

MINUTES
South Carolina Board for Registration of Professional Engineers and Surveyors
Board Meeting
9:30 a.m., July 20, 2010
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

1. Meeting Called to Order

Chairman Gene L. Dinkins, P.E. and L.S., called the meeting to order at 9:32 a.m. Board Members present were Anderson Kinghorn, Jr., P.E.; Thurl Amick, L.S.; Nancy Cottingham, public member; Theresa Hodge, P.E.; Cecil O. Huey, Ph.D., P.E.; Charles Joye, P.E.; and Miller L. Love, Jr., P.E.

Staff members participating during the meeting included: Jan Simpson, Board Administrator, and Melissa Jones, Program Assistant. Other LLR employees participating in the meeting included: Christa Bell, Assistant General Counsel; Todd Bond, Investigator, OIE; Sharon Dantzer, Deputy General Counsel; Sandra Dickert, OBS; Steve Freshley, Chief Investigator, OIE; Lillia Ann Gray, Assistant General Counsel; and Dean Grigg, Hearing Advice Attorney.

a. Public Notice

Mr. Dinkins announced that public notice of this meeting was properly posted at the S. C. Board of the Registration for Engineers and Surveyors office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

2. Introduction of Board Members and All Other Persons Attending

Mr. Dinkins introduced the Board members. He also introduced Dale Swygert, the new president of SCSPLS.

3. Approval of Agenda

MOTION

Mr. Amick made a motion the agenda be approved as presented. Mrs. Hodge seconded the motion which carried unanimously.

4. Application Hearing

a. Presnell Design Group

From 9:33 a.m. to 10:02 a.m. the Board held an application hearing in the matter of Presnell Design Group. Mrs. Hodge recused herself from participating and voting in this matter and left the room.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION

Mr. Joye made a motion that Mr. Walter Simpson be granted a temporary license and that Presnell Design Group be granted a temporary COA. Mr. Huey seconded the motion, which carried unanimously. [PAI of KY, Inc]

5. Disciplinary Hearings

a. Paul Lawson, Case No. 2009-15

From 10:19 a.m. to 10:40 a.m. the Board held a disciplinary hearing in the matter of Paul Lawson regarding surveying. The hearing was to consider acceptance of a Memorandum of Agreement signed by Mr. Lawson.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION

Mr. Amick made a motion the Board accept the Memorandum of Agreement (MOA) and that Mr. Lawson pay a \$500 fine. Mrs. Hodge seconded the motion, which carried unanimously.

b. Charles Steadman, Case No. 2009-36

From 10:55 a.m. to 11:40 a.m. the Board heard a disciplinary case in the matter of Charles Steadman.

Mr. Dinkins recused himself from participating and voting in this matter as he has prior knowledge of the case.

This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION

Mr. Amick made a motion the Board found there were violations, but the violations do not rise to the level of a sanction. Mr. Joye and Mr. Huey seconded the motion, which carried unanimously.

6. Approval of the May 11, 2010 Board Meeting Minutes

Mr. Kinghorn stated he would like to remove a sentence from the paragraph under "Bidding" for Engineering Services on page six.

MOTION

Mr. Amick made a motion the Board accept the amended minutes from the May 11, 2010 meeting. Mr. Love seconded the motion, which carried unanimously.

7. Chairman's Remarks – Gene Dinkins

Mr. Dinkins stated the NCEES annual meeting will be held in August. The Zone meeting will include discussion of joint Zone meetings, and he encouraged everyone to review the Continuity Guidelines regarding such meetings. He noted a motion came out of the NCEES finance committee that NCEES fund travel for one new board member, appointed within 18 months of the annual Meeting, be funded to attend.

Mr. Dinkins stated he would like the members' input regarding the joint meetings. Mr. Kinghorn stated the members discussed the joint meetings at last meeting and the members were against them. Mr. Dinkins is developing a list of pros and cons of joint meetings. He further stated the Southern Zone meetings are well attended and don't need other Zones to ensure good attendance.

8. **Administrator's Remarks, For Information – Jan Simpson**
- a. Administrative Disciplinary Report – Melissa Jones (Attached)
 - b. Legislative Report – Jan Simpson
No legislative report.
 - c. Administrator's Report – Jan Simpson (Attached)

9. **Office of Investigation and Enforcement Report and Office of General Counsel Report – Todd Bond and Christa Bell**

- a. Number of Investigations
IRC Report
MOTION

Mr. Kinghorn made a motion the Board accept the IRC report. Mrs. Hodge seconded the motion, which carried unanimously.

- b. Number of Open Complaint Cases
- c. Number of OIE Pending Investigations

Mr. Freshley stated there are currently 11 active cases, of which the newest is two days old and oldest is 111 days old.

- d. Number of OGC Pending Hearings

Ms. Gray stated OGC currently has five cases for this Board, three of which are pending final orders.

- e. OGC Case Report

Ms. Gray stated OGC currently has one case on appeal and 11 cases have been closed since January 2009.

10. **Unfinished Business**

- a. Approval of draft for Jurisdiction Examination

Ms. Simpson stated she followed the North Carolina jurisdiction examination. She asked the Board members to review the document and let her know of any corrections.

