



# MAINE PE NEWS

State Board of Licensure for Professional Engineers June 2015  
Volume 15, Issue 1

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## Thoughts While Driving . . . By Mandy Holway Olver, PE

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I recently represented the Maine PE Board at the Combined Zone Meeting for the Central and Northeast Zones of NCEES, the National Council of Examiners for Engineering and Surveying. NCEES is divided into four regional zones and each year meetings are held where officers are elected to represent each Zone for the coming year and topics regarding both engineering and surveying are discussed.

Topics include regulatory issues that affect individual states and the nation, proposed changes to the NCEES Model Law or Model Rules, examination criteria, qualifications for licensure, law enforcement issues, and many other areas of concern. The positions developed at each Zone Meeting are then brought to the Annual Meeting, where they are discussed and voted on by representatives of the 70 member licensing boards from each U.S. state, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Affiliated entities are also represented at the Annual Meeting, but do not vote.

You have all been to meetings where multiple engineers (and in this case surveyors, as well) are present. We can be a pretty vocal and opinionated bunch, and this is truly borne out at these meetings. Strong opinions are expressed about professional licensure and the procedures for making reciprocal licensure for engineering and surveying professionals easier. The participants are mostly volunteers who are giving their time for the betterment of our profession and are passionate about their points of view.

In the December newsletter, we reported to you that the requirement for 30 credit hours of education beyond the Bachelors degree had been removed from the NCEES Model Law. I was surprised to see that this issue is still very much alive at NCEES meetings. This requirement, if put into effect, would require future P.E. candidates to have a Master's Degree or equivalent in order to be eligible for licensure.

I have spent my entire career in Maine and am new to national meetings, so it was surprising to learn that many states strongly favor the added education requirement. In fact, they appear adamant about it. Some state boards also expressed the sentiment that engineering technology students should not be allowed to sit for the NCEES PE exam as they have less theoretical training than other engineering degrees.

Maine statute allows graduates of four-year programs in both engineering and engineering technology to enter the path to licensure. Board members and staff have spent significant time over the last year speaking to student groups to encourage them to take the FE and PE exams. Our position is that the practical knowledge one obtains from working in the field combined with the engineering education is what makes one qualified to become licensed. I am curious what you think about this. Please feel free to email your thoughts on the proposed added educational requirement and/or weigh in about the technology degree issue. [professional.engineers@maine.gov](mailto:professional.engineers@maine.gov)

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## FE Exam Results June 2014 – December 2014

These are the names of the individuals who successfully passed the FE exam between June 1, 2014 and December 31, 2014. Because the FE exam is now exclusively a computer-based examination, there are no longer fixed testing times. Each candidate sets a testing time compatible with their schedule and the availability of seats at the testing center.

Ellsworth Bell	Laboni Haque	Grant Nelson
Gregory Bellamy	Alexandra Jaeger	Thomas Nosal
Joel Brown	Nathan Jones	Laura Pasquine
Michael Dandy	Daniel Kekacs	Travis Peaslee
Samuel Davidson	Richard Meisenbach	Ronald Peterson
Chelsea Dean	Taylor Merk-Wynne	Timothy Reinken
Nicholas Dempsey	Nicholas Merrill	Luke St. Pierre
Haley Francis	Matthew Merritt	Nathan Veilleux
Michel Francoeur	Behzad Nazari Nasrabad	Mao Ye

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## Congratulations to all who passed the October 2014 PE Exam

Kelcy Adamec	Marzieh Hajiaghamemar	Kimberly Stephenson
Ashley Auger	Brandon Havu	Tom Sullivan
Travis Baker	Craig Lakin	Charles Sung
Javad Baqersad	Nicholas Langlais	James Surber
John Beaumont	Daniel Loring	John Trinward
Jonathan Bell	Justin MacDonald	Ryan Wing
Paul Berube	Lance Mahar	Travis Wolfel
Jacqueline Cobb	David Michaud	Gregory Worster
Paul Curtis	Michael Parker	
Trevor Davis	Jeb Pittsinger	
Mackenzie Demkowicz	Tamara Risser	
Brett Deyling	James Rose	
Devan Eaton	Morteza Seidi	
Michel Francoeur	Robert Snelgrove	
Jennifer Gagnon	Christopher Snowdeal	



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# Residential Inspections Are Not Professional Engineering

The law in Maine is clear; residential inspections do not constitute the practice of professional engineering. Maine does not regulate residential inspections or license home inspectors, and the professional engineering statute exempts one and two-family detached residences; therefore, it is not necessary that a residential home inspection be performed by a licensed professional engineer.

