

**South Carolina
Board of Professional Engineers and Land Surveyors
Meeting Minutes
April 4, 2006**

The Board held a regular meeting on April 4, 2006, at 110 Centerview Drive, Kingstree Building, Columbia, SC.

Official notification of the meeting was sent to LLR's Office of Communications and Governmental Affairs and the Office of General Counsel; appropriate newspapers; WIS-TV; and the South Carolina Society of Professional Engineers (SCSPE).

Chairman Mitchell S. Tibshrary, P.E., called the meeting to order at 9:30 a.m. Board Members present were M.L. Love, P.E.; Gene L. Dinkins, P.E, and L.S., Cecil Huey, Jr., P.E., and Andy Kinghorn, P.E. Gaye Sprague was unable to attend due to a schedule conflict; Preston Young notified the Administrator on the day of the meeting he would not attend.

Also present were Jan Simpson, Board Administrator; Kim Archie, Administrative Assistant; Todd Bond, Investigator; and Sharon Dantzer, Advice Counsel. Administrator Simpson reviewed the agenda. Visitors included Mike Shannon, PE, NCEES Director of Professional Services; and David Cresswell, Dean, Industrial and Engineering Technology Department, Trident Technical College in Charleston.

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

Compliance/Violations Report:

A signed Consent Agreement with Facility Design Group was presented to the Board for review and approval. Todd Bond explained that the fine was higher than usual because the firm had a previous, similar violation. The Board approved the Agreement.

Chairman Tibshrary stated he received a call from Investigator Charlie Ido regarding the Board's vote in November 2005 to review all proposed Consent Agreements rather than have the Chairman sign them on behalf of the Board. Mr. Ido's concerns were that the procedure was counter to one previously agreed upon by the Board for Consent Agreements in parameter cases, and holding them for Board review at meetings delayed their implementation. Administrator Simpson noted for the record that this subject was not on the Board's agenda for discussion and vote, and she objected to the fact that, as a member of the IRC, she was not notified by Mr. Ido prior to the subject being brought forth. Mr. Bond left the meeting to obtain a copy of previously-approved Guidelines.

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Motion by Love/Kinghorn: To allow the Chairman to sign Consent Agreements for instances that fall within the Guidelines previously approved by the Board. Motion carried.

Todd Bond reported for the Investigative Review Committee on cases recommended for dismissal and Formal Complaint.

***A copy of the Policy for Disposition of Routine Cases is attached.**

Motion by Love/Dinkins: To accept the report. Motion carried.

Cases Dismissed:

Case #2004-45
Case #2005-52
Case #2005-63
Case #2005-64
Case #2004-74
Case #2005-81

Cases for Formal Complaint:

Case #2006-7

There was discussion on the use of "engineer" and "surveyor" for unlicensed individuals, particularly by large state agencies.

Chairman Tibshrary commented on a perceived decline in disciplinary cases recently. Mr. Bond noted there were 80 cases last year, a number he believed to be consistent with other years.

Minutes

Motion by Love/Huey: To approve the minutes of the January 17, 2006, Board meeting after amending to add the effective date of Mr. Gillette's resignation from the Board and to make minor corrections. Motion to approve the amended Minutes carried.

Motion by Love/Kinghorn: To approve the minutes of the January 18, 2006, Board meeting after amending to reflect Mr. Kinghorn attended the hearing but left afterwards due to a family emergency. Motion carried.

Accredited Surveyor Education Programs

David Cresswell, Dean of Trident Technical College's Industrial and Engineering Technology Program and also the Board's education consultant for surveyor applications, met with the Board to discuss future accreditation issues for surveyor programs. He noted Trident Tech's program has been in effect since 1964 and was accredited by ABET in the late 1970's. Over the past 10 years, enrollment has declined. The State requires a minimum of 6 graduates over every 3-year period. ABET accreditation for the current surveyor programs will expire in 2008, and the College is debating whether it is feasible to undertake the re-accreditation process. Trident Tech will continue its surveying certificate program and will continue offering surveying and mapping courses to meet Board licensure requirements. The Certificate program consists of 12 semester hours of coursework over 3 semesters.

Mr. Cresswell asked if the Board will accept coursework from Trident Tech between 2008 and 2010, even if the ABET accreditation lapses in 2008. A 4-year degree will be required beginning in 2010.

The Board discussed the anticipated decline in the number of licensed surveyors and the median age of current licensees.

Motion by Dinkins/Love: To continue to approve Associate graduates from Trident Technical College even if the program is not accredited by ABET, provided the curriculum is substantially the same as when the program was ABET-accredited. Motion carried.

