

## **Board Meeting – June 22, 2004**

The Board held a regular meeting on June 22, 2004, in Room 108 of the Kingtree Building in Columbia, South Carolina.

It was noted for the record that official notification of the meeting had been sent to the Offices of LLR-Public Information and LLR-General Counsel; appropriate newspapers; WIS-TV; South Carolina Society of Professional Land Surveyors (SCSPLS); South Carolina Society of Professional Engineers (SCSPE); Consulting Engineers of South Carolina (CESC); and the South Carolina Council of Engineering and Surveying Societies (SCCESS).

Chairman James T. McCarter, P.E., called the meeting to order at 9:15 a.m. Other members present were W. Kenneth Humphries, Ph.D., P.E., Vice Chairman; A. Cleveland Gillette, P.L.S.; Deborah J. Livingston, Public Member; Gaye Garrison Sprague, P.E.; and Mitchell S. Tibshirany, Jr., P.E. James O. (Pete) Gordon, P.E., Secretary, and Sidney C. Miller, P.L.S., were not in attendance.

Also present were Jay Pitts, Board Administrator; Sharon Dantzler, Advice Counsel; Therese Elliott, Administrative Assistant and Charles Ido, Investigator.

Jay Pitts, Administrator, reviewed the agenda. The following items were added to the agenda: Mark Martyak, Technology Degree Discussion and Board Officer Elections.

**Where action is recorded below, it was taken in each case on motion duly made, seconded and carried.**

The next meeting is scheduled for September 21-22, 2004. Two hearings are scheduled for this meeting.

The minutes from the January 21, 2004, Board meeting were approved.

### **Applications:**

**Robert Henry Keim.** Mr. Keim applied for comity licensure in the state of South Carolina. The applicant had disciplinary action taken against his license in the state of Nevada. The Board voted to approve Mr. Keim's application for licensure.

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**Henry Erhardt Schmidt.** Mr. Schmidt appeared before the Board to discuss his application for comity licensure in the state of South Carolina. Mr. Schmidt has no degree. He completed some coursework at USAF from 1946 – 1949 and Indiana University Extension from 1958 – 1961. He did not receive a degree from either institution. In 1968, he completed additional coursework through the International Correspondence School (ICS) in Scranton, PA. ICS awarded no certificate of completion. Mr. Schmidt has not taken the FE examination. He took the PE examination in Tennessee in December 1971 and failed to meet the minimum passing score of 70. The Tennessee Board voted to award Mr. Schmidt 15 additional points to bring his score to 70. At the meeting, Mr. Schmidt told the South Carolina Board that he passed an oral EIT examination and denied knowledge of additional points being added to his PE score by the Tennessee Board. The Board has verified 13.3 years of experience between November 1988 and September 2003.

The applicant does not meet the current minimum requirements for registration. He is filing his application under **R.49-203(3)** that allows comity consideration based on requirements in effect at the time an original license was obtained. His original license, in Tennessee, was issued on May 16, 1972. Until March 3, 1977, the minimum education requirement was high school graduation. Such an applicant must have been over 30 years of age with at least 12 years of engineering experience, 5 of which must have been in responsible charge of engineering work. Please note that no experience prior to November 1988 has been verified. The applicant was required to pass examinations designed to show knowledge and skill approximating that attained through graduation from an approved engineering curriculum. The applicant was then required to pass the FE and PE examinations.

The Board voted not to accept Mr. Schmidt's application based on the fact that he has not passed the PE examination.

**Arthur Lee Shelton.** Mr. Shelton applied for comity licensure in the state of South Carolina. The applicant had disciplinary action taken against his license in the states of California and Minnesota. The Board voted to approve Mr. Shelton's application for licensure.

**Mark Martyak.** Mr. Martyak appeared before the Board to discuss his application for comity licensure. His education, a technology degree with an unaccredited masters, was not approved by the Board's Education Consultant. The Board voted to approve Mr. Martyak's application for licensure.

#### **Southern Zone 2004:**

Mr. McCarter, Mr. Tibshirany and Mr. Pitts represented South Carolina at the 2004 Southern Zone Meeting in Asheville, North Carolina. Mr. Gillette was present for several committee meetings as well. They reported that the major topics of discussion included examination scoring, officer elections and calculator issues. Mr. Pitts reported that the ELSES examination administration went well. Mr. Gillette discussed the new examinations for Photogrammetric Surveyors and GIS Surveyors. He is not in favor of the Colonial States proposal; however, he approves of joining with North Carolina in the administration of the examination.

#### **NCEES Annual Meeting:**

The NCEES Annual Meeting will be held in Cleveland, Ohio, in August 2004. Mr. McCarter's expenses will be paid by NCEES because he is Vice President of the Southern Zone. NCEES

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will sponsor one more funded delegate from each state. Individuals available to travel to this meeting include: Mr. Gillette, Mr. Ido, Mr. Tibshrary and Ms. Sprague.

Board members were reminded of LLR's new travel policy that allows only one representative to travel to out-of-state meetings. Mr. Tibshrary suggested that the Board draft a resolution to the LLR Administration. He wanted to base the resolution on the fact that Board members need to be more involved in the issues that affect the health, safety and welfare of South Carolinians. Also, the licensing examinations used by this state are national exams prepared and graded by NCEES. The resolution will focus on engineering and land surveying being multi-state professions. Ms. Dantzler, Mr. Tibshrary and Mr. Pitts will draft this resolution.

