

# THE PATH TO COMPLIANCE

## BOARD BENEFITS FROM THE NCEES LAW ENFORCEMENT PROGRAM

An important function of the National Council of Examiners for Engineers and Surveyors (NCEES) is to assist its member boards in their statutory responsibility of administering their respective laws pertaining to the regulation of the engineering and surveying professions. Member boards are the 69 separate licensing entities throughout the United States, Guam, the Mariana Islands and Puerto Rico. The mission of all member boards is basically the same - to safeguard the life, health, property, and to promote the public welfare of the citizens they serve by administering the respective laws efficiently, fairly, and judiciously. Regulation of these professions consists of two important functions:

1. *Licensure* to ensure that professional engineer and surveyor applicants are qualified to practice their profession in their respective states
2. *Enforcement* to ensure that licensees are performing their professional services in conformity with the intent and purpose of the law and related rules of professional conduct and to protect the public from the unlicensed practitioner

One way NCEES serves its member boards is to present a comprehensive law enforcement program at its annual meeting held each year in August. At the NCEES annual meeting just concluded, a full day and a half was dedicated to Law Enforcement activities. The Law Enforcement Forum was held one afternoon, followed by the Law Enforcement Program which was an all day training and educational event the following day.

The Law Enforcement Forum was a roundtable discussion of issues chosen by attendees and spearheaded by a panel of enforcement officials which this year included Mark Caruthers,



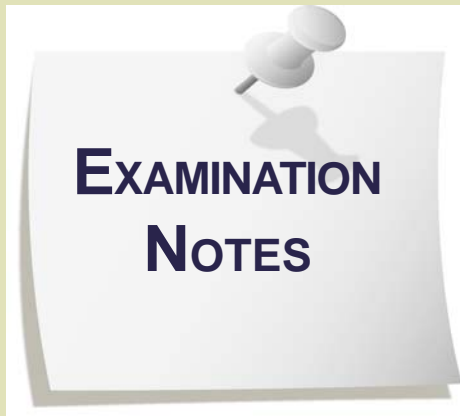
**Bruce Pitts, PLS**  
**Director of Enforcement**

one of our own Board Investigators. The interchange of ideas between over 75 enforcement officials, attorneys and board members from all across the nation provided each of us with new perspectives on issues that affect us all. Some of the current and relevant topics discussed were:

- The definition of responsible charge (direct supervisory control)
- What exactly is “public health, safety and welfare?”
- Recent legal actions that impact regulatory agencies
- Exam Collusion (cheating) investigations
- Use of Social Media as evidence during Investigations
- Board initiated complaints, such as those coming from continuing education audits, placing false information on applications, or investigating projects that were bid or commenced prior to licensure
- Exemption from state licensure for Federal projects (supremacy law)
- Expanded use of the NCEES Enforcement Exchange (the nation wide data base where violations in each state are posted)

Sharing information on how other states handle these topics helps all of us find consensus on the best practices for effective investigations. As a result of attending this Forum, some board members and staff present learn about the NCEES

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### **PS Exam - closed-book in April 2013**

The NCEES Principles and Practice of Surveying (PS) exam will become a closed-book exam in April 2013. At that time, examinees will use NCEES-supplied references during the exam and will no longer be allowed to bring other reference material into the exam room. The exam is becoming an closed-book exam for exam security purposes and to facilitate the transition to a computer based examination in the future.

### **FE/FS to be administered using CBT beginning in January 2014**

Both the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) examinations will be offered for the last time in its paper-and-pencil format in October 2013. Beginning in January 2014 these examinations will be administered using computer based testing. The transition to computer based examinations will allow greater scheduling flexibility for examinees, more uniformity in testing conditions and enhanced security for exam content.

### **Software Engineering PE Exam Available beginning April 2013**

The new PE examination in software engineering will be administered beginning April 2013. The exam will be administered once a year each April. The exam specifications are available online at [ncees.org/exams](http://ncees.org/exams). IEEE is planning to publish study materials for the exam later this year.

## **BOARD BENEFITS FROM THE NCEES LAW ENFORCEMENT PROGRAM (CONTINUED)**

Enforcement Exchange for the first time and begin the process of implementing this vital program in their state.

The all-day Law Enforcement Program is always an informative and educational session which includes a broad range of topics such as current legal issues, topics which cover the basics of performing investigations and training topics for new investigators like *Engineering 101*. This year, I presented a training session entitled *The Investigative Process* where I shared how we conduct investigations in Oklahoma. Training opportunities for engineering and land surveying board investigators are rare, especially one like this that is taught by individuals currently in the practice.

These sessions are conducted annually by the NCEES Committee on Law Enforcement whose members study important disciplinary issues, and make recommendations to NCEES that will achieve more effective and uniform enforcement and for greater interstate coordination of enforcement actions. Robert Manchester, the Board's prosecuting attorney, is currently a member of that committee.

NCEES is actively involved in providing resources to equip licensing boards with the tools necessary to have effective enforcement programs. By participating and taking advantage of the NCEES programs, the Oklahoma Board will stay at the forefront of the best enforcement practices and be better equipped to fulfill our mission of protecting the public by advancing professionalism, ethics, and compliance with the laws and rules that govern the practices in Oklahoma.