The professional engineering statute defines professional engineering as “any professional service, such as consultation, investigation, evaluation, planning, design or responsible supervision of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, wherein the public welfare or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.” 32 M.R.S.A. § 1251 (3).

Under the statutory definition, a consultation or investigation or evaluation of a building or structure would constitute professional engineering, where safety of life, health or property are concerned and engineering principles and data are used. However, under the section related to exemptions, “detached one-family or 2-family residences” are exempt from the requirement for professional engineering unless the local code enforcement officer specifically requires it. 32 M.R.S.A. § 1255 (8)(A). Therefore, unless a CEO mandates the services of a professional engineer, a residential inspection is not professional engineering.

This question came up recently in a complaint resolved by the Board, and resulted in some misunderstanding on the part of some PEs. We hope this article can clarify the specific issues to which the Board was responding.

Complainant reported that he hired Licensee to inspect a residential property. After the inspection was completed the Complainant purchased the property.

During renovations, damage was revealed that led to repairs. Complainant thought the inspection should have revealed some or all of the existing problems with the structure. Complainant filed a complaint with the Board against the Professional Engineer’s license because the Licensee used the term “Engineering” in his business name and signed the residential inspection report with the PE designation in his signature.

The Licensee responded to the complaint by stating that he does residential inspections, and that residential inspections do not require a PE license under Maine statute, and that under the engineering statute the design of “detached one-family and 2-family residences” is exempt, therefore the practice of residential inspections is not professional engineering.

The Board recognized that under established Maine law the performance of a residential inspection is not regulated, and that under the PE statute detached one-family and two-family residences are exempt. The Board therefore dismissed the complaint and issued a Letter of Guidance to the Licensee.

A Letter of Guidance is not discipline. Pursuant to 10 MRSA § 8003(5) (E), a letter of guidance “is not a formal proceeding and does not constitute an adverse disciplinary action of any form,” but it may be accessed and considered by the Board in any subsequent relevant disciplinary action commenced against the license. It is usually kept in the Licensee’s file for ten years.

A Letter of Guidance is intended to clarify best practices for the Licensee based on the specific facts of the particular situation and may warn the Licensee against practices that could result in discipline.

In this instance, the Board cautioned the Licensee about the use of the PE credential if he continued to offer residential inspection services. “Licensees should be wary of represent-

ing themselves as professional engineers when rendering services unrelated to the practice of professional engineering. Invoking the PE credentials in such circumstances might well be construed as a representation that the services being offered are in some way superior to those of other competitors because their value is enhanced by the bearer’s knowledge of professional engineering. The Licensee might then be in a situation where he has committed a misrepresentation and actually implicated his professional engineer license and rendered it subject to possible discipline unnecessarily.”

Given the Licensee’s position that the residential inspection should not implicate his license, the Board strongly encouraged the Licensee to discontinue the use of his PE credential when performing residential inspections and, in light of his use of the term “engineering” in his company name, to include a prominent disclaimer in his contracts and on any reports that no professional engineering services are being performed.

The Board has made no assertion that PEs cannot provide superior inspection services or that a Licensee cannot use PE credentials when conducting building inspections. Certain building or structural inspections would require the services of a licensed professional engineer. However, residential inspections are unregulated in Maine, and would not generally require a PE license.

If Licensees want to offer professional engineering services as part of a residential building inspection, they are not prohibited from doing so. To avoid complications, Licensees should be able to specify for their clients which services provided constitute professional engineering and how their professional engineering license enhances their ability to perform residential inspections.

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## CORRECTION:

In the last issue we published the web addresses of Maine Engineering Societies. Please find corrected links and some additional links below.

