



AN OFFICIAL NCEES PUBLICATION FOR THE EXCHANGE OF INFORMATION, OPINIONS, AND IDEAS REGARDING THE LICENSURE OF ENGINEERS AND SURVEYORS

FROM THE PRESIDENT

## LISTENING AND LEARNING ARE PART OF LEADING



DALE JANS, P.E.  
NCEES PRESIDENT

Dale Jans, P.E., of South Dakota, accepted the office of NCEES president during the awards and installation banquet held August 26 at the annual meeting in Providence, Rhode Island. The following is from his inaugural speech.

**F**or us to know where we are going, it is important to know where we've been. Our history as an organization and as individuals has an impact on what we will do in the future. Knowing and understanding our history will help keep us focused

on our mission of protecting the public's health, safety, and welfare. If you haven't had an opportunity to read the *History of NCEES*, I would encourage you to do that. One thing you note quickly is that when the organization was formed in 1920, some of the issues they were concerned about back then are still issues we are working

on today. In reading the history, I was intrigued by a quote from the 1950 banquet, some 30 years after the organization started. The quote was by N.W. Dougherty of the University of Tennessee, a past president and longtime member of the organization. Included in his address was a precise explanation of what the Council is: a forum of free discussion and the exchange of ideas. He explained, "None of its actions or recommendations can be binding on any board; each board is autonomous and must act under its own law and cannot delegate

its necessary functions to any other agency. They can cooperate with each other in gathering information, in exchanging ideas, and in getting uniformity. The Council is not a union whose majority actions are binding on all members; it is a loosely knit association for the benefit of all its members." I think that is a good summary of where we still are today.

I'm going to bore you with a little of my personal history. I grew up on a ranch in South Dakota. Just to give you an idea of how rural it was, our driveway was two-and-a-half miles just to get to our mailbox. I literally started my education in a one-room country schoolhouse. I'm not as old as you may think; that's just how rural that part of South Dakota is. That was where I learned about the three Rs: Readin', Ritin', and Rithmatic. And with a total of 10 students in grades one through eight, we received plenty of personal attention from the teacher. After getting my degree in civil engineering from South Dakota State University and starting to think about becoming a licensed professional engineer, I learned about the three Es that we are all familiar with: Education, Experience, and Examination. I have been involved with NCEES since 1994 when I attended the annual meeting in Rapid City, South Dakota, as a new member on the South Dakota Board of Technical Professions. That was when I learned about the three Ls: Listen, Learn, and Lead. Since 1994, I've been doing the listening and learning, and with your help, I will do my best to lead NCEES through the coming year of challenges and opportunities.

*continued on page 8*

"The Council is not a union whose majority actions are binding on all members; it is a loosely knit association for the benefit of all its members."

# Annual meeting generates debate and decisions in Providence

## NCEES exams, education requirements for licensure key issues for 2011

Delegates attending the 90th NCEES annual meeting addressed a range of issues related to the organization and to engineering and surveying licensure. The following summarizes actions taken at the August 24–27 meeting in Providence, Rhode Island. Full details of the meeting will be included in the official minutes, which will be published in November.

### NCEES exams

The Council voted to amend Exam Development Policy 4 to change when the PE Industrial exam is offered. Beginning with the April 2013 administration, the exam will be offered in the spring instead of the fall. The Institute of Industrial Engineers, which sponsors the Group II exam, requested the

Full details of the meeting will be included in the official minutes, which will be published in November.

change to allow IIE to expand its volunteer pool and use the pool more efficiently.

Delegates approved changes to EDP 3 to move the PS exam from an open-book exam to one that allows only a supplied reference beginning with the April 2013 administration.

Delegates amended EDP 11 to stipulate that anyone serving on an NCEES exam development committee or pass-point evaluation panel cannot teach a refresher course related to that exam within three years of serving on the committee or panel.

The Council voted in favor of amending Exam Administration Policy 8 to give NCEES authority to invalidate a candidate's exam results for certain egregious violations, such as having a cell phone in the exam room or removing pages from the exam booklet. Individual member boards will retain authority to decide whether to invalidate a candidate's exam results for other irregularities, such as having loose paper, using a non-NCEES pencil, or continuing to write after time is called.

