

**MINUTES**  
**South Carolina Board for Registration of Professional Engineer and Surveyors**  
**9:30 a.m., September 15, 2015**  
**Synergy Business Park, Kingstree Building**  
**110 Centerview Drive, Room 105**  
**Columbia, SC**

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**Call To Order**

Chairperson Rickborn called the meeting to order at 9:34 a.m.

**Statement of Public Notice**

Chairperson Rickborn stated that public notice of this meeting was properly posted at the South Carolina State Board of Registration for Professional Engineers and Surveyors, 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 Timothy Rickborn, PE, Chairperson; John P. Johnson, PE, PLS, Secretary; Gene L. Dinkins, PE, PLS; Miller L. Love, Jr., PE; Theresa Hodge, PE; Dr. Johnston Peeples, Ph.D., PE; Dr. Dennis Fallon, Ph.D., PE; and James Baker Cleveland, III.

Staff members present included Lenora Addison-Miles, Administrator; Britton Jenkins, Program Assistant; Donnell Jennings, Esq., Advice Counsel; Erin Baldwin, Esq., Office of Disciplinary Counsel; Alice Douglas, Office of Disciplinary Counsel; and Sharon Wolfe, Office of Investigations and Enforcement.

Others present included: Marguerite McClam, Joe Jones, Adam Jones, Chuck Black, Brian North, Brian Bonds, Michael Gurney, Kent Stair, Jesse Burke, David Myers, Josh Cross, Kim Hamel, Elliotte Quinn, and Allison King.

**Approval of Meeting Minutes**

**MOTION:** To approve minutes from the July 13, 2015 meeting. Hodge/Love/approved.

**MOTION:** To approve minutes from the July 14, 2015 meeting. Hodge/Love/approved.

Mr. Dinkins congratulated Mrs. Hodge on her election as NCEES Southern Zone Vice-President.

**Review and Approval of Agenda**

The board reviewed the agenda. No changes or amendments were made.

**Reports**

- a. Office of Investigations and Enforcement - Mrs. Wolfe reported that there were at total of 29 cases received since January 1, 2015. Ten cases are active investigations and three cases have been closed. Three cases are pending IRC, and two cases are pending Board action. The

oldest active case is 186 days. Mrs. Wolfe reported that as of September 4, 2015, 22 cases have been closed. Nine cases have been classified as "do not open" cases.

- b. Investigative Review Committee Report- Mrs. Wolfe presented the September 2, 2015, IRC report. Cases #2014-43 and #2015-16 were recommended for Formal Complaints and case #2015-22 was recommended for a Letter of Caution.

**MOTION:** To accept the Investigative Review Committee Report. Hodge/Peeples/approved.

- c. Office of Disciplinary Counsel - Mrs. Baldwin presented the ODC report. Mrs. Baldwin reported that there are 17 open cases in the Office of Disciplinary Counsel. Five cases have been closed since the last meeting in May 2015 and four are pending board action.
- d. Administrative and Financial Reports – Mrs. Miles reported that as of August 31, 2015, there were 28,977 active licensee credentials. She added that the CBT summary was included in the board meeting materials which indicate the total of scheduled and delivered FE and FS exams. Mrs. Miles reported that there were 242 candidates approved for the October 2015 PE exam, one SE, and six State-Specific. She added since implementation of the early PE exam, staff has received 366 applications and 137 have taken and passed the exam. Mrs. Miles noted that if any board members would like to serve as observers for the October exam, please notify her by October 2, 2015. Mrs. Miles reported the cash balance as of July 2015 was \$2,617,227.50, and the Education and Research Balance was \$351,645.22. Mr. Love asked what happens when the Engineer-in-Charge of a company passes away. Mrs. Miles stated the board should be notified. Once the board is notified, staff will send a notification that another Engineer-in-Charge must be named for the firm. Mr. Dinkins added it may be helpful to add on the documentation sent to approved firms that it is required to notify the board of such changes.

#### Disciplinary Hearings

- a. Mr. Sewell W. Crisman, IV, appeared before the board for a disciplinary hearing. Mr. Crisman was not represented by counsel. There were no witnesses. Dr. Fallon was recused. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

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

**MOTION:** To exit executive session. Johnson/Hodge/approved.

**MOTION:** Permanent revocation of license. Cleveland/Hodge/approved.

- b. The disciplinary hearing for Mr. Michael Howard (Case #2014-3) was continued to the next scheduled board meeting.