**Maine Association of Engineers** -- <http://www.maineengineers.org/contact.htm>

**Maine Section, American Society of Civil Engineers** -- [www.maineasce.org](http://www.maineasce.org)

**The Society of Naval Architects and Marine Engineers** -- [www.sname.org/NewEnglandSection/Home](http://www.sname.org/NewEnglandSection/Home)

**Maine Society of Professional Engineers (MSPE)** -- [www.mespe.org/](http://www.mespe.org/)

**Structural Engineers Association of Maine (SEAM)** -- [www.seam.org](http://www.seam.org)

**Institute of Electrical and Electronics Engineers (IEEE)** -- [www.ieee.org](http://www.ieee.org)

IEEE Maine section homepage -- [www.ewh.ieee.org/r1/maine/me\\_ieee.html](http://www.ewh.ieee.org/r1/maine/me_ieee.html)

IEEE Women in Engineering and Science — <http://www.mainewomeninscience.com/>

**Society of Women Engineers** -- <http://regionf.swe.org/>

**American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE)** — Maine Chapter <http://www.ashraemaine.org/>

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## NCEES Makes Veterans Aware of Exam Fee Benefit

NCEES CEO Jerry Carter recently notified boards that NCEES has updated their records with the Department of Veterans Affairs so that veterans of the U.S. Armed Forces who sit for any of the engineering or surveying exams offered by NCEES can seek reimbursement of the exam fee from the VA no matter where they sit for the exam and no matter where they reside.

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## Renewal Time is Almost Here — Are You Ready?

Your Maine PE license will expire on December 31, 2015, about six months after you receive this newsletter. Ask yourself these questions: “Am I nearing my required 30 PDHs?” and “Can I prove those PDHs if asked?”

Most licensees have some PDHs done at this point but may not know exactly how many or where those pesky certificates are. Maybe you carried some over from last time, or maybe that was four years ago. Time flies. Now is a good time to confirm that you have the documentation to prove 30 PDHs before you renew online. Place them in a paper folder in your desk or an electronic folder on your computer desktop.

If you are audited you need to furnish documentation within 30 days to the board office. We will need our PDH Activity Log completed and signed, plus documentation of all the credits claimed. If it's handy that's easy to do. If you have to reconstruct it, you won't make the deadline. The Board historically conducts three audits after each renewal: the first is a small percentage of those who renew online before December 31; the second is a larger percentage of those who renew between December 31 and March 31; and the third is 100% of those who renew after March 31. Increase your peace of mind — get your PDHs done and documented, and renew online.

June 2015

## Engineers Week Expo at University of Southern Maine

The State Board of Licensure for Professional Engineers was a Leadership Sponsor of the Engineer's Week Expo held on Saturday, March 14, 2015.

Hundreds of children and parents, high school and college students from around the state came to the field house at the USM's Westbrook campus to participate in hands-on engineering experiments, watch demonstrations, and gather information about rewarding careers in engineering.

The USM, UMaine and Maine Maritime engineering programs all had booths. Representatives of many engineering firms were also present.

Next year the Expo will be held on the University of Maine, Orono campus.



## Engineer-Intern Certification and Use of the EI Credential

From time to time we receive communications that indicate there is confusion about the use of the designations "EI" (Engineer-Intern) and "EIT" (Engineer-in-Training). We hope that this brief article can answer some of those questions.

The appropriate designation in Maine is "Engineer-Intern" or "EI." In 1995, the State of Maine revised the engineering statute and officially switched from the Engineer-in-Training designation to Engineer-Intern.

Anyone certified in Maine from 1995 on is an Engineer-Intern and should not use the old EIT designation. Several other states still use the EIT designation, and an individual certified in one of those states can use the EIT designation.

EI (Engineer-Intern) is the correct and current credential in Maine and has been since the statute change in 1995. The only permitted certification in Maine is as an Engineer-Intern.

We also want to clarify that just because someone graduated and passed the FE does not mean he or she can automatically call himself or herself an Engineer-Intern. He or she must be certified by the State of Maine.

To obtain certification as an Engineer-Intern, a candidate must submit an application along with the required fee, provide proof of graduation from an approved four-year engineering program, and pass the NCEES Fundamentals of Engineering Examination (FE Exam).

Once the Application for Certification is reviewed and approved, the applicant receives an Engineer-Intern number and a certificate from the State of Maine. That alone permits the use of the EI credential. Any other use of the credential is prohibited by Maine law.

We still have hundreds of Engineer-Intern applications on file for people who applied, paid the fee, took and passed the FE exam, and then never sent in their transcripts showing their degree. They are not certified, but can be if we can locate them. Many have moved. If you don't have a certificate, perhaps you are one of the non-certified applicants.