### Computer-based testing

NCEES approved a new pricing model for its exams that will go into effect when the FE and FS exams shift to computer-based testing in January 2014. The new model, which features an all-inclusive fee for the FE and FS that covers the exam and administration costs, was a key step in the transition from paper-and-pencil toward computer-based testing.

Delegates also voted to amend the *Model Law* and *Model Rules* to remove references to written exams and to the number of hours an exam lasts.

### Education requirements for licensure

NCEES continued to refine the additional education requirement for engineering licensure in the *Model Law*, effective January 1, 2020. The Council approved a new path for satisfying this requirement: earning a bachelor's degree from an EAC/ABET-accredited program that has at least 150 semester credit hours. At least 115 of these hours will need to be in math, science, and engineering combined, with at least 75 of those 115 hours in engineering.

Delegates voted against adopting an alternate pathway to meet the *Model Law 2020* requirement. This alternative would have allowed P.E. licensure candidates to fulfill the education requirement via a combination of approved continuing education coursework, additional experience, and mentoring.

The *Model Law 2020* requirement, which is set to take effect in 2020 but is nonbinding in any state that does not incorporate it into its laws, calls for candidates seeking a P.E. license to complete an engineering master's degree or its equivalent. Currently, the *Model Law* requires P.E. candidates to complete an engineering bachelor's degree from an EAC/ABET-accredited program.

Education requirements for surveying licensure were also addressed at the annual meeting. NCEES voted to approve a position paper on the benefits to the public of

requiring a bachelor's degree for surveying licensure. The education requirements vary by state, with some requiring a four-year degree, others requiring a two-year degree, and others with no education requirements. The position paper is available online on My NCEES.

Additionally, the Council voted to amend the *Model Rules* to include a new guideline for continuing professional competency. The model document now requires licensees to earn at least 1 professional development hour in ethics or business-related practice for every 15 PDHs. Individual states will decide whether they will set this requirement for their licensed engineers and surveyors.

### **NCEES governance**

Several Council decisions affect NCEES financial policies. Delegates approved amending Financial Policy 13 to clarify the basis for financial damages if there is a breach of NCEES exam items. Delegates approved an amendment to FP 4 to make its provisions for zone contributions consistent with the revised *Zone Meeting and Continuity Guidelines*. The policy now states that the Council will fund the expenses of the assistant vice president and secretary-treasurer, in addition to the vice president, for interim zone meetings.

NCEES also adopted two position statements at the meeting. The first concerns evaluating the qualifications of licensure candidates who do not meet the requirements for Model Law Engineer or Surveyor status. The second states that the commissioning of engineered systems requires professional engineering expertise.

*2010–11 President-Elect Dale Jans reviews the items included in the consent agenda as President Joseph Timms leads the opening business session.*



*Delegates debate Council issues during one of the four business sessions held over two days.*

*Wednesday's On the Boardwalk Kickoff Party gave delegates—including Dennis Smith, Randall Russell, and David Cox of Kentucky—time to relax after a day of professional development workshops.*



*Arizona board member John Willett and board deputy director Melissa Cornelius follow the discussion on a motion ahead of the Council's vote.*





JERRY CARTER  
NCEES EXECUTIVE DIRECTOR

## HEADQUARTERS UPDATE

# Council business continues at annual meeting bookended by earthquake and hurricane

As the week went on and it became apparent Hurricane Irene was going to move up the East Coast, I was sure Mother Nature was testing our spirit and our planning skills.

**A**s I leaned back in my chair at the board of directors meeting in Providence, the ground began to shake. My immediate thought, with our annual meeting starting the next day, was that this is not a good omen. It was, in fact, a magnitude 5.8 earthquake, one of the largest on the East Coast since 1897. As the week went on and it became apparent Hurricane Irene was going to move up the East Coast, I was sure Mother Nature was testing our spirit and our planning skills. It was a great relief to be able to conduct the meeting per the original schedule. A number of attendees were delayed by several days on their return trips, but we were very thankful to make it through these two events unscathed. We appreciate the dedication and patience demonstrated by all that allowed this to be a successful meeting.

