Examination

1. An applicant for licensure as a professional surveyor will not be permitted to sit for the PS examination until the FS examination has been passed.
2. An applicant may be permitted to sit for the 8-hour fundamentals examination or the 6-hour PS examination after the board has established that the applicant is eligible for the examination.

E. Examination Dates and Locations

1. Written examinations are offered on dates set by the National Council of Examiners for Engineering and Surveying.
2. Locations at which the examinations are given are designated by the board.

F. Language of the Examination

The language of the examination will be English.

G. Study Information

1. The board will not distribute copies of questions used on prior examinations. The National Council of Examiners for Engineering and Surveying does offer for sale copies of questions on prior examinations, and copies may be purchased directly from them.
2. This board may publish specifications for all written examinations, which may be obtained from the board upon request.
(Section 130.30 D, Examinations, NCEES Model Law)

H. Instructions for Examinees

Instructions provided prior to each examination will declare an examination to be open- or closed-book. When an applicant sits for an open-book examination, any books, bound materials of any sort, and calculators or computers which are self-powered and non-printing may be used. None of this material may be loaned or exchanged between or among examinees.

I. Failure to Attend an Examination

1. An applicant who fails to attend an examination for which he/she has been scheduled will forfeit the fee paid for the examination, except in the case of illness, death in the family, or other unavoidable causes for absence where the fee will be applied to the next test administration.
2. Failure of an applicant to attend an examination for which he/she has been scheduled to attend does not count as a failure of the examination.

J. Examination Offerings

1. An applicant failing three or more attempts of the same NCEES examination, regardless of the jurisdiction in which the examination is administered, must submit an application to be readmitted to future administrations of the same NCEES examination. If readmitted by the board, an applicant must wait at least 11¹ months until the next yearly interval the failed NCEES examination is offered before retaking the examination. At the end of the waiting period and continuing thereafter, an applicant may take the examination only once every calendar year.
(Section 130.30 C, Examinations, NCEES Model Law)

¹NCEES examinations are not typically offered at exactly 12-month intervals. The time between annual offerings may be less or more than 12 months of actual time on the calendar.

2. An applicant for the PE or PS examinations will be notified by the board at least 60 days before the examination date of approval to take the examination. The applicant must notify the board whether he/she plans to sit for the examination at least 45 days before the examination date.
 3. An applicant for the FE or FS examinations must submit an application at least 45 days before the examination date in order to sit for the examination.
- K. Examination Results
- Examination results, after review and approval of the passing score, will be supplied in writing to each examinee showing the applicant's score and the passing score. No results will be given in any other manner.
- L. Review of Failed Examinations
- There shall be no post-administration access to, or review of, examination questions except in those jurisdictions where required by law. Such review as required by law shall be conducted in accordance with established procedures of the National Council of Examiners for Engineering and Surveying. An administrative fee established by the NCEES Board of Directors will be assessed.
- M. Examination for Record Purposes
1. Any engineer licensed by this board may take for record purposes the FE examination and/or a PE examination in a chosen discipline offered by the National Council of Examiners for Engineering and Surveying upon payment of (fee set by board regulation).
 2. Failure to pass either or both examinations will in no way affect current licensure.

230.50 Classifications and Disciplines of Engineering and Surveying

A. Classification of Engineering Licensure

Engineering applicants shall be licensed under one of the classifications as prescribed by the laws of this jurisdiction:

1. Engineer intern – by graduation and examination
2. Professional engineer – by graduation, experience, examination, or by comity
3. Discipline engineer – by verification of discipline competence

B. Classification of Surveying Licensure

Surveying applicants shall be licensed under one of the classifications as prescribed by the laws of this jurisdiction.

1. Surveyor intern – by education and experience
2. Professional surveyor – by experience and examination after surveyor intern and by comity (and examination)
(Section 130.10, General Requirements for Licensure, NCEES Model Law)

230.60 Applications

A. Kinds of Applications

Licensure as a professional engineer or professional surveyor requires that an applicant present his/her qualifications on forms prescribed by this board.

1. Applications for licensure as a professional engineer or professional surveyor are accepted from those who believe that they are qualified by education and experience, according to laws of this jurisdiction, to be licensed as a professional engineer or a professional surveyor.
2. Applications for certification as an engineer intern or a surveyor intern are accepted from those who believe that they have the necessary qualifications for

licensure according to the laws of this jurisdiction, as a professional engineer or a professional surveyor except for that of experience.

3. Those who are senior students in at least a 4-year program leading to a baccalaureate degree in an engineering school may apply for licensure as an engineer intern and to take the fundamentals examinations during the senior year.
4. Applications for licensure properly executed and issued with verification by the National Council of Examiners for Engineering and Surveying will be accepted in lieu of the same information that is required on the form prescribed and furnished by this board. (*In part from Section 130.20, Application and Licensure Fees, NCEES Model Law*)

B. Completing Applications

1. When space provided on forms is inadequate, supplementary sheets provided by this board (or if not provided, sheets of a good grade of white paper 8.5 × 11 inches are to be used).
2. All applications made to this board must be subscribed to on the forms used by the applicant. (*Section 130.20, Application and Licensure Fees, NCEES Model Law*)
3. In order to allow sufficient time for processing and for securing examinations, all applications which may require examinations must be filed with this board at least days before the date set for the appropriate examinations.
4. Withholding information or providing statements which are untrue or misrepresent the facts may be cause for denial of an application or revocation of license.
5. It is the responsibility of the applicant to supply correct addresses of all references

and to be sure that the references are supplied as requested. If a reference fails to respond, this could delay the processing of an application either until a reply is obtained or another reference is given.