Employers should not use the designations "Engineer-Intern" or "Engineer-in-Training" as part of an employee's job title or job designation. This is a professional certification granted by the State and cannot be conferred by an employer.

Employers would be wise to confirm the certification of their employees either by visually inspecting the employee's Engineer-Intern Certificate or by verifying their certification with the board office prior to allowing the use of the credential.

Using the credential improperly or allowing your employees to use the credential improperly could violate Maine Statute or Board Rule and cause a Licensee to be subject to discipline by the Board.



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## NCEES Member Board Administrator Committee

The NCEES MBA Committee Meeting took place in early January in San Francisco. The committee consists of nine MBAs representing all four zones and includes two consultant members (one professional engineer and one professional surveyor who are current board members) and is assisted by NCEES staff. Kathy Hart, the MBA from Oklahoma, served as Chair, and reminded committee members at the outset of the meeting to look beyond the needs of their own states to serve the needs of all licensees. These are global professions and we need to think globally. Board liaison, Patty Mamola, PE, Immediate Past President of NCEES, reminded the committee that it is integral in making licensure mobility a reality. NCEES was created in 1920 by the states to improve licensure mobility between states.

The committee was charged with several tasks related to improving mobility. The committee made recommendations to NCEES staff about changes to the Records program to make the Records more useful, and NCEES staff liaison Steve Matthews presented the concept for a consolidated record system being developed by NCEES. This is an exciting project that will combine all of the currently separate databases: records, credentials, verification, enforcement, and PE applications, into one unified system with a single interface. More information will be forthcoming.

The equivalence of continuing professional competency (CPC) requirements is a significant obstacle to licensure mobility, and given the differing renewal cycles and CPC requirements, it is unlikely that a uniform program will emerge anytime soon. However, the idea of a compromise that would allow licensees two options for completion was proposed, that the licensee either meets the requirements of each state or meets the NCEES CPC Standard of 15 hours of CPC each year that would be accepted by every state.

The committee also looked at whether PE licensees would benefit from the creation of a Licensure Compact like the nurses have. The largest obstacles were perceived to be the impact of lost revenue for states with smaller numbers of licensees and the determination of which standard would be used. Also, some states would refuse to participate because they perceive a compact to be an abdication of a state's sovereign power. The committee will recommend that licensing boards work towards increased licensure mobility within the established framework of NCEES.

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## NCEES Board Presidents Assembly

The biennial NCEES Board President's Assembly was held in Atlanta, GA on February 6, 2015. The Chair of each of the 70 member boards and the Member Board Administrator are invited to the Assembly. The Maine Board was represented by Chair Mandy Holway Olver, PE, and Executive Director David Jackson. Some discussions of interest are below:

NCEES IT guru Steve Matthews showed the proposed unified interface, which combines credentials, exams and results into one system that tracks PEs from application onward. The goal is to create a record that is constantly updated and current. NCEES is also developing a uniform online application system that boards will be able to adopt.

NCEES COO Davy McDowell, PE, highlighted trends from the first year of the computer-based testing (CBT) FE Exam. Registration is open 24/7. The exam was first offered Jan 2, 2014 and is offered in four windows: Jan/Feb, Apr/May, Jul/Aug, Oct/Nov. NCEES is looking at offering the FE year-round. Exam results are available 4-10 days after exam – always on Wednesdays. Pass rates are similar to pencil-and-paper exam pass rates. The number of examinees is down nationwide. People do procrastinate, and NCEES earned \$165,000 in rescheduling fees in 2014. The most times re-scheduled is 14, at a cost of \$700. The most popular day to sit is Saturday, with 30% of exams taken that day.

Tim Miller, PE, Director of Exam Services discussed the conversion of the PE exam to CBT. With 25 different professional exams, it will take time. The FE exam had a single supplied reference book, but that still took years to develop. References for professional exams (PE, PS, SE) are a challenging issue, and NCEES is looking at ways to make available only the materials necessary to support the exam, including embedding materials in the exam, supplying materials from the exam committee and hosting a virtual library for codes and standards that could be accessed during the exam. CBT conversion schedule needs to include allowance for reference materials production. Based on the analysis of the exams, exam reliability would allow shortening of PE from 80 to 70 operational (scored) items, with 10 pretest (non-scored) items. The existing exam time of 8 hours for PE can be preserved. Appointment time would be 9 hours.

