

MINUTES
SOUTH CAROLINA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS
9:30 A.M., JANUARY 29, 2013
SYNERGY BUSINESS PARK, KINGSTREE BUILDING
110 CENTERVIEW DRIVE, ROOM 108
COLUMBIA, SC

Call to Order

Chairperson Hodge called the meeting to order at 9:35 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; Timothy W. Rickborn, PE, Vice-Chairman; 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.

Staff members present included Jan B. Simpson, Administrator; Sherri Moorer, Program Assistant; Sara McCartha, Esq, Advice Counsel; Darra Coleman, Esq., Advice Council; Christa Bell, Esq., Office of General Counsel; and Stella Hammond, Investigator, Office of Investigation and Enforcement.

Others present included Jill Vickers, Creel Court Reporting; Kent Hudson; Kim Long; Brian Pietras; Thomas Gordon McLeod; Peden McLeod; Tad McLeod; Walter J. McLeod, III; Richard Mitchell; Scott Woods; Irving Peters; William C. Boineau; and Greg Jennis.

The Board welcomed John P. Johnson as a new Board member.

Approval of September 11, 2012, Meeting Minutes

MOTION: To approve the minutes of the November 14, 2012 meeting and the December 11, 2012 conference call. Love/Fallon/approved.

Review of Agenda

Chairperson Hodge reported that the Ira Hardwick hearing will be continued at the request of the respondent's attorney.

MOTION: To approve the agenda for the January 29, 2013, meeting with appropriate revisions. Love/Rickborn/approved.

Reports

- a. Investigations – Stella Hammond reported that no new cases have been opened in OIE since the last meeting. The IRC met on January 23, 2013.

MOTION: To accept the January 23, 2013 IRC Report. Love/Dinkins/approve.

- b. Office of General Counsel (OGC) – Christa Bell reported three cases in OGC. One case is pending action, one is pending a hearing, and one is on appeal.
- c. Administrative Report – Ms. Simpson reported that the Board Presidents’ Assembly will be held in Atlanta, Georgia, on February 8-9, 2013. She will attend with Theresa Hodge and Gene Dinkins. There will be a discussion on Computer Based Testing (CBT) at this meeting.

Online FE applications are now available to senior students at Clemson University, the University of South Carolina, The Citadel, South Carolina State University, and Bob Jones University. The applicant’s information goes directly into the Department database, eliminating staff data entry. Staff sends a confirmation email upon receipt and verification of the application information. To date, approximately 175 students have applied online. Staff will coordinate with NCEES and the universities to ensure accuracy of all candidate lists.

Firm licenses expire on March 31, 2013. Online renewals began on January 4, 2013 a three month renewal window.

Ms. Simpson told the Board that she will retire on June 30, 2013. Her position will be posted soon and will also be announced on the Board’s website.

The Southern Zone meeting will be held in Biloxi, Mississippi, on April 4-6, 2013. Theresa Hodge, Gene Dinkins, Miller Love, Jr., Nancy Cottingham, John Johnson, and Jan Simpson will attend the meeting.

Ms. Simpson distributed a recent memo from NCEES regarding the initiation of computer-based testing.

- d. Mrs. Pisarik discussed budget issues and explained some of the budget categories.
- e. Board Member Reports – Mrs. Hodge reported that Charles M. Joye II has resigned from the Board to accept a position on the Department of Health and Environmental Control’s Board. A replacement will be appointed for his vacant seat.

Mr. Love reported that the Uniform Procedures & Legislative Guidelines Committee (UPLG) met on January 24-26, 2013. Minor modifications to the model law will be proposed. The committee reviewed the code of ethics which was done by the Law Enforcement Committee in 2011 – 2012. UPLG will recommend that each committee give rationale for proposed modifications to UPLG.

Mrs. Hodge reported on the Law Enforcement Committee meeting held January 27, 2013. The committee will develop a webinar that will be held in late March. The committee will not bring any new charges or motions before NCEES at the annual meeting..