Discussion regarding the jurisdiction examination ensued and included topics such as the development of a cut score, the pass score and a set time limit to take the exam.

MOTION

Mr. Amick made a motion the Board accept the jurisdiction examination in concept and allow a committee to develop a final draft given the parameters of a one-hour open book with a minimum of 30 questions and a maximum of 40 questions and a pass cut score rate of eighty percent (80%) or higher of the total number of questions. Mr. Love seconded the motion, which carried unanimously.

- b. Request for exemption from continuing education requirements – Military Duty – Thomas Boyle

Thomas Boyle submitted documentation for the Board's review to prove he had actually been deployed. He is not a government employee but was a contract employee and was deployed a substantial portion of the licensing period. He is asking for a waiver or to be relieved of the responsibility of having to obtain continuing education for the licensing period which just ended.

Ms. Simpson believes he does want to retain his professional engineer's license. Discussion included access to online continuing education courses and a myriad of other opportunities available to anyone with access to the Internet.

MOTION

Mr. Joye made a motion the Board deny Mr. Boyle's request. Mr. Love seconded the motion, which carried unanimously.

c. SCSU/USC joint curriculum update

Mr. Dinkins stated there is no new information nor are there new developments since the May 2010 meeting.

Ms. Simpson presented the members with an email regarding the joint curriculum which she received a few days after the May 2010 Board meeting.

d. Building Official Manual – Jan Simpson

Ms. Simpson stated the building official's manual was reviewed in 2005. She further stated the manual was given to Skip Lewis, PE, for review; however, she does not know if he reviewed the manual. She noted members from the Architects Board are willing to meet with members of the Board regarding the manual.

Mr. Joye suggested a couple of dates in August to meet. Mr. Kinghorn and Mr. Joye will meet with the representatives from the Architects Board. They will be joined by Richard Cottingham, PE.

Lunch

The Board recessed for lunch at 12:00 p.m. and resumed public session at 12:20 p.m.

Return to Public Session

11. New Business

a. Continuing Education Exemptions for Surveyors – Thurl Amick

Mr. Amick stated two surveyors have been out of work for approximately two years and have asked him if they could be exempted from continuing education. He is not sure either individual would qualify; however, from reading a letter from Ms. Dantzler the Board is not authorized to grant exemptions from obtaining PDHs.

The Board discussed receiving PDH credits by attending board meetings and the use of educational funding to sponsor 15 hours of continuing education events annually. The Board also discussed the possibility of broadcasting webinars over the Internet from the agency.

b. Engineer Technology Review Committee -- Gregory Day (Mechanical), Thomas Robinson (Electrical), Michael Henry (Electrical), James Nagel (Civil), Timothy Kirby (Civil), Douglas Draffen (Civil), and Bradley Dickerson

MOTION

Mrs. Hodge made a motion the Board approve Mr. Day for licensure. Mr. Love seconded the motion, which carried unanimously.

MOTION

Mrs. Hodge made a motion the Board grant licensure to the above-referenced individuals. Mr. Kinghorn seconded the motion, which carried unanimously.

c. Parameters and Eligibility for IRC Members – Gene Dinkins

Mr. Dinkins stated he feels it is important to set parameters and eligibility for IRC members. He suggested the Board meet with the IRC members on a regular basis and to elect them on an annual basis.

Discussion ensued regarding the IRC composition and how often the committee meets.

d. Schedule Board Meeting Dates for 2011

The Board scheduled the following meeting dates for 2011:

January 25, 2011	March 22, 2011	May 17, 2011
July 19, 2011	September 27, 2011	November 15, 2011

The Board also cancelled the meeting scheduled for October 26, 2010, and scheduled meetings for September 21, 2010 and November 18, 2010.

Record Drawing Policy

Mr. Kinghorn brought up a difference in the Board's 1991 policy and a recent revised policy on Record drawings. He believes the current policy is vague and difficult to interpret. Discussion on the policy and the use of a seal on record drawings ensued.

Mr. Dinkins asked Mr. Kinghorn if the Board could postpone further discussion and a possible determination to the next meeting to which Mr. Kinghorn agreed.

12. Discussion Topics

a. History of Funding

Mr. Dinkins asked Mr. Joe Jones to speak on how the Board has been assisting in funding educational opportunities.

Mr. Jones stated over 300 individuals, including speakers, participants, and spouses, attended the conference held in June, the largest attendance ever. The engineers association has approached the land surveyors state association about holding a joint conference; however, he does not think it will happen in 2011. He noted the engineers association has booked the Marriott in Hilton Head for the 2011 conference. The board has funded \$27,000.00 total for educational activities since the Education Fund was started.

Ms. Simpson will send a letter with this information to the House LCI chairmen, as required by the statute.

b. NCEES 2010 Annual Meeting Motions

Mr. Dinkins stated there was insufficient time to review all motions at this time; however he touched on the highlights of the Annual Meeting earlier in the meeting and encouraged everyone to be familiar with all motions.

c. Surveyor Education – Thomas Brooks, Jr.

