

# NEWSLETTER

## VERMONT BOARD OF PROFESSIONAL ENGINEERING

Secretary of State, Office of Professional Regulation

**Topics in this newsletter include: Message from the Chair; OPR's New Licensing System (eLicense); Online Renewals; Changes in Structural Examination; Statutory Amendments; Updated Policies; Statistics, Reminders, and more!**

### Board Members

The members of the Vermont Board of Professional Engineering and their term expiration dates are as follows:

**Michael H. Quaid, P.E.**, Chairman, (Civil), Williston, Vermont (12/11);

**Robert F. Kischko, P.E.**, Vice-Chair (Electrical), Springfield, Vermont 12/13);

**William E. Atkinson, P.E.**, Secretary (Mechanical), Essex Junction, Vermont (12/11);

**Katherine E. Hill, P.E.** (Structural I), North Ferrisburgh, Vermont (12/13); and **Bonnie Giuliani**, Public Member, Montpelier, Vermont (12/14).

Members are appointed by the Governor to a five-year term and are eligible to serve two terms. Persons who are interested in serving on the Board may contact our Office or the Governor's Office directly at 802-828-3333.

### Introduction

The Vermont Board of Professional Engineering is pleased to bring you its latest Newsletter.

This Newsletter will provide the engineering community with periodic updates on State and national issues that affect our licensing laws and actions by the Board. We encourage you to participate in Board activities and to suggest topics for future Newsletters.

### Staff

Kara Shangraw is the Board's Administrative Assistant. Ms. Shangraw may be reached at (802) 828-1134; Fax: (802) 828-2465; or via E-Mail at:

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Our Web site is:

[www.vtprofessionals.org](http://www.vtprofessionals.org)

Carla Preston is the Board's Unit Administrator. You may reach Ms. Preston at (802) 828-2875 or via E-mail: [cpreston@sec.state.vt.us](mailto:cpreston@sec.state.vt.us)

Kevin F. Leahy, serves as the Board's Counsel.

Christopher D. Winters, Esq., is the Director of the Office of Professional Regulation.

### Greetings From the Board Chair

Recently you should have received your biennial license renewal notice with your USER ID and PASSWORD needed to renew your license online. You'll notice the fee is \$80, the same as two years ago, when the Board reduced it from \$100. Vermont is fortunate in that our license fees do not go into the State's General Fund as in some states. The fee is set at an amount that represents the cost of administering the profession. For engineers, those costs are primarily the Office of Professional Regulation staff in Montpelier, investigating

complaints of unprofessional conduct, the magnificent Board member reimbursement of \$50 for attending meetings plus mileage, and some sundry other items. (For more information about the Board's budget and other statistics go to the web site to review OPR's Annual Report.) The Board has considered hiring an omelet chef to serve at our monthly meetings, but so far the motion has been defeated as part of our efforts to keep the fees low in order to encourage licensure. We'll soldier on with coffee and donuts for the time being.

Board meetings are held at 8:30 AM on the first Thursday of every month (except July) at the OPR office at the National Life Building in Montpelier. Meetings are open to the public, and we welcome members of the engineering community to stop in if you are in the area that day. Our agenda is organized so that we do the business of general interest first, and then use the remainder of the meeting for reviewing applications for licensure.

Please read the newsletter. There are many items that are of general interest to practicing Engineers, and your OPR staff has spent a considerable amount of time gathering all the material together.

Feel free to contact any of the Board Members if you have issues of concern about our profession. I used

to imagine the Board as some kind of imperial court in Montpelier, with black robes and all. Nothing could be further from the truth. We are all just regular working engineers donating a little of our time to help maintain and improve the profession. We can all be reached easily by email, and would welcome the input of any and all licensees.

*Michael H. Quaid, PE*  
Chairman

**eLicense**  
**from Director Chris Winters**

I am pleased to give you an update on a major project all of us at OPR have been involved with over the last few years. For well over a decade, we have struggled with our two existing electronic databases for licensing and discipline. As our business has grown, it has become increasingly apparent that these databases are inadequate for our changing needs. We continue to see rising numbers of licensees and disciplinary complaints, with very little in the way of increased staffing. We need to leverage new technology to help us do our jobs in a more efficient manner as we serve the public. Because of this, we have long been planning a replacement of our existing computer system with a new one called "eLicense."

eLicense is a highly customizable product that allows the client to configure its functions to reflect its business practices. So before we started configuring the new system, we went through a lengthy self-analysis of our business processes, including a step-by-step review of each and every license we offer, cross-checking it with the laws for that profession and the forms we currently use. We did this for nearly 400 license types! We've also reviewed all of the correspondence that leaves this office to build certain standard

letters into the system with merge tags so that they can be automatically generated. We've produced about 50 letters so far, with many more to go. On the discipline side, we have configured "actions" into the system (each one being an electronic footprint of a step in the case) so that the electronic record will be detailed and complete and anyone can know the status of a case at a glance.