6. In relating experience, the applicant must account for all employment or work experience for the period of time which has elapsed since the beginning of the employment record. If not employed or employed in other kinds of work, this should be indicated in the experience record.

C. Applications from Applicants with Degrees from Foreign Schools

1. All foreign language documentation submitted with the completed application must be accompanied by certified translations. The translation report shall be sent directly from the translator to the board for review.
2. All applicants must be able to communicate in the language of commerce.
3. Those applicants who, for political or other valid reasons, are unable to obtain their college transcript shall be processed on a case-by-case basis by the board.
4. The board may require an independent evaluation of the engineering education of an applicant who was educated outside the United States. Such evaluation shall be done through an organization approved by the board and shall be done at the expense of the applicant. Such evaluation shall not be required if the applicant has received a graduate degree from a U.S. institution which has a bachelor's degree program accredited by EAC/ABET in the discipline of the applicant's graduate degree and, in the judgment of the board, has completed the equivalent of an EAC/ABET undergraduate program.

D. Reconsideration of Applications

Reconsideration may be requested of an application which has been denied when the request is based on additional information and/or evidence which could affect the original decision. A reconsideration request or request for a hearing must be made within 30 days after the applicant has been notified that the decision was made to reject the original application.

E. Disposal of Applications

Applications may be approved, deferred for further information (more experience, questionable references, or other reasons), or denied.

1. Approved Applications – When an application is approved by the board members showing that the applicant has met all the requirements for licensure required by the statutes of this jurisdiction, the applicant shall be granted licensure with notification by the board.
2. Deferred Applications – Applications deferred for any reason are retained on file pending late disposal when proper remedy as requested is presented.
3. Denied Applications – When an application is denied, it is kept on file for at least 1 year before being destroyed.

F. Retention of Records of Applications

All approved applications showing the name, date of birth, date of application, education, experience and other qualifications of applicant, type of examination required, and the date of granting the applicant's licensure are maintained on file. Current addresses, business association, licensure number, and licensee's major disciplines may be shown in a current roster each year.

Applications Not Approved – Applications which are denied after processing may be destroyed after 1 year. In accordance with a retention schedule of applications by this

board, the following minimum retention time will be observed after which the applications may be destroyed:

1. Examination Inactive File – 5 years
2. Deceased – 3 years after death
3. Inactive – 1 year
4. Denied – 1 year

An application from which a violation of the act was shown will be retained in a file by this board.

G. Expedited Comity Licensure

The board administrator is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of a "Model Law Engineer" or "Model Law Surveyor" as defined in Section 210.20 and as designated by NCEES. If the applicant meets or exceeds these requirements, the board administrator may issue a contingent license authorizing that individual to offer or provide engineering services in this jurisdiction. A listing of all engineers issued contingent licenses will be placed on the agenda of the next meeting of the board for formal approval by the board.

240 LICENSEES

240.10 Licensure

A. Licensure Number as a Professional Engineer or Professional Surveyor

Each licensee is assigned a license number at the time licensure is granted by the board. Numbers are issued consecutively in the order in which applicants are granted licensure. The licensee will be advised of the number by the board.

(Section 140.10, *Certificates, Seals, NCEES Model Law*)

B. Certificates of Licensure

The board shall issue a certificate of licensure to an applicant who has met the requirements of this jurisdiction and who has paid the certificate fee. The certificate will be signed as

required by the board and will show the licensee's license number and seal of the board.

(Section 140.10, Certificates, Seals, NCEES Model Law)

C. Retirement of Licensure Option

When a licensed professional engineer/professional surveyor in good standing desires to retire his/her license, he/she may do so upon application to the jurisdiction board. Upon meeting the requirements established by the board, a permanent identification card may be issued and the retired licensee shall receive all rights and benefits as established by the board. Upon retirement of said license, the retiree shall not practice the profession.

D. Reissuance of Certificate

When a certificate of licensure or certificate of authorization is lost, destroyed, or mutilated, it will be replaced upon request by a licensee in good standing who has paid a fee established by regulation of the board.

(Section 140.30, Reissuance of Certificates, NCEES Model Law)

240.15 Rules of Professional Conduct

A. Licensee's Obligation to Society

1. Licensees, in the performance of their services for clients, employers, and customers, shall be cognizant that their first and foremost responsibility is to the public welfare.
2. Licensees shall approve and seal only those design documents and surveys that conform to accepted engineering and surveying standards and safeguard the life, health, property, and welfare of the public.
3. Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.

4. Licensees shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony.
5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
6. Licensees shall issue no statements, criticisms, or arguments on technical matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
7. Licensees shall not permit the use of their name or firm name by, nor associate in the business ventures with, any person or firm which is engaging in fraudulent or dishonest business or professional practices.
8. Licensees having knowledge of possible violations of any of these Rules of Professional Conduct shall provide the board with the information and assistance necessary to make the final determination of such violation.

(Section 150, Disciplinary Action, NCEES Model Law)

B. Licensee's Obligation to Employer and Clients

1. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or surveying involved.
2. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direct control and personal supervision.
3. Licensees may accept assignments for coordination of an entire project, provided

that each design segment is signed and sealed by the licensee responsible for preparation of that design segment.