Mike Conzett, PE, President-Elect, discussed improving uniformity of continuing professional competency (CPC) requirements. The largest impediment is the variation in renewal cycles and state-specific requirements. The desire is to promote uniform CPC standards and track them with NCEES.

Other discussions of interest include: NCEES is developing a CPC tracking and audit system for free use by licensees and boards, and simplified integrated verifications will reduce verification requests and make the process easier.

## Avoid Discipline — Document Your Professional Development Hours

Prior to renewing his or her license at the end of each odd-numbered year, each Licensee is required to attest that he or she has completed at least 30 hours of professional development (PDHs) during the two-year licensure period. That attestation has legal significance, and should not be taken lightly. Before you renew your license, make sure you check your records and determine that, when audited, you will be able to provide sufficient documentation of 30 professional development hours.

If you need an exemption or a partial exemption because of extenuating situation, hardship or disability, please make your request in writing to the Board prior to renewal. Do not wait until after renewal to ask, and do not renew until your exemption is granted.

When you are audited, you will need to provide documentation sufficient to establish your attendance at or completion of the number of PDHs claimed. You are required to submit a signed PDH Activity Log and full documentation for all PDHs claimed. Failure to provide complete documentation will result in disciplinary action against your license.

Discipline against your license in one state can trigger reciprocal discipline in other states, as well as the loss of the NCEES Model Law Engineer designation, both of which can impact the mobility of your license.

If your PDH total includes any carry-over PDHs from the prior licensure period, you must also provide a signed PDH Activity Log and full documentation from the entire prior licensure period for any claimed carry over. For example, if you have 15 hours of carry-over PDH credit from the previous licensure period, and have completed 15 credits in this licensure period, when you are audited you will provide the signed PDH Activity Log and supporting documentation showing 15 PDHs completed in the current licensure period and a signed PDH Activity Log and supporting documentation showing 45 PDHs completed in the prior licensure period.

Licensees sometimes call the office to ask how many PDHs they claimed last time they renewed their license, so they know how many PDHs they can carry over. The Board does not maintain your PDH records. Board Rule requires that Licensees maintain their own records for three years to support the PDHs they have attested to completing. You have to be able to support your PDH claim when you are audited.

If you do not have full documentation for all of the PDHs that you took in the prior licensure period, meaning your completed and signed PDH Activity Log and all supporting documentation such as certificates or receipts, please do not include those PDHs in your total. You can only count what you can document. If you have documented more than 30 PDHs, you can carry over up to a maximum of 15 PDHs. But your claim must be supportable by documentation that you possess.

When you are audited, don't ignore the audit request. You must respond within 30 days of receiving the audit request. You must send your signed PDH Activity Log with all supporting documentation to the board office. Make sure you complete the PDH Activity Log accurately and sign it. It is helpful if you put the items on the log in the order taken and use the number key to tie the correct documents to the correct lines on the PDH Activity Log.

Please be aware that the wonderful PowerPoint sales presentations you create to increase your company's business do not count as professional development and will not be given credit. Guidance regarding the types of PDHs that are acceptable or not acceptable can be found on the board website under the tab "Already Licensed" on the left navigation under "PDH-Professional Development Hours." Or you can use this link: [http://www.maine.gov/professionalengineers/already\\_licensed/pdh.html](http://www.maine.gov/professionalengineers/already_licensed/pdh.html)

If you are contacted by the board office to supply additional documentation or professional development hours, please respond in a timely manner. Failure to respond to communication from the Board can cause you to be subject to discipline.

If you have questions about specific courses or the sufficiency of documentation, or if you have any questions about your responsibilities for professional development, please feel free to contact the board office at any time. We would be happy to assist you.

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## Renewal reminder: All Maine PE Licenses EXPIRE December 31, 2015

If your license expires, you cannot legally practice  
professional engineering in Maine.

### PDH REMINDER

- To renew, you must ATTEST to completing 30 PDHs.
- If audited, you must PROVE the PDHs claimed.
- If you don't have documentation for the PDH, don't claim it.
- Documentation must be sufficient to prove attendance.
- Keep your Activity Log and PDH records in a paper folder in your desk or in an electronic folder on your desktop. As you receive them, drop the documents into whichever folder you have.
- It's easy to take that folder if you are audited, move or change jobs.