The new system incorporates our two legacy databases into one, allowing for more complete information in one place about each licensee. Electronic checklists have reduced paper files and encouraged consistency. In eLicense, applicants are entered into the system as soon as they file an application, rather than when they are finally licensed. Any OPR employee from any desk can pull up a file on their computer desktop to answer questions about the applicant or licensee.

All of this has led to more reliable and accessible information, better accounting practices, and more timely deposits. Standard letters can be automatically generated from the system and attached to the electronic licensee file. More advanced reporting functions have allowed managers to glean detailed information about workloads, timelines, and the status of applications and cases. These reporting functions also translate into additional information available to the public through our website.

Other eLicense features include the ability for applicants to look up the status of their pending applications online, greatly reducing the number of phone calls to OPR. The general public can search for licensees by a variety of search criteria.

Online license renewals have been the latest phase of the project which saw a

successful launch in March. You should expect your profession to renew online this cycle, saving both you and our office staff time and money.

As you might imagine, this ambitious undertaking, on top of our regular everyday workloads, was a real challenge. The beauty of eLicense is its adaptable nature. Every day we discover new ways to harness its power and improve upon what we do. Although it has been a long and painful journey to get to this point, it has been well worth it. Along the way, we have discovered many ways to improve our business processes. It has been a great team-building exercise and has helped us to think critically and innovate around our long-standing ways of doing things here at OPR.

The OPR staff deserves a large amount of the credit for the parts they played in making this a reality. They took on a rather large extra workload and embraced this difficult change. With a year of eLicense now under our belts, I am excited for what is in store for us next as we strive to uphold our reputation as a responsive and innovative state agency.

**Online Renewals**

As mentioned above, you will have the ability to renew your license online. You should have received a notice with your **User ID** and **Password**. You may also update your address online.

Vermont does not require continuing education as a condition of renewal.

**NOTICE TO STRUCTURAL AND CIVIL ENGINEERS**  
**Upcoming Change to Structural PE Examination**

The National Council of Examiners

for Engineering and Surveying (NCEES) has announced that beginning in April 2011 the current Structural I and Structural II Principles and Practice examinations will be replaced with a single 16-hour Structural Principles and Practice examination. The Structural I and Structural II exams **will be administered for the last time in October of 2010**. The exam deadline for the October administration is July 15<sup>th</sup>.) Please advise any structural/civil engineering employees or students that you supervise of this change so they can make appropriate plans as they prepare for licensure.

The new 16-hour Structural exam will be held on two consecutive days and consist of eight hours on vertical forces and eight hours on lateral (wind and earthquake) forces. Please refer to the exams section of the NCEES website ([www.ncees.org](http://www.ncees.org)) for details of the new examination.

The Vermont Board of Professional Engineering licenses Professional Engineers by discipline. First-time licensees who plan to practice structural engineering are currently required to sit for the Structural I examination. This option will no longer be available after the October 2010 examination. The Vermont Board is currently reviewing the implication of the structural exam changes for first-time licensees and for applicants by endorsement (comity, reciprocity) from other United States jurisdictions. You may follow the changes by reviewing the Board's Minutes, Policies and other documents which are posted on its web site at <http://vtprofessionals.org/opr1/engineers/>

### Statutory Amendments

2009 Statutory Changes  
Sec. 13. 26 V.S.A. § 1161(4) is

amended to read: (4) "Practice of professional engineering" means: ~~(A) using the title "professional engineer" or using the titles "licensed engineer," "certified engineer" or "registered engineer" in a manner tending to indicate that the person is licensed and permitted to practice under this chapter; or~~ (B) providing, attempting to provide, or offering to provide professional engineering services for a fee or other consideration.