4. Licensees shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law. Licensees shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.
5. Licensees shall make full prior disclosures to their employers or clients of potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their service.
6. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
7. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve. *(Section 150, Disciplinary Action, NCEES Model Law)*

C. Licensee's Obligation to Other Licensees

1. Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.
2. Licensees shall not offer, give, solicit, or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.
3. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work. *(Section 150, Disciplinary Action, NCEES Model Law)*

240.20 Seals

A. Seal of the Board

The seal of this board is and shall be affixed to each certificate of licensure. *(Section 120.60 A, Board Powers, NCEES Model Law)*

B. Seal of Licensee

When an applicant is granted licensure, he/she may obtain a seal. It may be a rubber stamp. It shall contain the following:

1. Jurisdiction of licensure
2. Licensee's name
3. License/certificate/registration number

4. The words “Professional Engineer” and discipline (if licensed by) or “Professional Surveyor”
(*In part from Section 140.10 C, Certificates, Seals, NCEES Model Law*)

C. Seal on Documents

1. The seal and signature of the licensee and the date of signing shall be placed on all final engineering specifications, reports, drawings, plans, design information, and calculations or land surveys, reports, plats, drawings, plans, and calculations whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the responsible charge of the licensee. Working drawings or unfinished documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement to the effect “PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION.”
2. The seal and signature shall be placed on all original copy, tracings, or other reproducible documents so that the seal and signature will be reproduced when copies are made.
3. When the document contains more than one sheet, the first or title page shall be sealed and signed by the licensee who was in responsible charge. Two or more licensees may affix their signatures and seals provided it is designated by a note under the seal the specific subject matter for which each is responsible. In addition, each drawing shall be sealed and signed by the licensee or licensees responsible for each sheet. When a firm, partnership, or corporation performs the work, each drawing shall be sealed and signed by the licensee or licensees who were in responsible charge of the work.

4. The seal and signature shall be placed on work only when it was under the licensee’s complete direction and responsible charge. The licensee shall sign and seal only work within the licensee’s area(s) of competence.
5. Plans, plats, specifications, drawings, reports, or other documents will be deemed to have been prepared under the responsible charge of a licensee only when all the following conditions have been met and documented:
 - a. The client requesting preparation of such plans, plats, specifications, drawings, reports, or other documents makes the request directly to the licensee, or a member or employee of the licensee’s firm;
 - b. The licensee supervises the preparation of the plans, plats, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion;
 - c. The licensee reviews the final plans, plats, specifications, drawings, reports, or other documents; and
 - d. The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, plats, specifications, drawings, reports, or other documents.
 - e. The licensee is responsible for meeting all of the preceding requirements whether the work is being performed remotely or locally.
6. Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge.
7. In circumstances where a licensee in responsible charge of the work is

unavailable to complete the work, or the work is a site adaptation of a standard design plan, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.

8. Computer-generated seals not signed with a digital signature may be used on final original drawings provided a handwritten signature is placed adjacent to or across the seal and the date is written below the seal. Drawings, specifications, plans, reports, or documents which do not require certification may be transmitted electronically but shall have the generated seal, if any, removed before transmitting and shall have the following inserted in lieu of the signature and date:

"This document originally issued and sealed by (name of licensee), P.E.# _____/P.S.# _____ on (date of sealing). This document should not be considered a certified document."

Drawings, reports, or documents that are signed using a digital signature must have an electronic authentication process attached to or logically associated with the electronic document. The digital signature must be:

- a. Unique to the person using it
- b. Capable of verification
- c. Under the sole control of the person using it
- d. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in Subsections 8 a. through d. above. Any hard copy printed from the transmitted electronic file shall bear the facsimile of the signature and seal and be a confirmation that the electronic file was not altered after the initial digital signing of the file. Any alterations to the file shall cause the facsimile of the signature to be voided.

240.30 Continuing Professional Competency

The continuing professional competency guidelines are set forth below for the purpose of providing consistency in those jurisdictions that adopt mandatory requirements or for those jurisdictions that wish to encourage voluntary usage. The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of professional engineers and/or professional surveyors.

A. Introduction

Every licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

B. Definitions

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH) – A contact hour (nominal) of instruction or presentation. The common denominator for other units of credit.

2. Continuing Education Unit (CEU) – Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in approved continuing education course.
3. College/Unit Semester/Quarter Hour – Credit for course in ABET-approved programs or other related college course approved in accordance with article E of this section.
4. Course/Activity – Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice.
5. Dual Licensee – A person who is licensed as both an engineer and a surveyor.

C. Requirements

Every licensee is required to obtain 15 (30 if biennial) PDH units during the renewal period year. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDH units may be carried forward into the subsequent renewal period. PDH units may be earned as follows:

1. Successful completion of college courses
2. Successful completion of continuing education courses
3. Successful completion of short courses/tutorials offered through correspondence, television, videotapes, or the Internet
4. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences
5. Teaching or instructing in 1 through 4 above
6. Authoring published papers, articles, books, or accepted licensing examination items

7. Active participation in professional or technical societies
8. Patents

D. Units

The conversion of other units of credit to PDH units is as follows:

- | | |
|--|--------|
| 1. 1 College or unit semester hour | 45 PDH |
| 2. 1 College or unit quarter hour | 30 PDH |
| 3. 1 Continuing Education Unit | 10 PDH |
| 4. 1 Hour of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions, or conferences | 1 PDH |
| 5. For teaching apply multiple of 2* | |
| 6. Each published paper, article, or book | 10 PDH |
| 7. Active participation in professional and technical society (each organization) | 2 PDH |
| 8. Each patent | 10 PDH |

* Teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time faculty.