Mr. Dinkins reported that the Advisory Committee on Council Activities (ACCA) met on January 11, 2013. They will recommend that NCEES fund all new members and new Member Board Administrators who were appointed to the annual meeting within eighteen months of their appointment. The committee studied the possibility of allowing early entry into the PE by not requiring four years of experience to take the exam. Acceptable experience would still be

required to obtain licensure. ACCA discussed the definition of “engineering” in the Model Law and will recommend to UPLG that they come up with a comprehensive definition of “engineering.” The committee recommended referral of a charge to the education committee to substitute the NCEES education standard for EAC/ABET coursework that is “substantially equivalent” to ABET. ACCA recommends the creation of a Young Professional Engineers and Surveyors Consulting Group (YPES) that would provide the NCEES Board of Directors with a perspective from younger licensees. The committee will come up with a process so members of YPES would be nominated by each state and selected by zone officers, with a one or two member committee from each zone. ACCA researched remote participation for zone attendees at annual meetings so zones prohibited from travel by state law can participate in these meetings. The committee researched the eligibility requirements for the office of president-elect. Due to term limits in some states, the committee will propose dropping the requirement from four years to three years.

Mr. Dinkins reported that the Mobility Task Force met January 26-27, 2013. The task force is going to great lengths to recommend a process where it’s easier and faster to become licensed and maintain licensure in multiple states. They will propose expanding the current records program so there will be an “enhanced record holder” designation that includes background checks and continuing education audits. States could voluntarily opt in the program, which would expedite paperwork for licensure applicants.

Ms. Simpson reported that all NCEES customers will be combined into one database system and verifications will be electronic. Employment verifications and references will be done through a secure portal. All records will be updated to the new format. NCEES will maintain records on ABET accredited institutions so they will be recognized as soon as applicants enter their degree information in the system. There will be a focus group discussing this at the Board Presidents’ Assembly meeting.

Office of General Counsel Hearings

The hearing for Ira Hardwick was postponed after OGC agreed to a request for a continuance.

Application Hearings

- a. Scott Woods appeared before the Board for an application hearing for comity licensure as a Professional Engineer. He indicated that he worked in SC prior to licensure. 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/Love/approved.

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

Mrs. Hodge said no votes were taken during executive session

MOTION: To grant Mr. Woods’ license by comity with conditions; however, based upon our longstanding requirement that consultants and those other than full time employees of the government be licensed and based on federal acquisition register 36-20-4 of 2011, that Mr. Woods be given a public reprimand and a \$500 fine. Dinkins/Fallon/approve.

- b. Thomas Gordon McLeod appeared before the Board for an application hearing to reinstate his surveyor's license after practicing while his license was lapsed. 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/Rickborn/approved.

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

Mrs. Hodge said no votes were taken during executive session.

MOTION: To reinstate Mr. McLeod's license to practice surveying after obtaining documentation of 30 professional development hours, issuance of a public reprimand, and payment of a \$500 fine. Dinkins/Fallon/approved.

Unfinished Business

- a. The Board discussed the acceptance of online engineering programs and Distance Education Degree Programs (DEDP).

MOTION: To accept EAC/ABET accredited online programs and DEDP programs. Fallon/Love/approve.

- b. Ms. Simpson reported that the Department will post a reporting form for continuing education for use by licensees. NCEES also has a similar online reporting program in place.
- c. Dr. Castro, the Board's education consultant, contacted Mr. Dinkins regarding the differences between the NCEES Education Standard and the EAC/ABET standard. The major difference is that the ABET standard requires a capstone design course and NCEES does not have a similar requirement. The NCEES Education Committee met in December and decided not to make changes to the NCEES standard, but Mr. Dinkins, NCEES President, will ask them to consider Dr. Castro's request when they meet in February.