Chairman McCarter called for a 15-minute break at 10:45 a.m. The meeting resumed at 11:00 a.m.

After the break, Board members authorized the above committee to author a resolution for full participation in the NCEES National Meeting.

#### **Report of Board Administrator:**

Mr. Pitts reported on the Ambassadorship Program. Dr. Anderson has stepped down as Dean at South Carolina State; however, he and Dr. Chaudhry have been meeting and came to an agreement on the curriculum for the new program. Mr. Pitts will schedule a meeting with this committee. The Development Officers Committee needs encouragement from their respective deans. Mr. Tibshrary added that Mary Grimbball is prepared to lead this program. Mr. Pitts will schedule a meeting with the deans.

M.L. Love, Jr., was appointed to the Board in June 2004 to replace Chairman McCarter. Mr. Ido indicated that early resignations are permitted, but have never occurred in the past.

Mr. Pitts reported that 7,600 renewals have been processed to date. He reminded the Board of the down-sized staff and complimented staff on their efforts.

After distributing copies of the budget report, Mr. Pitts reported that the cash balance was \$722,00.00.

The next Licensing Ceremony will be held on July 28, 2004. Ms. Livingston, Mr. McCarter and Ms. Sprague will not be able to attend.

Mr. Ido reported on the creation of the new LLR Investigative Unit. He indicated that the new unit would be more productive and enhance customer service. He described the unit's organizational structure and assured Board members that investigations would still be performed to the high standard to which they have become accustomed. Mr. Ido complimented the staff of the Engineering Board and shared his confidence that they would be able to handle the increased workload. He asked for the Board's support during this transition. The Board was then asked to reassert policy perimeters for the following violations: unlicensed practice, renewal fraud, out-of-state disciplinary action and minimum standards violations. The Board approved the policy perimeters presented by Mr. Ido (copy attached). Board members also reaffirmed the IRC

representatives Bill Knowles and Al Whitworth. Mr. Humphries commended Mr. Ido for his consistent professionalism and hard work.

Mr. Pitts reported that April 2004 examination scores had been received:

PE Exam: 67 passed, 61 failed

FE Exam: 131 passed, 57 failed

FLS Exam: 8 passed, 10 failed

PLS Exam: 8 passed, 5 failed

SS Exam: 12 passed, 3 failed

### **Purpose of the Board:**

Mr. Tibshrary expressed his concern that the Board has become a clerical body with little purpose beyond reviewing applications. He is dismayed at the irregularity of meetings and that the Board has stopped meeting on campuses. He stated that traditional Board responsibilities have been given to staff members and LLR. He would like the Board to be able to better monitor the staff. Mr. Gillette reminded members of the low participation from students during campus visits. Mr. Tibshrary would like the Board to meet five or more times per year.

Ms. Sprague suggested scheduling a Board Strategy Session where these and other issues could be addressed and resolved. This retreat was scheduled for August 27, 2004, at Mr. Tibshrary's lake house. He and Mr. Pitts will create an agenda and send retreat packets to members in advance. Mr. Pitts will inform Mr. Love, Mr. Miller and Mr. Gordon of this date. As the discussion concluded, Board members suggested that lunches be brought in on meeting days.

### **Technology Degrees:**

Ms. Sprague would like to see the Board take a more proactive approach toward individuals with engineering technology degrees. Mr. Tibshrary reminded Board members that they need to raise, not lower, the standard for licensure. The national trend is moving toward not accepting technology degrees at all. This topic will be placed on the agenda for the retreat.

### **Officer Elections:**

The following officers were elected for the 2004-2005 term:

Chairman – Mitchell S. Tibshrary, Jr.

Vice Chairman – A. Cleveland Gillette

Secretary – Gaye Garrison Sprague

### **Violations Report:**

The Board went into executive session to discuss the Violations Report. In open session, the Board voted to close the following 61 cases:

02-185-3090; 02-180-3132; 03-185-3211; 03-185-3227; 03-185-3239; 03-180-3260;  
03-180-3261; 03-185-3282; 03-180-3291; 03-200-3308; 03-205-3316; 03-180-3317;  
03-200-3318; 04-180-3325; 04-200-3326; 04-185-3328; 04-185-3329; 04-200-3330;  
04-180-3331; 04-200-3332; 04-180-3333; 04-180-3334; 04-180-3335; 04-200-3336;  
04-180-3337; 04-180-3338; 04-180-3339; 04-180-3340; 04-185-3341; 04-185-3342;  
04-185-3343; 04-185-3344; 04-185-3345; 04-185-3346; 04-185-3347; 04-185-3348;  
04-185-3349; 04-185-3350; 04-185-3351; 04-180-3352; 04-180-3353; 04-180-3354;  
04-180-3355; 04-180-3356; 04-180-3357; 04-180-3358; 04-180-3359; 04-200-3360;  
04-185-3362; 04-185-3363; 04-185-3364; 04-180-3365; 04-180-3366; 04-200-3367;

04-185-3368; 04-180-3370; 04-185-3371; 04-185-3373; 04-180-3375; 04-180-3376;  
04-180-3377.

Chairman McCarter closed the meeting by stating how rewarding his Board service has been. Board members thanked him for his service and plan to honor him at a cookout after the September meeting.

The meeting adjourned at 1:05 p.m.

Respectfully submitted,

Therese G. Elliott  
Administrative Assistant