This year's annual meeting was the first with the revised format moving the banquet from Saturday to Friday night. Initial feedback has been that the change made the meeting more efficient and allowed some free time to see some of the local sites and to get a flavor of the host city. We sent a survey to all attendees and are currently evaluating the responses. We anticipate making some minor adjustments going forward to address any concerns or suggestions provided.

During the meeting, the Council approved a new pricing model for NCEES examinations, effective with the transition of the FE and FS exams to computer-based testing. The new fees will be \$250 for the FE and FS exams, which will include the

cost of administering the exams at Pearson VUE testing centers. The fee for the PE and PS exams will also be \$250, but this does not include the costs for administering the exams. Member boards or their testing vendors (including NCEES Exam Administration Services) will add an administration fee to cover this expense. The pricing model does not affect the fee for the Structural Engineering exam, which will remain at \$400 per segment. Setting this pricing model was an important step in implementing computer-based testing for the fundamentals exams, currently set for early 2014.

Attendees also had the opportunity to talk with representatives of our CBT vendor, Pearson VUE, and learn more about Pearson VUE test centers and security features.

A number of the committees and task forces this year have charges associated with furthering the CBT effort. There are a number of issues yet to be addressed and decisions that will need to be made related to the conversion, but as we move further in the process, we are gaining more confidence about how this move will improve exam security, enhance the candidate testing experience, and broaden our ability to take advantage of new technology to test for minimum competence.

As always, the end of the annual meeting ushered in a new year for NCEES. With CBT and a range of other issues to address, we're looking forward to a busy year. We appreciate everyone's effort in supporting engineering and surveying licensure.



DAVID CURTIS, P.E.  
EXECUTIVE DIRECTOR, IDAHO BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS

## Idaho board retreat to prepare for annual meeting

In addition to being great preparation for the NCEES annual meeting, it provides an opportunity to meet less formally than the other board meetings in the year.

The Idaho Board of Professional Engineers and Professional Land Surveyors has been fortunate over the years to be able to send numerous delegates to the NCEES annual meetings. Many years ago, however, the board was not well prepared to vote on the many important issues that come before the Council for consideration. The board chair would position himself at the end of the seated Idaho delegation, and when a vote was imminent, the chair would look down the line and ask the board members to give a “thumbs up” or “thumbs down.” The chair would then raise his placard and vote in accordance with the majority of board members. I remember being a little surprised at some of the “thumbs down” reactions of board members. Talking to them afterward, it turned out that many of them voted no because they had questions or concerns about the issue that were not answered during the presentation or debate, not because they opposed it.

Realizing that our method of “caucusing” was probably not the most efficient, the board decided to have a special meeting prior to the NCEES annual meeting so the board members could discuss all the issues to be voted on, ask questions, and come to a consensus on how the Idaho board should vote. About 10 years ago, we began meeting in a retreat in late July or early August at a more “rustic” property than where we usually meet.

We try to limit the meeting agenda to a review of the NCEES *Action Items and Conference Reports* and other far-reaching subjects such as legislation, administrative rules, and strategic planning. We schedule the meeting well in advance and have it after the *Action Items and Conference Reports* has been distributed.

In addition to being great preparation for the NCEES annual meeting, it provides an opportunity to meet less formally than the other board meetings in the year. We even bring along camp cooking gear and make some Dutch oven and barbecue fare for ourselves.

This retreat has become an important venue for reaching a consensus on important Council issues and for improving how we work together as a board overall.





RICK HUETT  
ASSISTANT EXECUTIVE DIRECTOR, INVESTIGATOR  
ALABAMA STATE BOARD OF LICENSURE FOR PROFESSIONAL  
ENGINEERS AND SURVEYORS

# Conflicts of interest must be avoided, not just disclosed

It is not enough simply to disclose a conflict of interest, however; the professional must also refrain from performing acts that are not in the best interest of the client.