New Business

- a. Ms. Simpson reminded the Board to file the Statement of Economic interest by the April 15, 2013 deadline. Mrs. Moorer referenced the accounting statement and instruction booklet from the State Ethics Commission in their meeting packets for assistance. Mrs. Coleman suggested contacting Holly Beeson for assistance when filing their reports.
- b. The Board discussed administrator and Board member travel.

MOTION: To authorize staff as necessary to travel to NCEES annual meeting, zone meeting, committee and task force meetings, statewide engineering and surveying meetings, and other meetings sponsored by NCEES such as Board Presidents' Assemblies, MBE forums, and the like as directed by this Board. Dinkins/Love/approve.

MOTION: To authorize Board members as necessary to travel to NCEES annual meeting, zone meeting, committee and task force meetings, statewide engineering and surveying meetings, and other meetings sponsored by NCEES such as Board Presidents' Assemblies, MBE forums, and the like as directed by this Board. Dinkins/Love/approve.

- c. The Board discussed qualifications - based selection for a DHEC request for proposals. DHEC is seeking surveying services but the RFP did not require that the proposer be a licensed surveyor in the State of South Carolina. The scope of solicitation needs clarification, as the Board believes this falls under the practice act. DHEC also falls under the Mini-Brooks act, so this should be qualifications based service and not a request for proposals. Ms. Simpson will ask DHEC to clarify the requirements on this request. A Cease and Desist may need to be issued to the party rewarded the contract if they are not a licensed surveyor in South Carolina.
- d. Ms. Simpson told the Board that she found a response on the NCEES Basecamp stating that the Surveyor's Board in Florida does not require that an employee be physically located in the office to qualify for a Certificate of Authorization, or that a surveyor can only serve as being in responsible charge of one office. She would like for the Board to consider the implications of electronic and remote supervision of services, as this may be an issue for discussion in the future.
- e. Mr. Love is running for Southern Zone Vice-President, along with Terry Ratcliff from North Carolina and Dan Turner from Alabama. In other elections, Skip Harclerode and Dave Windmer of Pennsylvania are running for NCEES President, and Gary Thompson from North Carolina is running for NCEES Treasurer.

Funding Requests

- a. Kent Hudson with the SC Society of Professional Land Surveyors (SCSPLS) presented a funding request in the amount of \$18,175.00 for the Education Conference and Trade Show to be held in Columbia, SC on February 7-8, 2013. The conference will provide fifteen hours of continuing professional competency.

MOTION: To approve the SCSPLS funding request as proposed. Dinkins/Cottingham/approved.

Other Business

- a. The Board reviewed a special accommodation request for the April 2013 State Specific Exam.

MOTION: To grant special accommodation upon demonstration of preparation work for the exam. Dinkins/Fallon/approved.

- b. The Board discussed ideas for the 2014 Southern Zone meeting, which will be held in Charleston, SC. An invitation to the meeting will be extended at the Southern Zone Meeting in Biloxi, Mississippi on April 4-6, 2013, and a video of Charleston will be shown.
- c. Mrs. Moorer asked the Board if it is acceptable for senior students at out of state schools to take the FE in South Carolina. The Board instructed staff to accept students from out of state schools for the FE if they provide a paper application form and a letter from their dean stating that they are anticipated to graduate within two semesters and have permission to sit for the exam.

Miss Simpson asked the Board to consider allowing direct registration for FE candidates once computer based testing is implemented in 2014. This will be discussed at a future meeting.

- d. The Board will host a luncheon for former Board members at the March 26, 2013 meeting. Mr. Dinkins will work on arrangements for the luncheon.

Public Comments

- a. Kent Hudson thanked the Board for approving the SCSPLS funding request. Invitations to the luncheon on February 7, 2013 have been sent to Board members and staff.
- b. Brian Pietras asked for an update on the proposed statute changes. The Board said there is no new information available to date.

There being no further business:

MOTION: To adjourn. Love/Johnson/approved.

The meeting adjourned at 2:15 p.m.

Respectfully Submitted,



Sherri F. Moorer, Program Assistant