

MINUTES
SOUTH CAROLINA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS
9:30 A.M., NOVEMBER 14, 2012
SYNERGY BUSINESS PARK, KINGSTREE BUILDING
110 CENTERVIEW DRIVE, ROOM 204
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; Thurl M. Amick, Sr., PLS, Vice – Chairman; Nancy W. Cottingham, Secretary; Gene L. Dinkins, PLS, PE; Dennis J. Fallon, Ph.D., PE; Miller L. Love, Jr., PE; and Timothy W., Rickborn, PE; and Charles M. Joye, II, PE.

Staff members present included Jan B. Simpson, Administrator; Missy Jones, Program Assistant; Sherri Moorer, Program Assistant; James Saxon, Esq, Advice Counsel; Christa Bell, Esq., Office of General Counsel; and Sharon Wolfe, Chief Investigator, Office of Investigation and Enforcement.

Others present included Diane Hendrix, Creel Court Reporting; John P. Johnson, PLS, PE; Kent Hudson; Jamie Kendall; Zachary Smith; James Justus; Brian Pietras; Ian Sharpe, Tenille Sharpe; Kim Long; Bill Livingston; James Carter; Derek L. Clyburn; Kent Alexander; Don Freeman; Tom Jordan; Joe Greenburg; John Flemming; Chuck Black; Marguerite McClam; David Peterson; and Joe Jones.

Approval of September 11, 2012, Meeting Minutes

MOTION: To approve the minutes of the September 11, 2012, meeting. Rickborn/Love/approved.

Review of Agenda

Chairperson Hodge said the Ira Hardwick hearing will be removed from the agenda.

MOTION: To approve the agenda for the November 14, 2012, meeting with appropriate revisions. Love/Rickborn/approved.

Office of General Counsel Hearings

The hearing for Ira Hardwick has been postponed due to a request for a continuance.

Application Hearings

- a. William C. Livingston appeared before the Board for an application hearing for reinstatement of his license as a Professional Engineer. 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/Love/approved.

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

Mrs. Hodge said no votes were taken during executive session

MOTION: To reinstate Mr. Livingston's license upon payment of the \$987.50 fine. Dinkins/Fallon/approved.

- b. Ian Sharpe appeared before the Board for an application hearing to take the Professional Engineering Exam. 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/Cottingham/approved.

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

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

MOTION: To allow Mr. Sharpe to take the Professional Engineering Exam. Dinkins/Joye/approved.

- c. Zachary Smith appeared before the Board for an application hearing to take the Professional Engineering Exam. 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/Amick/approved.

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

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

MOTION: To allow Mr. Smith to take the Professional Engineering Exam. Fallon/Rickborn/approved.

Reports

- a. Investigations – Sharon Wolfe reported 33 cases in the Office of Investigations and Enforcement (OIE) since January 1, 2012. There are 25 active cases; three closed cases, two “do not open” cases, and three cases pending Board action. OIE closed ten cases since January 1, 2012. The Board accepted the October 9, 2012 Investigative Review Committee (IRC) report.

MOTION: To accept the October 9, 2012 IRC Report. Joye/Love/approve.

- b. Office of General Counsel (OGC) – Christa Bell reported two cases pending. One requested a continuance until the next Board meeting and the other is on appeal at the Administrative Law Court. OGC closed eleven cases since January 1, 2011.

- c. Administrative Report – Ms. Simpson reported that an exam candidate informed the office regarding a possible scam. The individual conjectured that his name was taken from the

“approved candidates” list on the website. A notice was posted on the website to caution candidates to be aware of potential scams. As this was an isolated incident, the Board will continue to post names in the interest of customer service and reduced calls to staff members regarding eligibility.

Continuing Education audit letters have been mailed with a response deadline of November 15, 2012. Mr. Rickborn will assist with assessing acceptance of questionable submittals.

Firm licenses expire on March 31, 2013. Staff is preparing renewal notices and forms for distribution in late December. Online renewal will be available beginning January 2, 2013 and will be open for a three month renewal window.

The next Southern Zone meeting will be held in Biloxi, Mississippi on April 4-6, 2013. The 2014 Southern Zone meeting will be held in Charleston, South Carolina.

Ms. Simpson reminded Board members to file the Statement of Economic Interest by April 15, 2013.

Ms. Simpson told the Board there are currently 26,553 active registrations with the Board of Registration for Professional Engineers and Surveyors. The Consent Agreement Log, Letter of Caution Log, and financial report were distributed to the Board. The Board has a balance of \$2,096,865.17 as of October 31, 2012. The Education and Research Fund has a balance of \$338,317.00 as of October 31, 2012. Ms. Simpson told the Board that the Finance Department has provided detailed reports comparing expenditures and assessments for all boards in several categories over the past five years. Mrs. Hodge requested a presentation on this report at the next Board meeting.