#### Application Hearings

- a. Mr. Michael Gurney, on behalf of Concept Systems, Inc., appeared before the board for an Application Hearing for COA licensure. Mr. Gurney was not represented by counsel. He did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

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

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

**MOTION:** Based on Exhibit #1, Concept Systems has violated the Practice Act. Issue a Temporary COA upon payment of \$1000 fine; issue public reprimand. Dinkins/Love/one abstained, two opposed/motion approved by majority.

The board recessed for lunch from 12:00 p.m. to 12:30 p.m.

- b. Darryl Wandry and Kurt Messerli appeared before the board, by telephone, on behalf of Mazzetti, Inc. for an Application Hearing for COA licensure. Mazzetti Inc., was represented by Kent Stair of Carlisle, Copeland, and Stair. They did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

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

**MOTION:** To exit executive session. Hodge/Johnson/approved.

**MOTION:** To accept Memorandum of Agreement and issue a COA for Mazzetti, Inc., San Francisco, Tennessee, and New Orleans offices upon payment of \$500 fine.

#### **COA license Renewal Request**

- a. Mr. Joe McCullough, PLS, appeared before the board to determine if he should be allowed to serve as surveyor in responsible charge of two firms and maintain two separate COA licenses for the firms, CO Riddle Surveying and Spearman Surveying. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

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

**MOTION:** To exit executive session. Love/Hodge/approved.

Mr. Rickborn explained that the board cannot renew the lapsed license of Spearman Surveying. Mr. Rickborn referred to 40-22-260(C), which states in part, an individual cannot oversee two separate companies as the Surveyor in charge. Mr. Rickborn also cautioned Mr. McCullough to refrain from advertising surveying services under Spearman Services as that is a violation of the statute. There was no motion or vote on this matter.

### **Motion For Reconsideration**

- a. Mr. David Myers appeared before the board for a Motion for Reconsideration. Mr. Myers was not represented by counsel. There were no witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

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

**MOTION:** To exit executive session. Dinkins/Johnson/approved.

**MOTION:** To deny the motion for reconsideration. Mr. Myers did not provide any further evidence of engineering experience obtained. Hodge/Fallon/approved.

### **Portfolio Review Committee Recommendations**

The board reviewed the August 26, 2015, Portfolio Review Committee recommendations for Eric Hoover, Brian North, Enrique Martinez, and Michael Varner.

**MOTION:** To accept the committee's recommendation and grant PE licensure to Mr. Brian North and Mr. Michael Varner. Dinkins/Fallon/approved.

**MOTION:** To allow Mr. Enrique Martinez the opportunity to submit a second portfolio for review. Dinkins/Fallon/approved.

**MOTION:** To allow Mr. Eric Hoover the opportunity to submit a second portfolio for review. Johnson/Love/approved.

### **Unfinished Business**

- a. The board reviewed action items from the July 13<sup>th</sup> and July 14<sup>th</sup> board meetings. All items on the report were either completed or on the September 15, 2015 agenda.
- b. Dr. Castro spoke to the board regarding the education evaluation policy.

**MOTION:** To enter executive session for legal advice with Dr. Castro and Mrs. Miles being allowed to participate. Love/Hodge/approved.

**MOTION:** To exit executive session. Johnson/Fallon/approved.

- c. Mr. Jennings presented the board with a proposed experience verification form for licensing applications. Members were asked to submit any revisions to Mr. Jennings prior to the next meeting. Mr. Rickborn noted the proposed draft should be taken as information and discuss at the next scheduled board meeting.

- d. Mr. Dinkins provided the board with a draft of the Successor Engineer/Surveyor Policy. The board agreed to take the draft as information and discuss at the November 17, 2015 meeting.

- e. The board reviewed CV's for the State-Specific Surveying Exam Committee.

**MOTION:** To accept CV's for individuals wanting to serve on the State-Specific Surveying Exam Committee. Fallon/Johnson/approved.

