

**Board of Engineers and Surveyors Meeting Minutes  
September 20, 2005**

The Board held a regular meeting on September 20, 2005 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-Communications and Governmental Affairs and LLR-General Counsel; appropriate newspapers; WIS-TV; South Carolina Society of Professional Engineers (SCSPE).

Chairman Mitchell S. Tibshirany, P.E., called the meeting to order at 9:05 a.m and welcomed new board member Andy Kinghorn. The newly appointed public member, Preston Young, was unable to attend this meeting due to a schedule conflict. Other members present were Gaye Garrison Sprague, P.E.; M.L. Love, P.E.; Gene L. Dinkins, P.E, L.S.; Anderson Kinghorn, Jr., P.E. and Cecil Huey, Jr., P.E.

Also present were Jan Simpson, Board Administrator; Stacy Johnson, Administrative Assistant; Todd Bond, Investigator; Sharon Dantzer, Advice Counsel; Leigh Fricks, NCEES; and Theresa Hodge, SCSPE.

Administrator Simpson reviewed the agenda.

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

Member Sprague moved that the minutes of the June 28, 2005, Board meeting be approved. Member Love seconded. Motion carried.

**Committee Reports:**

Economic Growth Issues: Member Love had no report at this time.

Review of Statutes and Regulations: Member Sprague's report will be addressed in section #7 of the agenda.

Photogrammetry/GIS Examinations, Surveyor Education: Member Dinkins asked for opinions and suggestions from his fellow Board Members on ways to obtain an examination for GIS other than grandfathering in applicants. Members came up with some suggestions during further discussion. After Member Dinkins attends the meeting in Sioux Falls, SD, October 25, 2005, regarding Photogrammetry Exam Writing, he will be able to bring back information to move this process forward.

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Career Guidance: No issues were discussed.

Practice in One's Area(s) of Expertise, Assistance with Economic Growth Issues: No issues to discuss.

Promoting Path to Licensure, Faculty Licensure: Member Huey reported that there needs to be a method to contact student organizations to educate and promote licensure. He will e-mail student organizations' faculty advisers and alert them to the Board's availability to speak to them. Chairman Tibshrary agreed and added that with interim Deans at USC and Clemson, it will be difficult to hold a meeting with all of the Deans at this time but we can recruit a Board Member to give a presentation about licensure and include faculty members along with student organizations as a start. Attorney Dantzler noted that courts are increasingly requiring expert witnesses to be licensed. Eventually, this trend may have a positive impact on licensure.

Photogrammetry and GIS Surveying Update: Members Dinkins and Gillette were not able to attend the recent URISA & GITA Professional Societies' Conference in Charlotte. Member Dinkins noted the number of surveyors taking the exam for licensure is decreasing. Tibshrary anticipated there would be even fewer in 2010 when the 4-year degree requirement goes into effect.

**GUEST SPEAKERS:**

Guest Speaker Leigh Fricks, NCEES Records Verification Program, provided the Board Members a booklet detailing NCEES record services. She explained NCEES's verification procedures and record security and encouraged the Board to require applicants to hold an NCEES record in order to apply for SC licensure. Chairman Tibshrary, stated, he feels that at this time it will be better to continue to encourage SC applicants to establish an NCEES record rather than require them to do so.

SCSPE Past President Theresa Hodge discussed two items as a follow-up to her proposal made at the June 2005 meeting: designating a Board member as an ex-officio member of the SCSPE Board and publishing a joint newsletter. Mr. Kinghorn volunteered to serve as the ex-officio member, and his service was endorsed by the full Board. Because there has been a significant period of time since publication of the last Board newsletter, the Board would like to explore ways to facilitate communication to licensees. Ms. Hodge will research the Louisiana and Kansas Boards' newsletters as examples of public-private partnerships on newsletters. The Board is interested in this initiative; Gene Dinkins will meet with SCSPE regarding newsletters.

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**Review of Statutes and Regulations:**

Member Sprague presented an outline of Phase 1 of the 2006 changes to the SC Engineering & Land Surveying Statues & Regulations. Changes will be made to the following:

|                         |                                  |
|-------------------------|----------------------------------|
| 40-22-10(F)(4) & (B)    | 49-104D(1 & 2)                   |
| 40-22-20(9)             | 49-105B(3)                       |
| 40-22-120(B)            | 49-200A(2)(a)2; (c)2; A(2)(c)1.b |
| 40-22-220 (C)(2 & 3)    | 49-200B(1)(b)                    |
|                         | 49-200B(2)( c); B(3)(b); B(2)(b) |
| 49-102A(2 & 3) and B(1) | 49-610A & B                      |
| 49-103 A(1)-(8)         | Fiscal Impact-Remove             |

Changes to 40-22-230 & 49-102B2 were discussed but will not be pursued.

**Review of Policies and Regulations:**

Member Sprague discussed options for Category A and Category B engineers. Some of the options include the following: 1) License all applicants who hold a technology degree; 2) Require all applicants to meet Model Law requirements including holding an ABET/EAC accredited degree; 3) eliminate category B licensure and develop a plan to transition current registrants, via a qualification process, to Category A licensure. The Board discussed the advantages and disadvantages of each option and option 3 was selected.