In the offering of engineering or surveying services, occasionally a conflict of interest occurs. Most jurisdictions have developed methods for licensees to address the majority of these types of issues. NCEES *Model Rules* also speaks to this issue, providing the following guidance: “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” (Section 240.15, Rules of Professional Conflict).

Recently, the Alabama board disciplined a professional engineer for actions related to a disclosed conflict of interest. The P.E. provided the design of a subdivision and the onsite sewage disposal system of the lot owned by the complainant. The wife of the professional engineer also owned a 50 percent share of the development. The disclosure of the possible conflict of interest was made to the complainant, who went forward with the purchase of the property.

The complaint of the homeowner alleged that the professional engineer would not provide documentation required by the approving authority for him to complete construction and move into his new home. The representatives of the approving agency provided correspondence between them and the professional engineer in which the P.E. stated he would not submit

approval of the homeowner’s lot (10A) until the agency approved the two adjoining lots (9A and 11A), which he owned, and the homeowner signed an agreement relieving the P.E. of any damage occurring to the property by water runoff from lots 9A and 11A. The approving authority maintained to the professional engineer that the approval of the adjoining lots was unrelated and the homeowner’s lot would be approved once he submitted the certification document.

The professional engineer continued to refuse to submit the documentation and maintained he would not submit the certification document until the homeowner signed a storm spillage agreement, which would allow the discharge of storm water across the homeowner’s property. The agreement also relieved the professional engineer of the responsibility for any damage or injury occurring on the homeowner’s property from the water runoff.

A professional engineer serving as a technical advisor to the board was asked to provide an opinion concerning the scope of the engineering services provided by the professional engineer and if the refusal to submit the documents to the approving authority was in the best interest of public safety. The expert advised he found no problems with the design of the septic disposal system and the inspection of the disposal field construction. The report went on to say that the draining of one lot to another restricts the ability

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to construct a septic disposal field on the adjacent lot and the drainage design for a subdivision is normally done at the time of the subdivision of the land, with each lot draining into a drainage system in public drainage easements. He further stated the permit issued for lot 10A was not dependent on approvals of adjacent lots, nor was it dependent on getting drainage agreements from the adjoining lots, and should have been given when it met the permitting requirements.

The board issued charges alleging the professional engineer had violated its conflict of interest rule.

A hearing was held, and the professional engineer was found guilty and subsequently appealed the board's decision to a circuit court, where it is now pending.

Conflicts of interest should always be avoided if possible, and when they occur, they require immediate disclosure. It is not enough simply to disclose a conflict of interest, however; the professional must also refrain from performing acts that are not in the best interest of the client.

## Nominations open for NCEES service awards

**T**he NCEES Committee on Awards is now accepting nominations for the following: the Distinguished Service Award, the Distinguished Service Award with Special Commendation, the Meritorious Service Award, and the Distinguished Examination Service Award. These awards will be presented at the 2012 annual meeting in St. Louis, Missouri.

The deadline for nominations is January 31, 2012. Nomination materials have been sent to member board administrators. They are also available online at My NCEES or by contacting Executive Assistant Sherrie Holcomb (sholcomb@ncees.org). Nominations for the DSA, DSA with Special Commendation, and MSA must be made by a member board. Nominations for the Distinguished Examination Service Award may be made by a member board, an exam committee, or the NCEES board of directors. The criteria for these awards are specified in Administrative Policy 12, which can be found in the *Manual of Policy and Position Statements* (available on the NCEES Web site).

## FROM THE PRESIDENT

*continued from cover*

### Addressing the issues

Based on the feedback and the information I have received from you, I have created five task forces for the coming year in addition to the standing committees to address the issues we face as an organization.

One task force will deal with education. We have some work to do as it relates to what is agreed upon for the necessary amount of education to prepare our engineers and surveyors for licensure. There is also more work to be done on an alternate pathway to licensure that has been previously discussed. Another component to education is continuing education after licensure, and that is something we will work on to try to bring more continuity to all of our member boards.