Career Guidance – Resources and Trends

Mike Shannon, PE, Director of Professional Services, NCEES

Mr. Shannon met with the Board at their invitation to discuss issues related to the importance of licensure for engineers and surveyors and the “pipeline” for getting students interested in those careers. Mr. Shannon noted there are more national statistics available for engineers than for surveyors. He said the number is holding steady with the number of graduates increasing slightly. The number of national programs accredited in surveying seems to be holding steady. Noting that NCEES must be careful in distinguishing between promoting the profession and promoting licensure. A speaker's kit for surveying, aimed at middle and high school-age students, is available. A similar kit for engineering is aimed at college-level students and promotes licensure. He suggested partnering with state and local chapters of SCSPLS to encourage licensure as a surveyor; he also noted that having an articulate, practicing professional talk with students is very helpful.

Board Member Dinkins attended the SCSPLS Executive Committee meeting in February and offered to speak to SC chapters. He will visit 3 chapters in the near future to discuss licensure-related issues.

The Board will invite the president, president-elect and executive directors of the SC Society of Professional Land Surveyors and SC Society of Professional Engineers to attend the next Board meeting to discuss licensure challenges for both professions and the potential economic impact and life/safety implications of a reduced number of licensees.

Applications

Steve A. Walker – Mr. Walker's comity PE application came before the Board at the request of M. L. Love. Mr. Walker holds a B.S. degree in Architectural Studies, 1976, University of Illinois. The board's education evaluation concluded he did not meet education requirements. Mr. Walker was licensed in New York in 1991 and in Illinois in 1986. A review of Illinois licensure requirements in 1986 and New York requirements in 1991, submitted by Mr. Walker, indicated education requirements were not substantially equivalent to South Carolina requirements on those dates, as required for comity licensure by Section 40-22-230(C) and SC Reg. 49-203(A). Motion by Love/Dinkins: To deny the application based on education deficiencies. Motion carried.

Yousif Ghafari – Mr. Ghafari's comity PE application came before the Board at the request of Mitchell Tibshrary. Mr. Ghafari's education was evaluated by the Board's Education Consultant and found to be deficient by 16 hours in Engineering Design. However, Mr. Ghafari holds a Masters degree in Chemical Engineering from Wayne State University which the board accepted under Regulation 49-200(A)(2)(2). Motion by Dinkins/Kinghorn: To approve Mr. Ghafari's application. Motion carried.

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John Larkin Wilson - Mr. Wilson's comity PE application came before the Board at the Administrator's request. Mr. Wilson meets licensure requirements; however, due to disciplinary information contained in his file, he could not be approved by administrative staff. Mr. Wilson signed two Consent Agreements with the Texas Board of Engineers, one in 1998, another in 2003. The Board reviewed all documents related to the Agreements. Motion by Dinkins/Huey: To determine from the Texas Board if Mr. Wilson has complied fully with all requirements in the 2003 Agreement. If he has complied and there are no further actions taken against him, the staff may issue his license. Motion carried. [It was later verified that Mr. Wilson complied with the requirements.]

Timothy Kearns - Mr. Kearns's reinstatement application came before the Board at the request of Dr. Huey and Administrator Simpson. Mr. Kearns originally became licensed in South Carolina by examination, but his SC license lapsed in 1999. Mr. Kearns does not currently hold a license to practice engineering in any state or territory. He worked outside the United States for several years. Motion by Kinghorn/Love: To deny the application and to require that Mr. Kearns take and pass the Principles and Practice examination (PE) as a requirement for reinstatement, based on Section 40-22-240(A). Motion carried.

Southern Zone Activities

Mr. Tibshrary reported the Southern Zone officers are working on the agenda for the April meeting in Savannah. He encouraged everyone to suggest topics for forum discussions and to serve on committees and attend national and regional meetings. Mr. Dinkins agreed that involvement was the only way to be fully informed about, and responsive to, the substantive issues affecting the professions.

The draft Resolutions to be voted on at the Annual Meeting were reviewed and will be discussed again at Zone meetings and at the Board's next meeting.

Chairman Tibshrary reported that the initiative to establish a joint engineering degree program between USC and SC State University has made little, if any, progress although he and Joe Jones met with two SC State University Trustees and a legislator to seek support. He will continue to work towards a resolution to this issue.

Committee Reports:

Legislation – Mr. Tibshrary reported that efforts to introduce legislation this year to amend current statutes have been postponed until next legislative session.

Communication with Licensees – Kinghorn

Mr. Kinghorn reported he has been meeting with SCSPE as the Board's representative. He asked Administrator Simpson to update the board on the publication of newsletters.

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Ms. Simpson outlined two options: one is to join with a professional society to include Board newsletter material in the society's publication. The other is to send a newsletter electronically to registrants. Software recently purchased by LLR will facilitate electronic distribution. The newsletter can be sent to everyone with an e-mail address on the board's records and it can be posted on the board's website. A post card could be mailed to all licensees prior to the posting of the newsletter.

The Board discussed the options and agreed that e-mailing the newsletter allowed more control on frequency and timing of the publication. They agreed to this procedure. The "new" newsletter will contain substantive articles, disciplinary information, and other timely information. It will not repeat information already available on the board's website.