Licensure Recommendations from Engineering Technology Review Committee

Mrs. Moorer presented a report from the Civil Engineering Technology Review Committee that met on October 30, 2012. Charles J. Cook was recommended for registration as a Professional Engineer.

MOTION: To approve Charles J. Cook for registration. Love/Fallon/approve.

Unfinished Business

- a. Update on Incidental Practice –

MOTION: To enter executive session for legal advice. Love/Fallon/approve.

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

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

Steve Russell, Chairman of the Board of Architectural Examiners, spoke to the Board about forming a joint committee to work toward a definition of incidental practice. Charles Joye, Tim Rickborn, and James Justus will serve as the engineering members on this committee. Steve Russell, Brad Smith, and Anthony Lawrence with the Board of Architectural Examiners will serve as the architecture members on the joint committee.

- b. Credentials Evaluations –This issue is addressed in the proposed statute changes.
- c. Online Forms for Continuing Education – Ms. Simpson showed the Board a log sheet that can be used for reporting continuing education online. The IT Department is considering the possibility of allowing licensees to upload their continuing education documentation through the Board website. The Board will test the system at the next Board meeting.
- d. Review of Proposed Statute Changes

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

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

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

James Justice (National Society of Professional Engineers), Jerry Carter (American Council of Engineering Companies of South Carolina), Mike Horton (American Society of Civil Engineers), and Kent Hudson (SC Society of Professional Surveyors) spoke to the Board about concerns with the proposed statute changes. The groups discussed their organization’s position on increased education for licensure, quality-based selection of engineers, and retaining the requirement for impression seals on plats. The Board reviewed all proposed changes to the statute and requested a final draft as soon as possible. They will schedule a conference call to finalize the draft by mid-December.

New Business

- a. Election of Board Officers

MOTION: To elect Theresa Hodge as Chairperson for January 1, 2013 – December 31, 2013. Cottingham/Fallon/approve.

MOTION: To elect Tim Rickborn as Vice – Chairman for January 1, 2013 – December 31, 2013. Love/Cottingham/approve.

MOTION: To elect Dennis Fallon as Secretary for January 1, 2013 – December 31, 2013. Hodge/Cottingham/approve.

- b. Schedule 2013 Meeting Dates – The Board scheduled the following meeting dates. Meetings begin at 9:30 a.m.
 - January 29, 2013 (Room 108)
 - March 26, 2013 (Room 108)
 - July 10, 2013 (Room 204)
 - September 24, 2013 (Room 108)
 - November 19, 2013 (Room 108)

- c. NCEES Call for Award Nomination

MOTION: To nominate M.L. Love for the NCEES Distinguished Service Award. Dinkins/Cottingham/approve.

- d. Online Engineering Programs – This discussion will be carried over to the January 29, 2013 meeting.
- e. Brokering of Survey Services – This issue is addressed in the proposed statute changes.
- f. SCDOT Retention of Records – James Kendell spoke with the Board about the retention of paper records. SCDOT has scanned all of their documents in a plans library. He inquired about the retention schedule for paper plans. The Board advised Mr. Kendall that the Statute of Repose is eight years and suggested it be used as a basis for retention of paper records.

Funding Requests

- a. SCSPE Fall Symposium “Risk Management for Design Professionals.”

MOTION: To approve the \$10,000 funding request for the SCSPE Fall Symposium on November 15-16, 2012. Cottingham/Amick/approved.

- b. ACEC – SC & SCSPE Winter Meeting

MOTION: To approve the \$4,000 funding request for the ACES and SCSPE meeting in February 2013. Cottingham/Amick/approved.

LLR Director Holly Pisarik

Mrs. Pisarik introduced herself to the Board. She encouraged Board members to contact her with any concerns or issues they have. Mrs. Pisarik will attend the January 29, 2013 Board meeting to discuss specific budget items of concern.

Other Business

Mr. Dinkins attended a seminar funded by the Oregon State Board of Engineers and Surveyors. He proposed that the South Carolina Board coordinate with the professional societies to offer a similar function to be funded through the Education and Research Fund.

Ms. Simpson told the Board that Mrs. Jones resigned to work in another section. Mrs. Jones' final day with the Board will be November 30, 2012. The Board thanked Mrs. Jones for her service.

Mr. Amick thanked the Board members for cards and letters received during his recent surgery. He has enjoyed his service on the Board. Mr. Amick's term ends on December 31, 2012.

The Board recognized John Johnson, PLS, PE as the incoming surveyor member. Mr. Johnson's term begins January 1, 2013.

There being no further business:

MOTION: To adjourn. Dinkins/Fallon/approved.

The meeting adjourned at 4:50 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sherri F. Moorer".

Sherri F. Moorer, Program Assistant