

MINUTES
SOUTH CAROLINA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS
9:30 A.M., AUGUST 12, 2013
SYNERGY BUSINESS PARK, KINGSTREE BUILDING
110 CENTERVIEW DRIVE, ROOM 105
COLUMBIA, SC

Call to Order

Chairperson Hodge called the meeting to order at 9:36 a.m.

Statement of Public Notice

Chairperson Hodge stated that public notice of this meeting was properly posted at the South Carolina Board of Registration for Professional 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.

Introduction of Board Members and Other Persons Attending

Board members present included Theresa Hodge, PE, Chairperson; Dennis J. Fallon, Ph.D, PE, Secretary; Gene L. Dinkins, PE, PLS; John P. Johnson, PE, PLS; Miller L. Love, Jr., PE; and Nancy W. Cottingham.

Mrs. Hodge announced that Timothy Rickborn, PE, was unable to attend the meeting due to a family emergency.

Staff members present included Lenora Addison-Miles, Administrator; Sherri Moorer, Program Assistant; Sara McCartha, Esq., Advice Counsel; and Erin Baldwin, Esq., Office of General Counsel.

Others present included Stella Hammond; Joe Jones; Adam B. Jones; Ronnie L. Tyler; Daniel Fanning; Kim Long; Kent Hudson; Charles Jordan; Andrew Wadsworth, Sr., Kevin Adams; Bob Whorton; Marguerite McClam; Theodore McAnlis; William Miller; and Jennifer Cash (Creel Court Reporting).

Wade Stout participated by telephone conference call.

Approval of Meeting Minutes

MOTION: To approve the July 10, 2013, meeting minutes. Johnson/Fallon/approved.

Review of Agenda

MOTION: To approve the agenda of the August 12, 2013, meeting. Fallon/Johnson/approved.

Education and Research Funding Requests

- a. Joe Jones presented a funding request for the SCSPE Fall Symposium. A breakdown of expenses that have been allocated to the education process were provided to the Board.

MOTION: To approve the \$10,000 for the SC Engineering Conference as requested. Dinkins/Fallon/approved.

Discussion Issues

- a. The Board discussed the Fundamentals of Engineering Examination Exemption Review Procedures.

MOTION: That all applications requesting an FE exemption come before the Board for review at regularly scheduled meetings. Love/Dinkins/approved.

- b. Mrs. Miles told the Board that a question has been posed about whether contractors doing foundation repair work need a Certificate of Authorization. The Board discussed the issue and determined that if the action requires a PE to seal the work, then the firm needs a Certificate of Authorization to provide the service.
- c. Mrs. McCarthy told the Board that the Department has set up a secure website for distribution of applications for review and Board meeting handouts. The purpose of this website is to increase applicant security by eliminating shipping of paper documents that contain confidential information. Mrs. Hodge assisted with a "trial run" of the site and said that it worked well, but that the sign-off sheet for applications needs to be updated to accommodate the new review procedures. Mrs. Moorer told the Board that staff is working on updating this form. Mrs. McCarthy told the Board that it's not feasible to post the surveying applications on the secure website at this time, as there's not a way to digitize the plat submittals that are required to accompany the application. Those applications will continue to be shipped to the Board members reviewing surveying applications. Mrs. Moorer distributed the log-in information for the secure website to each Board member, along with a staff member assignment for application reviews. She said the Engineering Portfolio Committees will also be use the secure website for distribution of portfolios. The Board agreed to use of the secure website, but requested that the Board meeting handouts be provided the day of the meeting.

Office of General Counsel Disciplinary Hearings

- a. Charles C. Jordan appeared before the Board for a disciplinary hearing. The State was represented by Erin Baldwin, Esq. This matter was recorded by a court reporter in order to produce a verbatim transcript, should one be necessary.

MOTION: To enter executive session for legal advice. Dinkins/Fallon/approved.

MOTION: To exit executive session. Johnson/Love/approved.

MOTION: To change the caption of the case to put the Memorandum of Agreement in the name of the individual and firm (Jordan & Scala Engineers, Inc).

MOTION: To accept the Memorandum of Agreement against Jordan & Scala Engineers, Inc and to delete Mr. Jordan as a respondent and a \$5,000 fine to the firm. Dinkins/Fallon/approved.

MOTION: To dismiss this matter as presented as Memorandum of Agreement against Mr. Jordan but issue a private letter of caution to Mr. Jordan with no fine. Dinkins/Fallon/approved.

- b. Kevin R. Adams appeared before the Board for a disciplinary hearing. The State was represented by Erin Baldwin, Esq. This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION: To enter executive session for legal advice. Johnson/Fallon/approved.