Another task force will work on the many and varied issues that member board administrators deal with, again trying to bring continuity to the licensure process. We want to make sure that both engineers and surveyors have input into that process as well as the MBAs. Unless you've been living in a cave somewhere, by now you are familiar with computer-based testing. Last year as a Council, you made the decision to move the FE and FS exams to CBT. A task force this year will work with staff and our vendor to make sure the transition process meets the goals and expectations previously set before us. In addition, this group will begin considering what we need to prepare for in order to start the process of transitioning the PE and PS exams to CBT.

A new task force this year will address future leadership for NCEES. They will deal with how to inform new members of NCEES about our vision, our mission, and our goals and how to get those new members involved. The task force will work on refining the *Zone Meeting and*

*Continuity Guidelines* to help us work more consistently and effectively as individual zones and improving how we pass that information on to the next generation of leaders. They will also work on the process to identify and mentor future leaders of NCEES.

Another new task force will address public outreach and communications. We have a tremendous tool in our newly developed Speakers Kit. I think that it can be expanded even more to not only address engineering and surveying students about licensure but also to educate the public about the importance of licensure. Some other issues this group will address will be how we can impact the public through sponsorships to various organizations and activities. I think it is important that we create some guidelines that will provide direction to future boards of directors and members about where we think are important areas to direct our finances. In 2013, we will be the primary sponsor for the national Eweek event, and this task force will also provide input to the staff about where our emphasis should be for that event.

### Strengthening public protection

Another area of prime interest to me is working on eliminating—or at least lessening—industrial exemptions. This will not be an easy task, and I think there are several ways to approach it. You can try to convince your legislatures to do it, but we know that won't be an easy sell. We can promote the importance of licensure to the public and to our politicians through the work of the task force I previously mentioned that will deal with public outreach. We can work to convince industry itself of the importance of licensure and the benefit to them to have licensed individuals on staff. Another way we can work toward solving the problem is to create alternate pathways to licensure that will appeal



to those in industry, which will be addressed by our task force on education. Perhaps it will take a combination of all four of these approaches. In any event, I think we are all painfully aware of the problems that are created by unlicensed professionals, and in our efforts to protect the public's health, safety, and welfare, we have a responsibility to address them.

### Looking beyond our borders

An area that I have become more aware of is our standing in the international arena. NCEES continues to have foreign entities approach us about providing our services for both the fundamentals and professional exams. We are recognized as the gold standard, and I think with good planning and preparation we will be able to grow and strengthen our position in a larger portion of the international arena. As we see the world becoming a smaller place to do business at an ever-increasing rate, it will be more important for each of your boards in your ability to deal with foreign education and foreign licensure.

### Planning for the future

I tend to compare strategic planning to going to the dentist. It's something you really don't want to do, but you know in the long run it will be good for you. Our board of directors will make a concerted effort this year to work on the NCEES Strategic Plan. We are in a unique position: unlike many organizations and

associations, and businesses for that matter, we are financially strong. The leadership that has gone before us has done a tremendous job of putting us in such a good position. Rather than become complacent and get too comfortable with what we have achieved, it is the appropriate time to look long and hard at where we go as an organization and what we establish as our priorities. Your NCEES board of directors will work diligently to set the direction not only for this year but to create a roadmap for the long term that can be adjusted in the years to come as new issues and problems we haven't even thought of become apparent. That will allow us to respond accordingly to the direction we receive from you, the Council. It is the time for us to be proactive, not reactive.

I look forward to working with you this year, and I look forward to a busy and productive time ahead. And who knows, we may even have some fun in the process. Thank you for giving me the opportunity to serve you.

I tend to compare strategic planning to going to the dentist. It's something you really don't want to do, but you know in the long run it will be good for you. Our board of directors will make a concerted effort this year to work on the NCEES Strategic Plan.

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I certify that all information stated  
above is true and correct. *Jennifer Williams*

# MEMBER BOARD NEWS

**CALIFORNIA** Ric Moore is now the board's executive officer. Hong Beom Rhee is a new appointee. Kim Blackseth, James Foley, and David Luzuriaga are no longer board members.

**COLORADO** Earl Henderson and Daniel Swallow are new appointees. Patrick Buckley and Bryan Clark are no longer board members.