E. Determination of Credit

The board of licensure has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
2. Credit for qualifying seminars and workshops will be based on 1 PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.

3. Credit determination for activities D6 and D8 is the responsibility of the licensee (subject to review as required by the board).
4. Credit for activity D7, active participation in professional and technical societies (limited to 2 PDH per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDH credits are not earned until the end of each year of service is completed.

F. Recordkeeping

The licensee is responsible for maintaining records to be used to support credits claimed. Records required include, but are not limited to (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; and (2) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

G. Exemptions

A licensee may be exempt from the professional development educational requirements for one of the following reasons:

1. New licensees by way of examination or comity shall be exempt for their first renewal period.
2. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the professional development hours required during that year.
3. Licensees experiencing physical disability, illness, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the

board. Supporting documentation must be furnished to the board.

4. Licensees who list their occupation as "Retired" on the board-approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or surveying services shall be exempt from the professional development hours required. In the event such a person elects to return to active practice of professional engineering or surveying, professional development hours must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for 2 years.

H. Reinstatement

A licensee may bring an inactive license to active status by obtaining all delinquent PDH units. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

I. Comity/Out-of-Jurisdiction Resident

The CPC requirements for <jurisdiction> will be satisfied when a non-resident certifies to be licensed in and having met the mandatory CPC requirements of any jurisdiction approved and listed by <jurisdiction>.

J. Dual Licensees

The number of PDH units required shall remain 15, at least one-third of which shall be obtained in each profession.

K. Forms

All renewal applications will require the completion of a continuing education form specified by the board outlining PDH credit claimed. The licensee must supply sufficient detail on the form to permit audit verification, must certify and sign the continuing education form, and submit the form with the renewal application and fee.

240.40 Expirations, Renewals, and Reinstatement to Active Practice

- A. A renewal notice will be mailed annually or as required by this jurisdiction by the board during the month of to the last known address of every person licensed under the Act and to every corporation holding a certificate of authorization showing the expiration date of their certificate and the amount of the fee for renewal.
- B. The annual (other) renewal fee is established by the board.
(Section 140.20, Expirations, Renewals, and Reinstatement to Active Practice, NCEES Model Law)
- C. Renewal fees must be received by the board prior to the expiration date.
- D. Renewal fees received within 1 month or more after the renewal date will be assessed an additional fee established by the board.
- E. Renewal fees not paid within a period established by the board after the expiration date voids the certification of licensure and will require a new application for licensure in order to continue to practice engineering.
- F. A licensee who supplies the board before the expiration date of his/her certificate with an affidavit that he/she is no longer practicing and will not practice engineering in this jurisdiction may retain his/her certificate for later use upon payment of delinquent fees.
- G. The responsibility for the timely renewal of a licensee's license rests solely with the individual licensee.
- H. The applicant for renewal may be required to demonstrate to the board that he/she has maintained the required minimum level of professional competence in a manner acceptable to the board.

- I. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of this intention, by paying appropriate fees, and by meeting all requirements of the board including the demonstration of continuing professional competency as a condition of reinstatement.
- J. In the event an inactive licensee does not maintain a current license in any jurisdiction for the 3 previous years prior to requesting reinstatement, that person will be required to take the Principles and Practice of Engineering (PE) examination or the Principles and Practice of Surveying (PS) and jurisdiction-specific examinations.

250 DISCIPLINARY ACTIONS

250.10 Conduct

A. Knowledge of Rules

All persons licensed under the provisions of the act are charged with having knowledge of these Rules as well as amendments from time-to-time which are made known in writing to every licensee and applicant for licensure.

(Section 150.10 C, Disciplinary Action Revocation, Suspension, Refusal to Issue, Restore or Renew, Probation, Fine Reprimand, NCEES Model Law)

B. Convictions

A licensee of this board who has been fined, received a reprimand, had a license revoked, suspended, or denied in another jurisdiction for reasons or causes which this board finds would constitute a violation of the law governing the practice of engineering or surveying in this jurisdiction or any rule or regulation promulgated by this board shall be sufficient cause for levying a fine, reprimanding the licensee, denying, revoking, or suspending a license to practice engineering or surveying by the licensee in this jurisdiction.

250.20 Compliance

The statutes of this jurisdiction provide that a person must be licensed to practice or offer to practice engineering or surveying in this jurisdiction. Any person, firm, partnership, organization, association, corporation, or other entity using the words “engineer,” “engineering,” “surveyor,” or “surveying” or any modification as derivative thereof in its name or form of business activity except as authorized in the Act, or any person presenting or attempting to use the certificate of licensure or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or any member thereof in obtaining or attempting to obtain a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or revoked or non-existent certificate of licensure, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he/she is licensed under the Act, or any person who shall violate any of the provisions of the Act shall be guilty of non-compliance with the Act.

(Section 150.30, Civil Penalties for Non-Licensees, NCEES Model Law)

Any individual or corporation licensed with this board to perform surveying services shall comply with the minimum standards codified for surveys in this jurisdiction.

250.30 Disciplinary Action of Licensees

A. Complaints

Proceedings to levy a fine upon a licensee, or to reprimand, suspend, refuse to renew, or to revoke an individual’s certificate of licensure or a corporation’s certificate of authorization may be initiated by any person who may prefer charges of fraud, deceit, gross negligence, incompetence, misconduct, or violation of these Rules.

