

MINUTES
SOUTH CAROLINA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS
9:00 A.M., JULY 10, 2013
SYNERGY BUSINESS PARK, KINGSTREE BUILDING
110 CENTERVIEW DRIVE, ROOM 105
COLUMBIA, SC

Call to Order

Chairperson Hodge called the meeting to order at 9:00 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 Lenora Addison-Miles, Administrator; Sherri Moorner, Program Assistant; Debbie Granger, Program Assistant; Sara McCartha, Esq., Advice Counsel; Erin Baldwin, Esq., Office of General Counsel; Christa Bell, Office of General Counsel; Todd Bond, Office of Investigations and Enforcement; Sharon Wolfe, Office of Investigations and Enforcement; and Sharon Cooke, Investigator, Office of Investigation and Enforcement.

Others present included Todd Rutherford, Esq.; Frank Smith, Esq.; Bill Edelen; Brian Petras; Ronnie L. Tyler; Avtar Pall; Ralph G. Neigenfind; Kim Long; Gary Bradley; Jeff Mulliken; Joe Moss; Nelson Hardwick; Ira Hardwick; Joe Jones; Jim Justus; and Mary Occhipinti (Creel Court Reporting).

Approval of Meeting Minutes

MOTION: To approve the minutes of meetings on March 26, 2013; April 29, 2013; and May 9, 2013. Johnson/Fallon/approved.

Review of Agenda

Chairperson Hodge requested that Item 13 (Education and Research Fund Requests) be moved before item 12 (New Business) on the agenda.

MOTION: To approve the proposed agenda changes. Love/Fallon/approved.

Licensure Recommendations – Engineering Technology Review Committee

Mrs. Moorner presented licensure recommendations from the Civil Engineering Portfolio Review Committee.

MOTION: To approve the following individuals for licensure due to favorable committee recommendations: Edin Beho; Thomas Edwin Morris; James Anthony Lusk; Joe Moss; Bryan K. Imhoff; Ralph Neigenfind; and Robbie E. Rahn. Fallon/Love/approved.

Gary B. Bradley Application Hearing

Gary B. Bradley appeared before the Board for an application hearing for comity licensure as a Professional Engineer. Mr. Bradley did not receive a favorable review from the portfolio review committees and requested to exercise his right to an application hearing. He was represented by Frank Smith, Esq. The matter was recorded by a court reporter in order to produce a verbatim transcript, should one be necessary. Dr. Fallon and Mr. Johnson recused themselves from the hearing, as they served on the portfolio review committees that made the recommendations on Mr. Bradley's case.

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

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

Mrs. Hodge stated that no votes were taken in executive session.

MOTION: That Mr. Bradley not be issued an engineering license due to the fact that he has not demonstrated sufficient rigor in scope or depth of qualifying experience as required by Section 40-22-222. Dinkins/Love/approved.

Application Hearings

- a. Avtar Pall appeared before the Board for an application hearing for comity licensure as a Professional Engineer. Mr. Pall was not able to provide official transcripts from his education with the University of Sussex in Great Britain and has requested to exercise his right to 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/Rickborn/approved.

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

Mrs. Hodge stated no votes were taken during executive session

MOTION: To defer action on Mr. Pall's application until the Board education consultant can review and verify the transcripts and university and make a recommendation back to the Board. Dinkins/Love/approve.

Reports

- a. Administrative Report – Mrs. Addison-Miles reported that the licensure statistics, consent agreement log, and financial reports are included in the meeting packets. As of May 31, 2013; the Board had a cash balance of \$2,103,804.30 and the Education and Research Fund had a cash balance of \$330,952.00. NCEES approved Mr. Charles Joye II, P.E., and Mr. Thurl S. Amick, P.L.S., as Emeritus Members of NCEES at the May 5-6, 2013, Board meeting. A copy of an email Jan Simpson sent to individuals licensed as construction managers in SC on limits of authority was distributed to the Board. Mr. Dinkins asked Mrs. Addison-Miles to coordinate with the Contractor's Licensing Board and the Building Codes Council to have this information posted on the Internet for each Board it affects.

- b. Investigations – Sharon Wolfe reported that there are 14 active cases in the Office of Investigations and Enforcement. There have been three “do not open” cases; 10 cases pending Board action; and 14 cases closed since January 1, 2013. Ms. Wolfe told the Board that Stella Hammond has resigned from the Department and introduced Sharon Cooke as the Board’s new investigator. Ms. Wolfe presented the June 27, 2013, IRC Report to the Board.

MOTION: To accept the June 27, 2013, IRC Report. Fallon/Cottingham/approved.

- c. Office of General Counsel Report – Erin Baldwin, Esq., introduced herself to the Board. Christa Bell, Esq. has been promoted and Mrs. Baldwin will be handling the cases for the Engineering Board. Mrs. Baldwin reported that there are 12 open cases with nine pending action. Six of those cases have been scheduled for action on the special meeting on August 12, 2013. She reported an update in the ALC matter of Case #2010-22 for Zimmerman, Evans and Leopold, Inc. This case is on appeal with the Appellate Court. The Office of General Counsel is handling the case on behalf of the Board and the agency.

Education and Research Funding Requests

- a. Joe Jones withdrew the \$7,000 request for the SC Society of Professional Engineers Conference and Trade Show. They have replaced it with a request for \$20,000 for the SC Engineering Conference. A breakdown of expenses that have been allocated to the education process were provided to the Board.