Sec. 14. 26 V.S.A. § 1162 is amended to read:

#### § 1162. PROHIBITION; ENFORCEMENT

(a) No person shall engage in the practice of professional engineering unless the person is licensed under or exempt from this chapter.  
(b) No person shall use, in connection with the person's name any letters, words, or insignia indicating that the person is a professional engineer unless the person is licensed in accordance with this chapter. A person found guilty of violating this section shall be subject to the penalties provided in subsection 127(c) of Title 3.  
~~(c)~~ (c) In addition to the power of criminal enforcement, the attorney general ~~or~~ a state's attorney, or a prosecuting attorney from the office of professional regulation may bring a civil action to restrain continuing violations of this section.

Sec. 15. 26 V.S.A. § 1163(a) is amended to read:

(a) Persons exempt. Section 1162 of this title does not prohibit acts constituting the practice of engineering performed as a necessary part of the duties of:

\* \* \*

(5) ~~An officer or employee of a corporation engaged in interstate commerce as defined in the act of Congress entitled "An Act to Regulate Commerce" approved February 4,~~

~~1887, as amended.~~

~~(6)~~ An officer or employee of a corporation in interstate communications as defined in the act of Congress entitled "Communications Act of 1934" or of a telephone company under the supervision and regulation of the department of public service.

~~(7)~~ (6) An employee of a professional engineer.

~~(8)~~ (7) Students of engineering acting under the supervision of a professional engineer.

Sec. 41. REPEAL

(a) 26 V.S.A. §§ 1163(e) (temporary practice for professional engineers);

Approved: May 23, 2009

Application and Renewal fees were **reduced** by statutory amendment in 2009!

### Transient Practice

Repealed - 2009

The effective date of the Board's Administrative Rules is January 1, 2000. Please note that changes to the statute govern when there are inconsistencies between the enabling statute and the rule. Currently, the most obvious difference is the repeal of the transient and temporary practice provisions. Temporary or Transient Practice Permits are no longer available to persons licensed in another jurisdiction who wish to work in Vermont for not more than 30 days. Full licensure is required.

The application review process for completed applications usually takes between 30 to 60 days. Applicants may check the status of their application online with their User ID and Password which is assigned when the application is received and added to eLicense. The application is available online at <http://vtprofessionals.org/opr1/engineers/>

### **2006 Vermont Fire & Building Safety Code**

The Board of Professional Engineering strongly supports the changes to the Vermont Fire and Building Safety Code, Section four, paragraph (c) which now requires construction documents to be stamped and signed by an architect or professional engineer consistent with the professional licensing and registration laws of Vermont.

Although previously addressed by engineering law, this proposal is a substantial improvement because putting such language into the body of the building code brings the requirement to the attention of the construction community. The Board believes this change will improve efforts to protect the public health, safety, and welfare of the People of Vermont. Adopted: June 2009

### **Board Policies**

The Board has been updating its policies to agree with changes in statutes or in the standard of practice. The Board has policies on the following topics: Policy #1 Engineering Practice in Areas of Competency; Policy #2 The Industrial Exemption; Policy #3 Exemptions and Sealing Requirements; Policy #4 Use of the Title "Engineer"; Policy #5 Clarification re The Agency of Natural Resources' Rule, Section 1-313, Designer Licensing; Policy #6, Use of the Seal; and Policy #7 Use of Stamp/Seals: Familiarity with Designs for Plans. Listed below are the policies that have been recently amended. You will find the complete list of the Board's policies on its web site.

### **POLICY 1.0 ENGINEERING PRACTICE IN AREAS OF COMPETENCY**

26 V.S.A. § 1181 (a) LICENSE AND SPECIALTY CERTIFICATES reads as follows: "Upon determining that an applicant is qualified for initial licensure under section 1182 of this title in one or more specialties, the board shall issue a license certificate and a specialty certificate to the applicant. Upon determining that an existing licensee is qualified under section 1182 in an additional specialty, the board shall issue a revised specialty certificate to the licensee." The license and specialty certificate issued by the Board indicates the primary area of competence of that license-holder in the practice of professional engineering.

The specialty certificates are issued by the Board in accordance with the procedures contained in Section 1182, Licensing Standards. In addition to the educational and experience requirements, most candidates will have passed an examination offered by the National Council of Examiners for Engineering and Surveying (NCEES), which typically dictates his or her specialty. ~~The current list of professional engineering specialties offered by the Board is referenced in Board Rule 1.7. Professional engineers licensed prior to the creation of a particular specialty, may possess sufficient training and experience to practice professional engineering competently in closely related fields or specialties. This is often the case where licensed professional engineers have expanded their areas of expertise through years of practice, usually under the umbrella of the original specialty field. In this case, the professional engineer may continue to practice this related discipline or request an additional specialty certificate through application and a successful defense, to the Board (26 V.S.A. § 1182 (e)).~~

As a licensed professional, the engineer has a duty to practice within his or her specialty and/or area of competence as licensed in Vermont. Licensed Professional Engineers suspected of practicing outside their specialty and area of competence (§ 1162 & § 1191) will be investigated by the Board upon receipt of a written complaint.