Thomas Brooks appeared before the Board in January 2010 to request the board accept his education for comity licensure. Mr. Dinkins noted Mr. Brooks has several college courses but does not have a two-year degree or a four-year degree, as SC law requires. Ms. Simpson

stated Mr. Brooks is a comity applicant and when the Board allowed him to appear during the January 2010 meeting, the Board asked for documentation to show he meets the Board's requirements. Mr. Brooks submitted documentation showing courses he has taken through the International Correspondence Schools in Pennsylvania, but he holds a diploma, not a degree.

MOTION

Mr. Amick moved the Board deny Mr. Brooks to take the state specific exam because he does not hold a degree. Mrs. Hodge seconded the motion, which carried unanimously.

13. Board Member Reports

- a. NCEES Board – Gene Dinkins

No report.

- b. NCEES Committee Reports

No report.

- c. Other NCEES Committee Reports

No report.

14. Public Comments

No public comments were made during this meeting.

15. Executive Session

The Board did not enter executive session.

16. Adjournment

MOTION

Mr. Joye made a motion the meeting be adjourned. Mr. Huey seconded the motion, which carried unanimously.

The July 20, 2010 meeting of the SC Board of Professional Engineers and Land Surveyors adjourned at 2:20 p.m. The Board left to attend the semi-annual Licensing Ceremony at the State House at 3:00 p.m., sponsored by SCSPE, honoring individuals who passed the April exams and are newly licensed engineers and surveyors in South Carolina.

See attachments

Administrator's Report
SC Board of Professional Engineers and Surveyors
July 20, 2010

Financial Report – A newly formatted financial report is available for review at today's meeting but is not yet in reader-friendly format. At the next Board meeting, you will have an opportunity to discuss formatting preferences for future financial reports.

Staffing Changes – Effective this week, Miriam Berry, Tiffany Conelly, and Wanda Cooke have been reassigned to LLR's Office of Licensure and Compliance (OLC) in various capacities. Tiffany Conelly will continue to process engineer and surveyor applications, while Wanda Cook might continue to handle portfolio applications. Miriam Berry will work in the renewals section. We are still in the process of sorting out responsibilities. The remaining staff—Melissa Jones, Alice Richardson, Sherri Moorner, and I—will be responsible for board meetings, laws and regulations, hearings, and "non-routine" applications.

Landscape Architects Board – The Board of Landscape Architectural Examiners (formerly an Advisory Council under the Department of Natural Resources) has moved to LLR, and their long-time employee, Sherri Moorner, came with the Board. Sherri is a welcome addition to our staff. She will continue to handle licensing for the Board and will eventually assist with work for the Board of Professional Engineers and Surveyors as well as the Board of Architecture.

Consent Agreement Log for 2010

Name	Date Sent	CA #	Time lapsed	Fees	# of Projects	Violation
LW Engineering, PC	1/21/2010	CA 001-10	No COA	\$35,000.00	1	Unlicensed Practice
Hodnett/Hurst Engineers, Inc.	1/21/2010	CA 002-10	No COA	\$ 4,000.00	1	Unlicensed Practice
Gray Surveying & Mapping, LLC	2/23/2010	CA 003-10	No COA	\$7,440	24	Unlicensed Practice
Betzwood Assoc.	2/23/2010	CA 004-10	No COA	\$4,000	1	Unlicensed Practice
Nodarse & Assoc.	3/22/2010	CA 005-10	No COA	\$134,886	3	Unlicensed Practice

Engineers Cease and Desist Orders for 2010		
Name	Date Issued	Reason
LW Engineering, PC	1/21/2010	Unlicensed practice
Hodnett/Hurst Engineers, Inc.	1/21/2010	Unlicensed practice
Gray Surveying & Mapping, LLC	2/23/2010	Unlicensed practice
Betzwood Assoc.	2/23/2010	Unlicensed practice
Nodarse & Assoc.	3/22/2010	Unlicensed practice
Signet Engineering (Hearing 5/11/10)	4/29/2010	Unlicensed practice

Engineers and Surveyors LOC for 2010	
Date Issued	Nature of Violation
2/23/2010	NC Bd sanctions for surveying violations
5/27/2010	AL Bd sanction for non-compliance with CE Audit in 2007

Engineers and Surveyors Hearings 2010			
Name	Hearing Date	Violation	Board Sanction
Eastover Engineering	1/19/2010	Practice with lapsed COA (3/31/06)	Denied reinstatement
Soney FM	1/19/2010	Unlicensed practice	Letter of Caution
Thomas Brooks	1/19/2010	Applicant appealed non-acceptance of application	Applicant needs an education
Eswar Burra	1/19/2010	Applicant is appealing Board's denial	Granted license
Christopher Vail	3/16/2010	Wants the board to count his work experience after he graduated in December 1998	Approved for PE 10/2010 Exa
Lisa Wells	5/11/2010	Applicant is not currently licensed in another state & license expired in 2001	Granted license
Signet Engineering	5/11/2010	Rejected Consent Agreement and requested hearing	COA granted with \$500 fine a

(Report as of July 19, 2010)