- f. The topic of proctoring the State-Specific Surveying Exam was tabled to the next scheduled board meeting.
- g. Dr. Fallon presented the Education Grant Proposal for Board review. The draft was taken as information. Proposed changes will be discussed at the next meeting.
- h. Joe Jones gave the board a legislative update for S.685 and H.3928. He explained that to get the proposed legislation passed, it would need to be a group effort with members of the board included. Mr. Jones added that they are meeting with legislators to address the three controversial issues of the bill: QBS, brokering, and the term engineer. Mr. Jones requested that members of the board and Mr. Jennings individually write to the chairman of the House LCI Committee in favor of the proposed legislation no later than December. Mr. Jones further requested the board to communicate with licensees explaining the importance of the legislation and requesting their support.
- i. Mr. Dinkins spoke with the board regarding an issue with the Register of Deeds office in Aiken County. Mr. Dinkins explained that Aiken County is creating obstacles to record deeds that references conveyances by SCDOT. The county is not accepting the submitted drawings as exhibits and will not record them as deeds. He added SCDOT is refusing to prepare full surveys. Mr. Dinkins added that if the legal description meets the states requirements as a sufficient legal description, the board does not have any legal standing against Aiken County. Mr. Jennings suggested that Jim Holley from Aiken County come in and explain his position to the board as information only. Mr. Dinkins agreed that he should come. Mr. Jennings said that he would contact Mr. Holley.

#### **New Business**

- a. Mr. Joshua Cross, City of Mauldin Building Official, requested formal clarification on whether a professional engineer is required to replace rooftop HVAC units in older strip malls for a tenant space that is approximately 3,400 square feet and housed with a building that exceeds 5,000 square feet in area. Mr. Cross added that the statute and the Building Official Manual do not show this particular service as one that is exempt from the services of a professional engineer. Mr. Rickborn noted that the Building Official Manual is in the process of being revised and some points may be changed. Mr. Rickborn confirmed with Mr. Cross that it would be at his discretion, as City of Mauldin Building Official, to determine whether an engineer or architect is required. Mr. Rickborn referred to proposed statutory language which, if approved, would be more in line with the International Building Codes.
- b. The board reviewed CV's for Surveyor Expert Reviewers.

**MOTION:** To approve the surveyor expert reviewers. Hodge/Peeples/approved.

- c. Mr. Rickborn addressed the board regarding EIT certifications. The issue will be discussed at the next scheduled board meeting.
- d. Mr. Steve Mitchell contacted the board regarding his concerns with the level of service professionals are delivering in the field of structural engineering. Mr. Rickborn requested Mr. Mitchell appear for the next scheduled board meeting to address his concerns.

**MOTION:** Carry this item over until Mr. Mitchell can appear to address the board.  
Love/Peeples/approved.

- e. Chairman Rickborn and Advice Counsel will work on revising the COA Frequently Asked Questions (FAQ's) and present them during the next meeting.
- f. Mr. Jennings will provide the Board with an update regarding the Proposed Legal/Ethics Exam during the next meeting.
- g. Mr. Elliotte Quinn, of the Charleston Chapter of the South Carolina Society of Professional Land Surveyors, spoke with the board regarding subdivision regulations. Mr. Quinn explained he believed municipalities in Charleston County are requiring professional surveyors to perform services outside of their scope by showing proposed improvements on their final plats. Mr. Dinkins added somehow the board needs to get a message out to the local municipalities that a survey is an as-built condition and is to show what "is there" and not what is "supposed to be there". Mr. Dinkins asked Mr. Jennings to provide further clarification. Mr. Jennings suggested the board provide a policy statement.

**MOTION:** To allow Mr. Jennings to work with Mr. Dinkins on proposing language to send a letter to the city of North Charleston and a policy statement addressing the issue of subdivision regulations and plots submitted to municipalities. Dinkins/Johnson/approved.

**MOTION:** To enter executive session for legal advice with Mrs. Miles and Ms. Jenkins being allowed to participate. Hodge/Peeples/approved.

**MOTION:** To exit executive session. Hodge/Love/approved.

**Notice of Next Meeting**

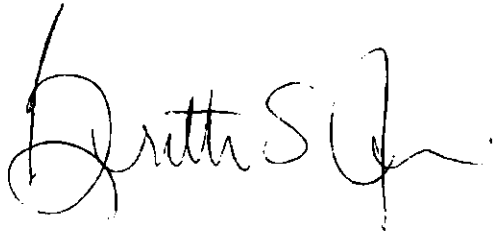
The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, November 17, 2015 at the SC Department of Labor, Licensing, and Regulation, Synergy Business Park, Kingstree Building, 110 Centerview Drive, Room 108, Columbia, SC and will begin at 9:30 a.m.

There being no further business:

**MOTION:** To adjourn. Hodge/Love/approved.

The meeting adjourned at 5:49 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Britton S. Jenkins". The signature is written in a cursive style with a large initial 'B' and a long, sweeping tail.

**Britton S. Jenkins, Program Assistant**