Adopted: 5/96; Revised: 12/99;  
Revised: 12/02; Revised: 6/3/10

### **POLICY 5.0 CLARIFICATION re THE AGENCY OF NATURAL RESOURCES' RULES GOVERNING WASTEWATER SYSTEMS AND POTABLE WATER SUPPLY SECTION 1-701, DESIGNER LICENSING**

The Agency of Natural Resources, Department of Environmental Conservation originally promulgated **Wastewater System and Potable Water Supply Rules** effective August 16, 2002. ANR adopted superseding administrative rules effective on September 29, 2007. Section 1-313 of the 2002 Rules and Subchapter 7, §§1-701-708 of the currently applicable 2007 Rules relate to "Designer Licensing" and apply to professional engineers practicing in the State of Vermont. This section states:

#### **§ 1-701 of the Wastewater Rules states:**

(a) No person shall design a potable water supply or wastewater system that requires a permit under these Rules without first obtaining a designer license from the Secretary, except for professional engineers who meet the requirements of subsection (b) of this section.

(b) A professional engineer shall be deemed to have a valid designer's license under this section, without going through the licensing process, provided that:

- (1) the engineer is practicing within the scope of his or her engineering specialty; and
- (2) if the engineer [is] designing soil-based disposal systems after June 30, 2003, the engineer, prior to designing:
- (A) submits evidence to the Vermont Board of Professional Engineer that demonstrate that he or she has satisfactorily completed a college level soils identification course with specific instruction in the areas of soils morphology, genesis, texture, permeability, color and redoximorphic features: or
- (B) passes a soils identification test administered or approved by the Secretary; or
- (C) retains one or more designers who have taken the course specified in this subsection or passed the soils identification test, whenever performing work regulated under these Rules. The name of the designer responsible for the soils identification for the project shall be included as part of any application or certification.
- (c) No person shall review or act on permit applications for a potable water supply or wastewater system that he or she designed or installed. For the complete text of the Wastewater Administrative Rules, see the ANR Web Site at: <http://www.anr.state.vt.us/dec/ww/Rules/OS/2007/FinalWSPWSRuleEffective20070929.pdf>

**The Board was asked to clarify this section as it relates to professional engineers and professional engineering. While we understand Section 1-701 may be modified in the future, the following guidelines were adopted by the Board:**

1. Professional Engineers referenced in Section 1-701(b)(1) must be licensed in the discipline or specialty of Civil, Sanitary, Environmental or Agricultural Engineering to qualify for

consideration under (ANR) Section 1-701.

2. The Board may accept as evidence of compliance with § 1-701(b) a letter from the Professional Engineer specifying that he/she satisfactorily completed a college level course meeting the description listed in Section 1-701(b)(2)(A), or a certificate issued by the Secretary under (ANR) Section 1-701(b)(2)(B), or a letter from that Professional Engineer listing the licensed designer retained by that Engineer under Section 1-701(b)(2)(C).

3. Professional Engineers licensed in a discipline or specialty other than those listed in No. 1, above, must meet ANR's requirements (see Section 1-701) to design soil-based wastewater disposal systems.

4. Professional Engineers not licensed in the disciplines or specialties listed in No. 1, above, who practice the design of potable water supply systems and/or wastewater disposal systems may be in violation of Vermont Board of Professional Engineering Rule 1.7, Professional Engineering Specialties.

5. The Board interprets (ANR) Section 1-701(a) "designing soil-based disposal systems" to mean "identifying and /or analyzing soils for subsurface wastewater disposal." The Board would not consider it to be unlicensed practice for a professional engineer without a "Designer License" to design the pumps, piping, tanks, specify stone media, etc. for a wastewater disposal system.

6. The Board will accept as evidence of compliance with the rule information supplied by a professional engineer qualified under No. 1, above, at any time before or after June 30, 2003.