1. All charges preferred must be made in writing by the person or persons making them and shall be filed with the board.
2. All charges shall be made on forms prescribed by the board, which are available from the board. The information required includes the name and addresses of the complainant and the respondent, a concise statement of the complaint with facts supporting the allegation that a violation has occurred and a statement of the relief sought. The complainant shall sign the complaint.

(In part from Section 150.20, Disciplinary Action Procedures, NCEES Model Law)

B. Probable Cause

When a complaint is received by the board in which a licensee is charged with a violation, it is referred to an investigative committee designated by the board consisting of at least one board member and the attorney for the board. The board member of the investigative committee cannot vote at the disciplinary hearing. (Some boards use one member on a rotating basis. Some boards do not use a committee, but use an investigator who then confers with the board and the attorney for the board). The investigative group makes a determination if probable cause exists for taking further action or for issuing a summons and complaint. Action against the licensee or corporation holding a certificate of authorization may be brought in the name of the board or brought before the board in the name of the claimant versus the respondent.

C. Summons and Complaint

1. In the event the board determines that a probable cause exists, the legal counsel of the board is requested to prepare a summons and complaint.

2. The summons and complaint shall be personally served or mailed to the last known address of the individual licensee(s) charged or corporation holding a certificate of authorization at least 30 days before the date fixed for hearing. *(Section 150.20, Disciplinary Action Procedures, NCEES Model Law)*
3. The summons and complaint shall show the time, place, and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, a reference to the particular section of the statutes and rules involved, and a short and plain statement of the matters asserted. The notice of the summons and complaint shall indicate that at any hearing the accused individual licensee or corporation holding a certificate of authorization shall have the right to appear in person or by counsel or both to cross-examine witnesses in his/her or its defense and to produce evidence and witnesses of his/her or its own defense. If the accused person or corporation fails or refuses to appear, the board may proceed to hear and determine the validity of the charges. The notice shall be in substantial compliance with the requirements of the laws of this jurisdiction. *(In part from Section 150.20, Disciplinary Action Procedures, NCEES Model Law)*

D. Evidentiary Matters

In contested cases, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the court of common pleas shall be followed. The board shall give effect to the rules of privilege recognized by law. Objection to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties involved will not be prejudiced substantially, any part of the evidence may be received in

written form. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Any party may conduct cross-examination. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the board's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of evidence.

E. Conduct of Hearing

The conduct of the hearing and evidence submitted shall be as required by the laws of this jurisdiction.

1. At its discretion, the board may appoint some person (preferably an attorney or someone familiar with the laws and procedures) to act as a hearing examiner. The hearing examiner shall preside at the hearing and shall rule on all questions of evidence and procedure.
2. In the event a hearing examiner is not appointed, the chairperson of the board may preside over the hearing and shall rule on all questions of evidence and procedure with the advice of the attorney for the board.
3. Normally, the proceeding shall follow those used by a civil court in which an opening statement is made by the plaintiff and the respondent. Then evidence is presented by both sides with rebuttals. Witnesses may be examined by the plaintiff and respondent or their attorneys and by members of the board. Re-direct and re-cross and re-examinations are permitted. Closing statements by both the

plaintiff and respondent or their attorneys are permitted.

F. Record of Hearing

The record of the hearing of the case shall include:

1. All motions, intermediate ruling, and depositions
2. Evidence received or considered
3. Statement of matters officially noted
4. Questions and offers of proof, objections, and rulings thereon
5. Proposed findings and exceptions
6. Any decision, opinion, or report by the officer presiding at the hearing

Oral proceeding or any part thereof shall be transcribed on request of any party.

G. Order of the Board

The board shall issue an order within days of the date of the final hearing. It shall include and shall state separately:

1. Findings of fact which are based exclusively on the evidence and on matters officially noticed, stated by a concise and explicit statement of the underlying facts supporting the findings.
2. Conclusions of law. The plaintiff and/or respondent shall be delivered a copy by person or by mail with return receipt requested. The attorneys of record for both the plaintiff and respondent shall be mailed a copy of the order.

H. Discipline

Upon an order by the board in which the respondent is found guilty of the charges preferred, the board shall levy a fine not to exceed \$....., reprimand, suspend, refuse to renew, or revoke the individual's certificate of licensure or a corporation's certificate of authorization.

(Section 150.20, Disciplinary Action Procedures, NCEES Model Law)

I. Stay Order

At its discretion, the board may stay, permanently or temporarily, the execution of its order conditioned on any provision the board believes appropriate under the circumstances for the case.

250.40 Reinstatement of Licensure or Certification After Revocation

A. Petition for Reinstatement

Upon petition of an individual licensee or corporation holding a certificate of authorization, the board may reissue a certificate of licensure or authorization provided that a majority of the members of the board votes in favor of such issuance.

(Section 150.20, Disciplinary Action Procedures, NCEES Model Law)

B. Board Action

The board, for reason it may deem sufficient, may reissue a certificate of licensure to any person or a certificate of authorization to any corporation whose certificate has been revoked.

(Section 150.20, Disciplinary Action Procedures, NCEES Model Law)

250.50 Conflict and Bias

No board member shall be entitled to vote in any disciplinary action if the board member is personally biased against the respondent.

260 MISCELLANEOUS

260.10 Severability

If any of the rules and regulations, or any part thereof, of this board promulgated under the provisions of the rule-making authority for jurisdiction agencies, are found by the courts to be invalid for any reason, it is the intention of the board that the remainder shall continue in full force and effect or it is the intention of the board that each rule and/or any portions thereof are severable.