Interface with Engineering Colleges – Huey

Dr. Huey reported there are three new candidates for Dean of Clemson's Engineering School. Until there are deans in place there and at USC, there will be limited opportunities to interact with the schools.

Career Enhancements/Licensure

Mike Shannon covered this topic earlier.

Photogrammetry Exam Contract and Funding

Gene Dinkins has been working with the Colonial States Boards of Surveyor Registration (CSBSR) to create items for a new photogrammetry licensure exam and to execute a contract for test development. The CSBSR has reached a point where funding is needed to continue developing the test, and they asked South Carolina and other states to commit funding of \$1750.00 per year for two years.

Motion by Dinkins/Huey: To approve funding a portion of the photogrammetry exam development costs at \$1750.00/year for 2006 and for 2007, as outlined in a contract with CSBSR, with the understanding that more funding may be needed later. Motion carried.

Acceptable Continuing Education Activities

The Board routinely receives questions about continuing education credit for participation in events such as Math Counts or judging events such as a robotics contest. Board members believe these are worthwhile events and should be allowed for some CE credit. They asked that Attorney Dantzler draft an interpretation of the current law for their review.

Jack Whitley, PE and LS

The Board reviewed materials and a letter sent by Jack Whitley who was unable to attend the meeting. Mr. Whitley appears to seek permission to perform all services on churches and other buildings classified as assembly, institutional, education occupancies based on his SC Engineering license and his many years of experience. He has had several conversations with Administrator Simpson and Chairman Tibshirany who assured him he may perform engineering services. Board members noted the Architecture law requires an architect on buildings classified as assembly occupancy. The Board asked Ms. Simpson to write Mr. Whitley that his concerns might best be taken up by the Board of Architectural Examiners.

Board Administrator's Report

License Statistics as of 3/31/06

TYPE OF LICENSE	NUMBER CURRENT
Professional Engineer-A	13,146
Professional Engineer-B	23
Land Surveyors-A	1052
Land Surveyors-B	36
Geodetic Surveyor	20
Geographic Information System Surveyor	68
Photogrammetric Surveyor	157
Certificate of Authorization	2368

Foreign Degree Evaluators

Ms. Simpson reported on a recent list of NCEES-approved organizations for foreign degree evaluations. The Board remains very satisfied with Dr. Castro's evaluation services; however, Ms. Simpson will ask Dr. Castro to identify possible successors should he retire.

Meeting with Investigative Review Committee members

The Board will invite IRC members to attend the June meeting to discuss mutually relevant compliance issues and to assess their interest in continuing to serve on the IRC.

[end of Administrator's Report]

Election of Officers

At the June meeting, officers for 2006-2007 will be elected.

Building Officials Manual

The latest draft of the Building Officials Manual, revised by the Board of Architecture and Skip Lewis, was distributed for review and consideration by the Board. Mr. Tibshirany asked everyone to carefully review it and make notes of questions or suggested revisions prior to one final review in June. There was also discussion about the possibility of revising the Board's prototypical plans policy; that, too, will be discussed in June.

Financial Report

The Board reviewed the Financial report as of January 31, 2006.

Continuing Education Workshops

Administrator Simpson reported that the Design Professionals Group and AIA/SC will co-sponsor three continuing education workshops for architects and engineers: May 9 in

Columbia, May 10 in Charleston, and May 11 in Greenville. AIA/SC is producing the brochures to be mailed in mid-April to all engineers and architects who reside in the state.

Education/Research Fund

Administrator Simpson suggested the Board might wish to request authority from the Legislature to create an Education and Research fund similar to that of other boards for funding continuing education activities. In the next proposed legislation, the Board will consider including that provision.

NCEES Emeritus Member

Former Board member A. Cleve Gillette has been elected Emeritus Member of NCEES by the Board of Directors.

Meeting Date Change

Due to a schedule conflict, the Board changed the date of the next meeting to June 6, rather than June 13. It will begin at 9:30 a.m. in the Kingtree Building, Columbia.

*Policy for Disposition of Routine Cases is as follows:

POLICY FOR DISPOSITION OF ROUTINE CASES

1) **UNLICENSED PRACTICE** (Individuals & Firms) *

Consent Order - Public Reprimand and \$500- \$1000 fine.

2) **RENEWAL FRAUD** (CPC)

Consent Order - Public Reprimand and \$1000 fine
License is suspended until CPC compliance

3) **OUT-OF-STATE DISCIPLINARY ACTION** (Not Revocation)(1st Offense) **

Consent Order – Public Reprimand.

4) MINIMUM STANDARDS VIOLATIONS IN SURVEYING (Repeat Offenders) ***

Consent Order – Public Reprimand and \$500 fine.

* w/out unusual mitigating circumstances, including lapsed license practice after 15 months.


** if the offense would violate SC codes & regulations if occurred in SC.

*** Violations occurring after respondent officially warned in prior cases.

There being no further business, the meeting adjourned at 4:00 pm.

Respectfully submitted,

Jan B. Simpson
Administrator



(Minutes amended 6/7/06)