7. The Board accepts that Professional Engineers without a "designer license" under (ANR)

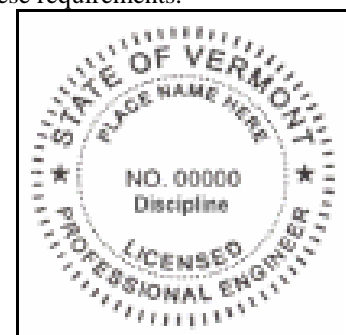
§ 1-701(b)(2)(c) may design a soil-based wastewater system, if the design is based on soils analysis by qualified individuals including those with designer licenses, hydrogeologists, or other such persons with a soil science background acceptable to the Division.

8. Upon acceptance of satisfactory evidence supplied to the Board under (ANR) § 1-701(b) (1) and (2), the Board will add an endorsement to your Professional Engineer's license indicating compliance with this Rule. This endorsement will appear on our web site.

Adopted: November 2002; Revised: December 2002; and Revised: March 2010

#### **POLICY 6.0 USE OF THE SEAL**

Each licensee shall obtain a seal of a design authorized or approved by the Board. The seal shall bear the licensee's name, number, discipline, and title "Licensed Professional Engineer." Below you will find a sample impression of a seal that meets these requirements.



#### **USE OF SEAL ON DOCUMENTS**

1. Signing and sealing of engineering work by a licensee is a certification that the work was done by the licensee or under responsible charge of the licensee.

2. The seal and signature of the licensee and the date of signing shall be placed on all final engineering documentation such as specifications, reports, drawings, plans, design information, calculations, design information, surveys, and plats when presented to a client or public agency.

3. Engineering documentation presented to a client or public agency for intermediate phases of a project may be signed and sealed to indicate that the work done to date was done by the licensee or under the responsible charge of the licensee. In such cases the signed and sealed documentation shall be clearly labeled to the effect of "PRELIMINARY", "NOT FOR CONSTRUCTION", "FOR PERMIT ONLY", or "FOR REVIEW ONLY" to indicate that the documentation should not be considered as final documentation.

4. 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, the documentation shall be sealed and signed by the licensee or licensees who were in responsible charge of the work.

5. 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 in the licensee's designated discipline and within the licensee's area(s) of competence.

6. 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 licensee supervises the preparation of the plans, plats, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion;
  - b. The licensee reviews the final plans, plats, specifications, drawings, reports, or other documents; and
  - c. 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.
- The licensee is responsible for meeting all of the preceding requirements whether the work is being performed remotely or locally.

7. 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.

8. 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 a complete review of the work and making any necessary and appropriate changes to the work. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.

9. Each licensee is responsible for controlling the use of his or her seal.

"A person who affixes to a plan or other document the seal of another person shall be fined not more than \$1,000.00 and imprisoned not more than 30 days or both" (§ 1188 (c)).

10. 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.

11. Electronic signatures and seals may be used. Recognizing the availability of technology to "reproduce" scanned images of a signature and seal, clients and public agencies concerned about the authenticity of a licensee's signature and seal may request a paper copy with an original signature and seal, or a digital signature with an electronic authentication process that provides the desired level of security.

12. A licensee who obtained his or her Vermont seal prior to the requirement for the discipline or specialty to be included on the seal does not need to obtain a new seal; the Board considers those seals grandfathered. Should a replacement seal be necessary, the current requirement applies.  
Revised: April 2010

**POLICY #7  
USE OF STAMP/SEALS:  
FAMILIARITY WITH DESIGNS  
OR PLANS**

Vermont statutes and Board rules create an obligation for professional engineers to use their stamps/seals only on plans and designs with which they are familiar. A professional engineer is permitted to stamp/seal documents not entirely prepared by him or her so long as those documents are ones with which the professional engineer is familiar.

The Board recognizes that questions arise about the degree of familiarity an

engineer may have with a design or plan. This issue may arise in the context of unprofessional conduct complaints.

In order to provide guidance to licensees, the Board adopts the following policy for use in determining whether a licensee has sufficient familiarity to permit use of his or her stamp/seal.

When deciding if an engineer is sufficiently familiar with a design or plan so that he or she may affix a stamp/seal to it, the Board *may consider, but is not limited to*, the following questions or criteria:

1. Did the licensee exercise unambiguous decision-making authority with respect to the preparation of the design or plan he or she is stamping/sealing and signing, without interference or undue influence from any other individual or entity?
2. Were unlicensed persons assisting in the preparation of the design or plan service direct subordinates of the licensee (or another licensee in his/her direct charge) as opposed to answering even indirectly to some other person or an entity capable of subverting the licensee's wishes. i.e., could the licensee reasonably have compelled the assisting person to carry out his or her directions with regard to those activities and practices regulated by the licensing laws and rules?
3. Did the licensee (or another licensee in his/her direct charge) have the freedom and authority to assign persons of his/her choosing to assist in the preparation of designs or plans to be stamped/sealed?
4. Did the licensee exercise due care in assigning tasks to persons assisting in the preparation of designs or plans

to be stamped/sealed based upon the licensee's knowledge of each person's expertise, knowledge, and skill levels.