APPENDIX A

Suggested Guidelines for Progressive Engineering Experience

The following is a partial list of work experiences that may be useful in guiding, mentoring, and verifying acceptable experience of engineer interns and/or intern applicants.

There are no correct answers to the following questions. The profile of each applicant will provide the licensing board a basis for more specific questions.

Practical Application of Theory

1. **Analysis:** Of operating conditions; performance assessment; feasibility studies; constructability; value engineering; safety; environmental issues; economic issues; risk assessment; reliability; other (list):

2. **Design:** Construction plan or specification preparation; product specifications, component selection; maintenance and social implications of final product; other (list):

3. **Testing:** Developing or specifying testing procedures; verifying functional specifications; implementing quality control and assurance; maintenance and replacement evaluation; other (list):

4. **Implementation:** Of engineering principles in design, construction, or research; performance of engineering cost studies; process flow and time studies; implementation of quality control and assurance; safety issues; and environmental issues; other (list):

5. **Systems Application:** Evaluation of components of a larger system; evaluation of the reliability of system parts; design and evaluation of equipment control systems while considering ergonomics, utility, manufacturing tolerances, and operating and maintenance concerns; the engineering required to establish programs and procedures for the maintenance and management of buildings, bridges, and other types of structures where failure or improper operation would endanger the public health and safety; other (list):

6. **Time in the Engineering Process:** Difficulties of workflow; scheduling; equipment life; corrosion rates and replacement scheduling; other (list):

7. **Experience and Understanding:** Codes, standards, regulations and laws that govern applicable activities; other (list):

Management

Management in engineering works includes supervising staff, managing engineering projects, and managing and administering technology as it is applied in the field or in construction. It may involve:

- 1. **Planning:** Developing concepts, evaluating alternative methods. _____
- 2. **Scheduling:** Preparing task breakdowns and schedules. _____
- 3. **Budgeting and Contracting:** Cost estimating and control, contract development. _____
- 4. **Supervising:** Organizing human resources, motivating teams, directing and coordinating project resources. _____
- 5. **Project Control:** Complete or partial project control. _____
- 6. **Risk Assessment:** Assessment of risk associated with the progression of the project. _____

Communication Skills

- 1. **Accumulates project knowledge** through interpersonal communication with supervisors, clients, subordinates, or team interaction. _____
- 2. **Transmits project knowledge** in verbal or written methods to clients, supervisors, subordinates, general public, or team members. Examples would be via meetings, written reports, public hearings and reporting of findings and suggestions, other written correspondence and/or verbal briefings. _____

Social Implications

- 1. **Promotes and safeguards** the health, safety, and welfare of the public as demonstrated in daily work activities. _____
- 2. **Demonstrates an awareness** of the consequences work performed may incur and a desire to mitigate or eliminate any potential negative impact. _____
- 3. **Follows a code of ethics** that promotes a high degree of integrity in the practice of professional engineering. _____

APPENDIX B

Suggested Guidelines for Progressive Surveying Experience

The following is a sampling of work experiences that may be useful in guiding, mentoring, and verifying acceptable experience of surveyor interns and intern applicants.

There are no correct answers to the following questions. The profile of each applicant will provide the licensing board a basis for more specific questions.

Practical Application of Theory

1. **Research:** Easements; rights-of-way; plats; instruments of conveyance; corner information; government survey information; other pertinent surveys; other (list):

2. **Measurement/Location:** Field measurements of topography and features; measurements to locate particular boundaries, parcels or points; level loops; GPS measurements; construction staking; other (list):

3. **Computation/Analysis:** Traverse closure and adjustment; boundary interpretations; section computations; coordinate translations; coordinate calculations; survey accuracy; vertical curves; horizontal curves; other (list):

4. **Legal Principles:** Legal description preparation and interpretation; corner filings; boundary determination; section corner opinions; adverse possession; easement and right-of-way preparation; other (list):

5. **Land Planning:** Platting; zoning issues; subdivision regulations and layout; utility coordination; on-site wastewater systems and regulations; permits; other (list):

6. **Significance of Time in the Surveying Process:** Difficulties of workflow; scheduling; equipment adjustments; construction staking coordination; other (list):

7. **Knowledge and Understanding:** Codes, standards, regulations, and laws that govern applicable activities; other (list):

Management

Management in surveying includes supervising staff, managing projects, and managing and administering technology as it is applied in surveying. It may involve:

- 1. **Planning:** Developing concepts, planning surveying projects, evaluating alternative methods. _____
- 2. **Scheduling:** Preparing task breakdowns and schedules. _____
- 3. **Budgeting and Contracting:** Cost estimating and control, contract development. _____
- 4. **Supervising:** Organizing human resources, motivating teams, directing, and coordinating equipment. _____
- 5. **Project Control:** Complete or partial project control by using and developing control tools such as network plans and Gantt charts. _____
- 6. **Risk Assessment:** Assessment of risk associated with the progression of the project using engineering analysis and quantification methods to determine degree of risk of known hazards in proposed designs. _____

Communication Skills

- 1. **Accumulates project knowledge** through interpersonal communication with supervisors, subordinates, clients, regulators, other surveyors or team interaction. _____
- 2. **Transmits project knowledge** in verbal or written forms to clients, regulators, supervisors, subordinates, general public, or team members. Examples would be via meetings, written reports, other written correspondence, and/or verbal briefings. _____

Social Implications

- 1. **Promotes and safeguards** the health, safety, and welfare of the public as demonstrated in daily work activities. _____
- 2. **Demonstrates an awareness** of the consequences the work performed may incur and a desire to mitigate or eliminate any potential negative impact. _____
- 3. **Follows a code of ethics** that promotes a high degree of integrity in the practice of surveying. _____

APPENDIX C

Cross-Reference for *Model Rules*

Based on September 2006 revision

Italic font indicates summary paraphrase of paragraph contents.