**FLORIDA PE** Board vice chair Dann Wallis passed away on July 27 at the age of 80. Scott Batterson and Jonathan Earle are no longer board members. The board's address is now 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.

**IDAHO** John Elle is a new appointee. Gary Young is no longer a board member.

**KANSAS** Richard Hayter is a new appointee.

**KENTUCKY** Neville Pinto is a new appointee. Mickey Wilhelm is no longer a board member.

**NEW HAMPSHIRE PE** Ronald Cook is a new appointee. Carmela Amato-Wierda is no longer a board member.

**NEW YORK** Keith Giles is a new appointee.

**NORTH DAKOTA** The board's address is now 723 Memorial Highway, Bismarck, ND 58504.

**PUERTO RICO** Juan Dávila García, Frank Hernández Flores, Neymar Maldonado Pérez, and Jesús Rodríguez Quiñones are new appointees. Félix Laboy Vásquez, Edgar Muñoz Berríos, Rafael Muñoz González, Enoc Ramos Cancel, and Fredy Reyes Sorto are no longer board members.

**VIRGINIA** Cabell Crowther, Clint Good, and Patrick Leary are new appointees. Everette Fauber, Vaughn Rinner, and W.R. Stephenson are no longer board members.

## Upcoming Events

### October 7-8

EPS Committee Meeting  
Albuquerque, New Mexico

### October 20-22

EPE Committee Psychometric Training and Meeting  
Atlanta, Georgia

### October 28-29

Exam Administration

FE Exam Meeting  
Clemson, South Carolina

### October 29-30

PE Nuclear Exam Meeting  
Washington, D.C.

### November 1

FS Exam Specification Setting Meeting  
Clemson, South Carolina

### November 2-3

PE Petroleum Exam Meeting  
Denver, Colorado

### November 3-4

CBT Task Force Meeting  
Clemson, South Carolina

### November 4-5

PE Mechanical Exam Meeting  
SE Exam Meeting  
Clemson, South Carolina

### November 11-12

Board of Directors Meeting  
Napa, California

### November 17-19

PE Chemical Exam Meeting  
Clemson, South Carolina

### November 18-19

EPP Committee Meeting  
Salt Lake City, Utah

Dale A. Jans, P.E.  
*President*  
Sioux Falls, South Dakota

L. Joseph Timms, P.E.  
*Past President*  
Bridgeport, West Virginia

Gene L. Dinkins, P.E., P.L.S.  
*President-Elect*  
Columbia, South Carolina

David H. Widmer, P.L.S.  
*Treasurer*  
Beaver Falls, Pennsylvania

Nancy L. Gavlin, P.E., S.E.  
*VP Central Zone*  
Chicago, Illinois

Howard C. Harclerode II, P.E.  
*VP Northeast Zone*  
Phoenix, Maryland

Theodore A. Sack, P.L.S.  
*VP Southern Zone*  
Sand Springs, Oklahoma

Patty Mamola, P.E.  
*VP Western Zone*  
Reno, Nevada

Jerry T. Carter  
*Executive Director*  
Clemson, South Carolina

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## NCEES installs 2011-12 board of directors



*Standing (l-r): Sack,  
Mamola, Gavlin,  
Harclerode. Seated (l-r):  
Timms, Dinkins, Jans,  
Widmer*

**D**ale Jans, P.E., began his term as president at the conclusion of the NCEES annual meeting, held August 24-27 in Providence, Rhode Island. He replaces outgoing president Joseph Timms, P.E., who will remain on the board of directors as immediate past president. During the annual meeting, NCEES members elected Gene Dinkins, P.E., P.L.S., as president-elect for 2011-12 and David Widmer, P.L.S., as treasurer for the 2011-13 term. Also, NCEES welcomed newly commissioned Northeast Zone Vice President Howard (Skip) Harclerode II, P.E., and Southern Zone Vice President Theodore Sack, P.L.S., as they began the first year of their two-year terms.

Completing the board of directors are Central Zone Vice President Nancy Gavlin, P.E., S.E., and Western Zone Vice President Patty Mamola, P.E., who have begun the second year of their two-year terms.