5. Does the licensee have a verifiable record that work product produced by those assisting him/her were subject to regular and continuing review and supervision throughout the development process, from the time of contract to the time of delivery.

6. Did those assisting the licensee in the preparation of designs or plans to be stamped/sealed have continuous access to and the guidance from the licensee throughout the development process.

7. Is the design or plan within the specialty ISSUED BY THE BOARD of the engineer who is affixing his or her seal?

**Appendix:**

26 V.S.A. § 1188. Seal  
 (a) Each licensee shall obtain a seal of a design authorized or approved by the board. The seal shall bear the licensee's name and the title "professional engineer."  
 (b) Plans, specifications, plats and reports issued by a licensee shall be stamped with his seal and shall also be signed by the licensee.  
 (c) A person who affixes to a plan or other document the seal of another person shall be fined not more than \$1,000.00 and imprisoned not more than 30 days, or both. (Added 1983, No. 188 (Adj. Sess.), § 2.)  
 \* \* \* \* \*

26 V.S.A. § 1191(c) Unprofessional conduct includes any of the following actions by a licensee:(1) failing to make available, upon request of a person using engineering services, copies of documents in the possession or under the control of the licensee, when those documents have been prepared for and purchased by the user of services;

(2) signing or stamping a design or plan with which the engineer is not familiar, or negligently allowing use of the engineer's professional stamp on such a design or plan;  
 Adopted: September 2003; Revisited: April 2010

**Code of Ethics**

**6.5 Practice Guidelines**

The Board endorses the following Fundamental Principles and Canons of the Code of Ethics of ABET as recommended guidelines for the practice of professional engineering:

**The Fundamental Principles:**

Engineers uphold and advance the integrity, honor and dignity of the engineering profession by:

1. Using their knowledge and skill for the enhancement of the human welfare;
2. Being honest and impartial, and serving with fidelity the public, their employers and clients;
3. Striving to increase the competence and prestige of the engineering profession; and
4. Supporting the professional and technical societies of their disciplines.

**The Fundamental Canons:**

1. Engineers shall hold paramount the safety, health and welfare of the public in the performance of their professional duties.
2. Engineers shall perform service only in the areas of their competence.
3. Engineers shall issue public statements only in an objective and truthful manner.
4. Engineers shall act in professional matters for each employer or client as

faithful agents or trustees, and shall avoid conflicts of interest.

5. Engineers shall build their professional reputation on the merit of their services and shall not compete fraudulently with others.

6. Engineers shall associate only with reputable persons or organizations.

7. Engineers shall continue their professional development throughout their careers and shall provide opportunities for the professional development of those engineers under their supervision.

See Rules via our Web site.

#### **An Easier Way to Expedite Licensure in Multiple States**

Some Professional Engineers wish to obtain licenses in several states, but are discouraged by the need to fill out multiple applications, gather transcripts, verifications of licensure standing from several states, obtain reference letters from supervisors or colleagues, etc.

All applicants must submit a completed Vermont application form to become licensed as a Professional Engineer. Applicants who do not hold an NCEES Record must submit verification from their college(s), verification from state(s) in which they were examined, a chronological listing detailing their active engineering practice, and five references (three of which must be professional engineers licensed in an NCEES jurisdiction). Applicants holding an NCEES Record need only submit the completed application and their NCEES Record.

The NCEES Records Verification Program ([www.ncees.org](http://www.ncees.org)) provides a single application process for licensed Professional Engineers to establish a single file containing the information

required by most states. Once the record is complete, you may request the NCEES to transmit the record to another licensing board by secure electronic format.

Expedited processing is limited to "Model Law Engineers" (MLE) who meet the following criteria:

1. Having ABET-Accredited BS engineering degree, (not BS technology degrees),
2. Having passed the NCEES Fundamentals of Engineering (FE) exam (Engineer Intern formerly known as Engineer in Training),
3. Having four years of acceptable engineering experience since obtaining the BS degree.
4. Having passed the Principles and Practice (P&P) examination.
5. Having no disciplinary action against their license(s).