Table 1. *Model Rules* vs. *Model Law*

<i>Model Rules</i> Section	Descriptor	Corresponding <i>Model Law</i> Section
SECTION 210	INTRODUCTION	
Section 210.10	Introduction	
210.10 A	Purpose	
210.10 B	Requirements for Adoption	120.60 A
210.10 C	Authority of Rules	120.60 A
Section 210.20	Definitions	
210.20 A	<i>Model Law definitions</i>	
210.20 A.1	Engineering	110.20 A
210.20 A.1.a	Engineer	"
210.20 A.1.b	Professional engineer	"
210.20 A.1.c	Professional engineer, retired	"
210.20 A.1.d	Engineer intern	"
210.20 A.1.e	Practice of engineering	"
210.20 A.1.f	Inactive licensee	"
210.20 A.2	Surveying	110.20 B
210.20 A.2.a	Professional surveyor	"
210.20 A.2.b	Professional surveyor, retired	"
210.20 A.2.c	Surveyor intern	"
210.20 A.2.d	Practice of surveying	"
210.20 A.2.e	Inactive licensee	"
210.20 A.3	Other	110.20
210.20 A.3.a	Board	110.20 C
210.20 A.3.b	Jurisdiction	110.20 D
210.20 A.3.c	Responsible charge	110.20 E
210.20 A.3.d	Rules of Professional Conduct	110.20 F
210.20 A.3.e	Firm	110.20 G
210.20 A.3.f	Managing agent	110.20 H
210.20 A.3.g	Rules	110.20 I
210.20 A.3.h	Signature	110.20 J
210.20 A.3.i	Seal	110.20 K
210.20 B	<i>Model Rules definitions</i>	
210.20 B.1	Model Law Engineer	
210.20 B.1.a	<i>Graduate of EAC/ABET-accredited engineering program</i>	
210.20 B.1.b	<i>Passed FE and PE exams</i>	110.20
210.20 B.1.c	<i>Completed 4 years of engineering experience and degree</i>	
210.20 B.1.d	<i>No disciplinary action on record</i>	
210.20 B.2	Model Law Surveyor	

Model Rules Section	Descriptor	Corresponding Model Law Section
210.20 B.2.a	<i>Graduate of EAC/ABET- or ASAC/ABET-accredited surveying program</i>	
210.20 B.2.b	<i>Passed FS and PS exams</i>	
210.20 B.2.c	<i>Completed 4 years of surveying experience and degree</i>	
210.20 B.2.d	<i>No disciplinary action on record</i>	
210.20.B.3	Model Law Structural Engineer	
210.20 B.3.a	<i>Graduate of EAC/ABET-accredited engineering program</i>	
210.20 B.3.b	<i>Passed at least 18 hours of structural analysis and design courses, of which at least 9 hours must be structural design courses</i>	
210.20 B.3.c	<i>Passed the FE exam</i>	
210.20 B.3.d	<i>Passed 16 hours of structural examinations</i>	
210.20 B.3.e	<i>Completed 4 years of acceptable structural engineering experience and degree</i>	
210.20 B.3.f	<i>No disciplinary action on record</i>	
210.25	Inclusions and Exclusions of Surveying Practice	
210.25 A	Activities Included within Surveying Practice	
210.25 B	Activities Excluded from Surveying Practice	
SECTION 220	THE LICENSING BOARD	
Section 220.10	Organization of the Board	
220.10 A	Composition and Selection of the Board	120.10
220.10 B	Qualifications of Members	120.20
220.10 C	Officers	120.50
220.10 D	Meetings	120.50
220.10 E	Quorum	120.50
220.10 F	Voting	
220.10 G	Rules of Order	
220.10 H	Compensation and Expenses	120.30
220.10 I	Board Administrator	
220.10 J	Employment of Personnel	120.70
220.10 K	Use of Forms	
220.10 L	Records	120.80 D
220.10 M	Roster	120.90
220.10 N	Declaratory Rulings	
Section 220.20	Adoption and Amendment of Rules	
220.20 A	Adoption of Rules	120.60
220.20 B	Petition for Adoption or Amendment of Rules	
220.20 C	Procedure for Adoption and Amendment of Rules	
220.20 D	Board Decision	
220.20 E	Promulgating Rules in Emergency Situations	
220.20 F	Compliance with Administrative Procedures Act	
Section 220.30	Fees	
220.30 A	Changes in Fee Schedule	
220.30 B	Application Fees for Licensure	130.20 D
220.30 C	Examination Fees	
220.30 D	Roster	
220.30 E	Renewal Fee	140.20
220.30 F	Certificate Fee	140.30