MOTION: To exit executive session. Love/Fallon/approved.

MOTION: That Kevin R. Adams be issued a letter of public reprimand and a fine of \$2,000. Johnson/Fallon/approved.

- c. David R. Day submitted a Consent Order to voluntarily relinquish his individual license to practice Engineering in the State of South Carolina. Mr. Day did not appear for the hearing. The State was represented by Erin Baldwin, Esq. The matter was recorded by a court reporter in order to produce a verbatim transcript, should one be necessary.

MOTION: To accept the Consent Order. Dinkins/Fallon/approved.

- d. Earl N. Strom submitted a written admission to conduct in his disciplinary case. Mr. Strom did not appear for the hearing. The State was represented by Erin Baldwin, Esq. The matter was recorded by a court reporter in order to produce a verbatim transcript, should one be necessary.

MOTION: To enter executive session for legal advice. Dinkins/Fallon/approved.

MOTION: To exit executive session. Love/Cottingham/approved.

MOTION: To place Mr. Strom in probation until his license in the State of California is in good standing. The license is subject to administrative suspension if Mr. Strom violates any laws or regulations during his suspension. Fallon/Dinkins/approved.

- e. Daniel Fanning appeared before the Board for a disciplinary hearing for his firm, Fanning & Company. The State was represented by Erin Baldwin, Esq. This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION: To enter executive session for legal advice. Johnson/Love/approved.

MOTION: To exit executive session. Cottingham/Love/approved.

MOTION: To fine Fanning & Company in violation of all allegations of the formal complaint with a fine of \$1,000 per violation (\$4,000 total fine) and a public reprimand. All fines must be paid prior to reissuance of Certificate of Authorization. Johnson/Fallon/approved.

The Board broke for lunch from 12:52 p.m. to 1:36 p.m.

Application Hearings

- a. Mr. Gary Wade Stout appeared for a collusion hearing by telephone conference call. Mr. Bob Whorton with NCEES presented information on the collusion report. This matter was recorded by a court reporter in order to produce a verbatim transcript, should one be necessary.

MOTION: To close the hearing due to the confidentiality of the examination process. Love/Johnson/approved.

MOTION: To enter executive session for legal advice. Dinkins/Fallon/approved.

MOTION: To exit executive session. Dinkins/Fallon/approved.

MOTION: To release Mr. Stout's score for the April 2013 Fundamentals of Engineering Examination. Dinkins/Love/approved.

MOTION: To hold Ian Fredrickson's April 2013 Fundamentals of Engineering Examination score until he appears before the Board regarding the NCEES Collusion Report. Dinkins/Fallon/approved.

MOTION: To return to open session. Cottingham/Dinkins/approved.

- b. Mr. Theodore McAnlis appeared before the Board for an application hearing. This matter was recorded by a court reporter in order to produce a verbatim transcript, should one be necessary.

MOTION: To enter executive session for legal advice. Fallon/Dinkins/approved.

MOTION: To exit executive session. Love/Johnson/approved.

MOTION: To approve the comity application upon receipt of documentation from the State of Ohio that the examinations Mr. McAnlis took were substantially equivalent to NCEES Standards at the time and review by the Board chair. If such documentation cannot be provided, Mr. McAnlis will be approved for licensure upon taking and passing the PE examination. Dinkins/Fallon/approved.

- c. William Miller appeared for an application hearing for B-SAFE Engineering, LLC. This matter was recorded by a court reporter in order to produce a verbatim transcript, should one be necessary.

MOTION: To enter executive session for legal advice. Fallon/Dinkins/approved.

MOTION: To exit executive session. Cottingham/Fallon/approved.

MOTION: To issue a Certificate of Authorization to B-SAFE Engineering, LLC with a \$500 fine. Johnson/Dinkins/approved.

- d. The Board reviewed the Education Evaluation provided for Mr. Avtar Pall. Mr. Pall appeared for an application hearing at the July 10, 2013, meeting. Dr. Castro found Mr. Pall's education to be substantially equivalent to EAC/ABET program standards at the time the degree was conferred. The BS alone met the criteria.

MOTION: To license Avtar Pall by comity. Love/Dinkins/approved.

Notice of Next Meeting

The NCEES Annual Meeting will be held on August 21-24, 2013, in San Antonio, Texas.

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, September 24, 2013 at the SC Department of Labor, Licensing and Regulation, Synergy Business Park, Kingstree Building, 110 Centerview Drive, Room 108, Columbia, SC and will begin at 9:30 a.m.

There being no further business:

MOTION: To adjourn. Dinkins/Johnson/approved.

The meeting adjourned at 3:17 p.m.

Respectfully Submitted,



Sherri F. Moorer, Program Assistant