The typical processing time in Vermont can take up to three months for a conventional application, however we have generally been able to process all pending MLE applications from the NCEES Records Program much faster.

#### **Public Protection**

The Board reminds licensees that its responsibility is public protection; it is each licensee's responsibility to obey appropriate statutes, rules, etc. governing their practice.

Licensees offer services to the public to solve technical problems. The increasing sophistication of laws, regulations, permit processes and technology are often beyond the understanding of the layperson who must rely on licensed professionals for assistance. The professional license

demonstrates technical competency, a commitment to ethical practice and provides a level of assurance to the public in selecting a consultant to work with them in addressing their needs. To each of you who work diligently to uphold our profession's high standards, we applaud you and appreciate your actions to maintain the public trust.

#### **Complaint Process - Disciplinary Actions**

We receive questions concerning disciplinary actions taken against engineers and the complaint process. The process begins when the Office of Professional Regulation receives a complaint alleging unprofessional conduct and screens it to determine whether the complaint relates to someone licensed by the Board of Professional Engineering. The Board notifies the licensee (Respondent) of the complaint and an Investigative Team reviews the facts of the case. The Investigative Team consists of one board member who serves as the expert, an administrator (case manager) and a staff investigator. The Investigative Team then recommends whether to close the case or it consults with a state prosecuting attorney who is responsible for deciding whether to charge the licensee with violating the laws governing professional conduct.

The Board member is primarily a technical advisor to determine the type of information to be obtained and to review the adequacy of that information collected by the investigator.

If the complaint is not supported by the evidence, it may be closed without further action and the affected parties notified in writing. There is no public notice of cases under active review or cases which have been dismissed without action.

If the complaint is supported by the investigation findings, the Investigative Team, including the State Prosecuting Attorney, will determine the proposed course of action and attempt to resolve the matter with the licensee. Often this takes the form of a written stipulation, or agreement, to discontinue the offending activity and may include a reprimand or other action to prevent such infractions in the future. The Board will hold a hearing, if necessary, to take testimony and review the evidence. The Board member who served on the Investigative Team may assist in presenting evidence, but does not participate in the decision or vote on the outcome of the hearing. Disciplinary actions taken against a licensee become public information.

The process is more fully described on our Web site. A summary of disciplinary actions is contained in the annual report issued by the Secretary of State.

### **Disciplinary Actions**

The Office of Professional Regulation issues Press Releases of all disciplinary actions taken during the month. The full text of decisions can be accessed for reading or printing from the OPR Web site noted below. The direct link to the search page is: <http://vtprofessionals.org/opr1/searchdiscipline.htm>.

Disciplinary actions range from warnings, a finding of no unprofessional conduct with an administrative penalty, to revocation. The Board took action against eight licensees since July of 2006.

**Licensee:** G. Norman Schreib (ME)  
**Violation:** The Respondent practiced outside his discipline when he designed an onsite wastewater system requiring a Civil Engineer.

**Sanction:** According to a July 17, 2006 *Stipulation and Consent Order*, the Respondent's license was Warned and he was required to pay a \$1000 Administrative Penalty.

**Licensee:** Dean E. Walker (CE)  
**Violation:** The Respondent violated Vermont Environmental Rule §§ 1-515 with regard to the design of a mound system for a five lot subdivision.  
**Sanction:** According to a July 17, 2006 *Order* the Respondent's license was Warned.

**Licensee:** Shawn P. Dillon  
**Violation:** Unlicensed Practice.  
**Sanction:** According to an October 5, 2007 *Stipulation and Consent Order*, a \$600 Civil Penalty was imposed against the Respondent.

**Licensee:** John M. Willett (STR I)  
**Violation:** The Respondent was subject to discipline in another jurisdiction.  
**Sanction:** According to a February 5, 2009 *Stipulation and Consent Order*, the Respondent's license was Reprimanded.

**Licensee:** William M. Peterlein (CE)  
**Violation:** The Respondent was subject to discipline in another jurisdiction.  
**Sanction:** According to a February 5, 2009 *Stipulation and Consent Order*, the Respondent's license was Warned.

**Licensee:** James A. Clancy (CE)  
**Violation:** The Respondent was subject to discipline in another jurisdiction.  
**Sanction:** According to a June 5, 2009 *Stipulation and Consent Order*, the Respondent's license was Warned.