Administrator Jan Simpson, Advice Counsel Sharon Dantzler, and Administrative Assistant Stacy Johnson will meet to discuss proposed revisions in the SC Engineers and Land Surveyors Statute and Regulations. A copy of that draft will be submitted to the Board at the next meeting November 8, 2005.

It was noted that the Board's policy regarding "Minimum Qualifications for Registration as Category B Associate Professional Engineer" states **that an applicant for comity registration as a Category B Engineer must be a resident of SC or must be regularly employed at a business operation in SC.** Attorney Dantzler suggested that requirement be removed from Regulation 49-206 when it is next revised. Motion (Sprague/Dinkins): To amend the policy to delete the residency requirement. The motion carried.

The Board held over discussion on the requirement for engineering services on townhouses until the November meeting. At that time, they will also discuss circumstances under which the FE exam may be waived.

Motion (Sprague/Love): To accept all revisions suggested by former Board member Skip Lewis to the Building Officials Manual being updated and printed by the Board of Architecture. Motion carried.

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**Ambassadorship:**

Chairman Tibshrary reported on the ongoing project of establishing a shared curriculum between USC and SC State to allow SC state students to take additional coursework in engineering science and design that would give them the equivalent of an ABET/EAC degree. Mr. Tibshrary and SCSPE Executive Director Joe Jones will meet with key legislators to solicit their assistance in overcoming obstacles.

**Engine Bill (H.3781)**

LLR's proposed revisions to Engine Bill (H.3781) were reviewed and discussed by the Board Members. Sharon Dantzler agreed to send a chart of the changes prepared by the legal staff to the Board Administrator for distribution. The Board will review at the November Board meeting.

**Board Administrator Report:**

Administrator Simpson reviewed the statistics report with the Board that showed there are 13,982 current licensees in Category A & B, Land Surveying, GS, GIS, and PS. There are 195 Dual licensees and 2,221 Firms.

**Violations Report:**

Investigator Todd Bond reviewed the Investigative Review Committee (IRC) report with the Board. A motion was made by (Love/Sprague) for the following cases; the motion then carried.

Cases Dismissed with a letter of caution:

- Case #2005-55
- Case #2005-56
- Case # 2005-58
- Case #2005-61
- Case #2005-57
- Case #2005-66
- Case #2005-65
- Case #2005-62

Cases approved for issuance of Formal Charges:

- Case # 2005-59
- Case # 2004-22
- Case #2004-37
- Case# 2005-69
- Case # 2005-53
- Case # 2004-33

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**Other Business:**

Chairman Tibshrary reviewed the budget with the Board Members; it was noted that there is a remaining balance of \$1,415,488.09 as of 7/1/05.

FE Exam results for April 2005:

USC: 36 passed; 52 failed

Clemson: 150 passed; 42 failed

The Citadel: 15 passed; 9 failed

The Board was apprised of the opportunity to order 2006-2007 State Official license plates.

Other key items that were discussed by the Board were volunteers that are needed by NCEES for the Standard-Setting Study. No one volunteered. The Board recognized Joe Jones as Association Director of the Year and will draft a Resolution congratulating Mr. Jones.

**Meeting Dates:**

The Board's next meeting will be held November 8, 2005, at USC. Tentative meeting dates for 2006 were also discussed but final dates will be prepared by the next meeting in November. Also the Board wants to have a joint meeting with the Architecture Board but a November date has not been set. Chairman Tibshrary asked Administrator Simpson to invite them to the meeting in November.

**Applications:**

Zhou Saiying: Ms. Saiying attended the Board meeting to request that the Board re-evaluate her years of work experience to allow her to be able to take her PE exam before 2010 (as she was previously notified). Chairman Tibshrary explained to Dr. Saiying that it was not in the Board's authority to approve work experience that was less than four years. She will be eligible to take the PE exam in 2007 provided her work experience after receipt of her Masters degree in 2002 meets requirements.

Keith Malmedal: Because of conflicting statements in his education evaluation, Mr. Malmedal requested the Board review his application for licensure as a PE in South Carolina by comity. The Board agreed that his education meets requirements, as concluded by Dr. Castro, and they approved his application. Motion (Kinghorn/Love): To approve Mr. Malmedal's application. Motion carried.

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Mohamed Elgazzar: Mr. El Gazzar requested the Board waive the 3-semester-hour deficiency noted in his education evaluation. The Board noted with appreciation that he is already enrolled in a history course at USC that will meet the requirement upon completion. The Board declined to waive the requirement but indicated the application does not need to go back to the full Board for review upon documentation that Mr. El Gazzar has successfully completed the course. Only one Board member needs to review it at that time.

Kenneth Braunlich: Mr. Braunlich asked the Board to discuss the office procedures for processing applications. He feels that information on the website does not coincide with the office procedure of processing applications. Administrator Simpson explained that Mr. Braunlich did not have an updated application showing the new procedures.

The meeting adjourned around 3:15 pm

Respectfully submitted,



Stacy Johnson  
Administrative Assistant