Model Rules Section	Descriptor	Corresponding Model Law Section
SECTION 230	CANDIDATES FOR LICENSURE	
Section 230.10	Programs Approved by the Board	
230.10 A	<i>Engineering program approved by the board</i>	130.10 A
230.10 B	Surveying Program Approved by the Board	130.10 B
Section 230.20	Experience	
230.20 A	As a Professional Engineer	130.10 C
230.20 B	As a Professional Surveyor	130.10 C
Section 230.30	References	
230.30 A	<i>Applicant for PE/PS submits 5 references; 3 must be P.E./P.S.; references should have personal knowledge of applicant's experience</i>	130.10
230.30 B	<i>No relatives as references</i>	
230.30 C	<i>No current board member as a reference</i>	
230.30 D	<i>Applicant should inform persons used as references that the references will be asked to complete and return a form</i>	
230.30 E	<i>Applicant has responsibility to ensure board receives reference forms; board may take action only when all references materials are complete</i>	
230.30 F	Confidentiality of Reference Replies	
Section 230.40	Examinations	
230.40 A	Classification of Engineering Examinations	130.30 B
230.40 B	Eligibility of Applicant for an Engineering Examination	130.10 A, C
230.40 C	Classification of Surveying Examinations	130.30 B
230.40 D	Eligibility of Applicant for a Surveying Examination	130.10 B, C
230.40 E	Examination Dates and Locations	130.30 A
230.40 F	Language of the Examination	
230.40 G	Study Information	130.30 D
230.40 H	Instructions for Examinees	
230.40 I	Failure to Attend an Examination	
230.40 J	Examination Offerings	130.30 C
230.40 K	Examination Results	
230.40 L	Review of Failed Examinations	
230.40 M	Examination for Record Purposes	
Section 230.50	Classifications and Disciplines of Engineering and Surveying	
230.50 A	Classification of Engineering Licensure (EI, P.E., discipline engineer)	
230.50 B	Classification of Surveying Licensure (SI, P.S.)	130.10 B
Section 230.60	Applications	
230.60 A	Kinds of Applications	130.20
230.60 B	Completing Applications	130.20
230.60 C	Applications from Applicants with Degrees from Foreign Schools	
230.60 D	Reconsideration of Applications	
230.60 E	Disposal of Applications	
230.60 F	Retention of Records of Applications	
230.60 G	Expedited Comity Licensure	

Model Rules Section	Descriptor	Corresponding Model Law Section
SECTION 240	LICENSEES	
Section 240.10	Licensure	
240.10 A	Licensure Number as a Professional Engineer or Professional Surveyor	140.10
240.10 B	Certificates of Licensure	140.10
240.10 C	Retirement of Licensure Option	
240.10 D	Reissuance of Certificate	140.30
Section 240.15	Rules of Professional Conduct	
240.15 A	Licensee's Obligation to Society	
240.15 B	Licensee's Obligation to Employer and Clients	
240.15 C	Licensee's Obligation to Other Licensees	
Section 240.20	Seals	
240.20 A	Seal of the Board	120.60 A
240.20 B	Seal of Licensee	140.10 C
240.20 C	Seal on Documents	140.10
Section 240.30	Continuing Professional Competency	120.60 E
240.30 A	Introduction	
240.30 B	Definitions	
240.30 C	Requirements	
240.30 D	Units	
240.30 E	Determination of Credit	
240.30 F	Recordkeeping	
240.30 G	Exemptions	
240.30 H	Reinstatement	
240.30 I	Comity/Out-of-Jurisdiction Resident	
240.30 J	Dual Licensees	
240.30 K	Forms	
Section 240.40	Expirations, Renewals, and Reinstatement to Active Practice	
240.40 A	<i>Renewal notice mailed annually or as required by the board</i>	140.20
240.40 B	<i>Renewal fee established by the board</i>	140.20
240.40 C	<i>Board must receive renewal fees before expiration date</i>	
240.40 D	<i>Late renewal fees assessed an additional fee</i>	
240.40 E	<i>Unpaid renewal fees void license and require new application for license to practice</i>	
240.40 F	<i>Applicants who notify board before expiration that they are no longer practicing may retain certificate for later use upon payment of fees</i>	
240.40 G	<i>Licensees solely responsible for timely renewal of their license</i>	
240.40 H	<i>Applicants for renewal may be asked to demonstrate they have maintained the required minimum level of professional competence</i>	
240.40 I	<i>Licensees granted inactive status may return to active status upon notifying the board of this intention, paying required fees, and meeting all other requirements of the board</i>	
240.40 J	<i>Licensees who do not maintain active status in any jurisdiction for 3 years preceding requested date of reinstatement must take the PE and PS and jurisdiction-specific exams</i>	

Model Rules Section	Descriptor	Corresponding Model Law Section
SECTION 250	DISCIPLINARY ACTIONS	
Section 250.10	Conduct	
250.10 A	Knowledge of Rules	150.10 C
250.10 B	Convictions	
Section 250.20	Compliance	150.30
Section 250.30	Disciplinary Action of Licensees	
250.30 A	Complaints	150.20 A
250.30 B	Probable Cause	
250.30 C	Summons and Complaint	120.60 B, 150.20
250.30 D	Evidentiary Matters	
250.30 E	Conduct of Hearing	
250.30 F	Record of Hearing	
250.30 G	Order of the Board	
250.30 H	Discipline	150.20
250.30 I	Stay Order	
Section 250.40	Reinstatement of Licensure or Certification After Revocation	
250.40 A	Petition for Reinstatement	150.20 F
250.40 B	Board Action	150.20 F
Section 250.50	Conflict and Bias	
SECTION 260	MISCELLANEOUS	
Section 260.10	Severability	



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