**Licensee:** Verle G. Duvall (STR I)  
**Violation:** The Respondent was subject to discipline in another jurisdiction.

**Sanction:** According to a June 8, 2009 *Stipulation and Consent Order*, the Respondent's license was Warned.

**Licensee:** B. Dexter Lefavour (CE)  
**Violation:** The Respondent failed to conform to the essential standards of acceptable and prevailing practice.  
**Sanction:** According to a September 17, 2009 *Order* the Respondent's license was Warned and Conditioned. Conditions included quarterly reports from a licensed professional engineer to act as a quality control and coordination review mentor to assist him in improving the quality of his submissions to the Agency of Natural Resources and other agencies.

**Licensee:** B. Dexter Lefavour (CE)  
**Violation:** The Respondent failed to comply with the September 17, 2009 *Order*.  
**Sanction:** According to a March 12, 2010 *Order* the Respondent's license was Reprimanded.

### **Reminders**

1) It is your responsibility to report changes of name and/or address to this Office (See 3 V.S.A. § 129a). With your User ID and Password you may update your address online or send us a fax or E-mail with the information. You must provide evidence of your name change (i.e., copy of marriage license, divorce decree, or other court documents) to the Office.

2) You must report within 30 days convictions, felonies, or other criminal offenses related to the profession (26 V.S.A. 129a (a) (11)).

3) Please note that all of our meetings are public and we encourage you to attend. Meetings are typically held each month with the exception of July. Please contact the Office if you plan to attend a meeting to verify the date and time.

### Engineering Firms

The Vermont Board of Professional Engineering does not license engineering firms (whether in-state or out-of-state), only individuals. The firm will likely need a Certificate of Authority from the Secretary of State Corporations Division, 802-828-2363 or [www.sec.state.vt.us](http://www.sec.state.vt.us) to conduct business in the State of Vermont.

Note: Vermont is a discipline licensure state, therefore if your firm offers multiple disciplines (i.e., civil, electrical, mechanical, structure, etc.) you would need to have more than one person licensed in Vermont to seal drawings containing multiple disciplines.

### New Licensees Recently Passed the P&P

The Board wishes to congratulate all candidates who recently passed the Fundamentals of Engineering and the Principles and Practice Examinations. First licenses as a Professional Engineer (or additional disciplines) were issued to the following individuals who recently passed the P&P Examination administered in October of 2009 and in April of 2010! Good luck to all of you!

October 2009:  
Ryan Barnes, (CE); Peter C. Bero (STR I); Kevin Chandler, (ME); Christine E. Chioffi, (FP); Joshua P. Cook, (ENV); Valarie D. Ellis, (ENV); Ann L. Gammell, (CE); Melanie M. Henderson, (ME); Tim P. Knapp, (CE); Frederick T. McKnight, (ME); Scott C. Michalak, (CE); Matthew T. Murawski, (CE); William W. Park, (CE); Peter Smiar, (CE); Scott A. Tomlinson, (STR I); and Craig Webster, (Electrical & Computer - Power)

April 2010:

Jessica S. Clark, (CE); Briana O. Cronin, (CE); Shawn C. Crowe, (CE); Todd F. Duguay (CE); David T. Hindinger (STR I); Christopher J. Jolly (CE); Katherine Manchester (CE); Benjamin A. Martin (CE); Aaron M. Mattoon, (CE); Maeve McBride (CE); Roslyn Odum, (ENV); Karl Richardson, (CE); Mark Rosolen (ME); Liza Sargent (CE); Eric Simon (ME); Michael Tecci (STR I); Khanh K. Tran (CE); and Jason E. Waysville, (CE)

### Web Site

The Board's Web site, [www.vtprofessionals.org](http://www.vtprofessionals.org), is a great resource for information. There you may find the current statutes and rules. You may check the status of your application, look up a licensee, review disciplinary actions, etc. You will find our updated applications and forms on our Web site. You will also find important announcements such as the ability to renew online!

Lists of licensees may be downloaded from our Web site. The downloaded information now shows disciplines or specialties in which professional engineers are licensed!

### Statistics

Our records currently show a total of 4,030 active licenses, 885 of which are Vermont residents.

Pass rates for the P&P and FE examinations are available via the NCEES Web site at: [www.ncees.org](http://www.ncees.org)

A copy of this newsletter is also available in electronic format on the Board's Web site.

### Annual Report

The Office of Professional Regulation's Annual Report is available online. It contains statistics for all professions regulated within the Secretary of State's Office. The statistics include budgets, complaints, disciplinary actions, number of licenses issued, and so on.

### Contact us

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