MOTION: To approve the \$20,000 for the SC Engineering Conference as requested. Dinkins/Fallon/approved.

- b. Scott D. Schiff, a professor of civil engineering at Clemson University, submitted two funding requests (one for \$2,000 and one for \$4,000) for the ASCE Steel Bridge Team. They earned the right to represent the conference at the 2013 national competition. A breakdown of expenses were provided to the Board.

MOTION: To approve the \$2,000 request for the ASCE Steel Bridge Team. Dinkins/Fallon/approved.

- c. Mrs. Hodge presented information on the First Lego League and asked if it would qualify for funding through the Education and Research Fund.

MOTION: To not approve the First Lego League request for funding. Dinkins/Johnson/approved.

New Business

- a. The Board discussed procedures for approving candidates for Computer Based Testing (CBT). There are two options: The first is “direct registration,” which allows candidates to register for the exam directly with NCEES and apply for EIT and LSIT certification with the Board after completion of the appropriate examination. The second option is for Boards to continue pre-approving candidates for the examination prior to allowing them to register with NCEES to take the exam, as they do for the written examination.

MOTION: That administrative procedures for Computer Based Testing be applied by manual application. Johnson/Fallon/approved.

- b. Mrs. Moorer distributed the Exam Administration Agreement Between the South Carolina Department of Labor, Licensing and Regulation and the National Council of Examiners for Engineering and Surveying to the Board members. The contract was updated to accommodate Computer Based Testing, which will begin for the FE in January 2014.

The Board broke for lunch from 12:05 p.m. – 12:48 p.m.

- c. Mrs. Moorer included updated versions on the Industrial Exemption Bill H4038 as amended in the Board meeting packets. Mrs. Hodge has asked the South Carolina Council of Engineering and Surveying Societies (SCESS) to provide names for one person from each professional society to serve on the sub-committee on the Industrial Exemption Bill. Dennis Fallon and Gene Dinkins volunteered to serve on the sub-committee.

Office of General Counsel Hearings

The Board moved the Office of General Counsel Hearing to accommodate the drafting of a Memorandum of Understanding in the case.

- a. Ira Hardwick appeared before the Board for a disciplinary hearing. Mr. Hardwick was represented by Todd Rutherford, Esq. The State was represented by Christa Bell, Esq. This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION: To accept the Memorandum of Understanding and stipulations as presented and issue Mr. Hardwick a private reprimand. Dinkins/Fallon/approved.

New Business

The Board returned to "New Business" on the agenda.

- d. The Board reviewed NCEES Resolutions, Action Items, and Conference Reports in anticipation of the Annual Meeting in San Antonio, Texas on August 21-24, 2013. There are five issues for consideration and discussion at the meeting:

ACCA Motion #1 – This would uncouple the four year experience requirement from exam eligibility in the Model Law. Mrs. Hodge told the Board that she presented this at the conference and the vote was an overwhelming "no."

Board poll – Fallon, Dinkins, Johnson, and Cottingham vote in favor. Hodge, Rickborn, and Love opposed.

Engineering Surveys Motion #1 – This creates a new definition of "engineering surveys" in the model law. There's a special task force working on a new definition of engineering for the model law, so this would likely make the current definition less clear.

Board poll – all members opposed.

UPLG Motion #12 – This requires that licensees should make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, or welfare of the public in writing, unless the reporting is legally prohibited.

Board poll- Love in favor, all other members opposed.

EPS Motion #1 – This would change the model law requirement to require a four year degree in surveying to become a Land Surveyor-In-Training. The Board of Directors does not endorse this motion.

Board poll – all members opposed.

Mrs. Hodge told the Board that Dave Widmer and Scott Harlowde are running for NCEES President-Elect. The Board is in favor of supporting Dave Widmer for NCEES President-Elect.

- e. The Board decided to carry over the discussion on Statute Changes to the September 24, 2013, meeting.
- f. The Board discussed telephone conference call appearances at application hearings. They strongly discourage it, but if a candidate presents a request to appear at a hearing by conference calls then the Board Chair has the final authority to determine reasonable cause and approve or disapprove the request.
- g. The Board discussed professional development hours for meeting attendance. The SC Code of Regulations, Section 49-604(4) states, in part, that “credit for activity 49-603(7), active participation in a professional and technical societies is limited to 2 PDH units per organization, with a maximum of 4 PDH units per year, and requires that a licensee serve as an officer, or actively participate in a committee of the organization, or have at least a 50% documented attendance at meetings held not less than eight times per year.” The question is, if the SCSPS Aiken Survey Chapter meets 12 times per year, how many meetings must an individual attend to receive the 2 PDH’s? The Board determined that, based on the current regulation, an individual must attend at least 50% of the meetings held during a calendar year, which means they must attend at least 6 of these meetings to qualify for the 2 PDH’s.

Other Business

The NCEES Annual Meeting will be held on August 21-24, 2013, in San Antonio, Texas. All Board members will attend the meeting. Lenora Addison-Miles will also attend the meeting.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Monday, August 12, 2013, at the SC Department of Labor, Licensing and Regulation, Synergy Business Park, Kingstree Building, 110 Centerview Drive, Room 105, Columbia, SC and will begin at 9:30 a.m.

There being no further business:

MOTION: To adjourn. Johnson/Fallon/approved.

The meeting adjourned at 2:45 p.m.

Respectfully Submitted,

Sherri F. Moorer

Sherri F. Moorer, Program Assistant