

**South Carolina Board of Professional Engineers and Land Surveyors**  
**Meeting Minutes**  
**April 17, 2007**

The Board held its regularly scheduled meeting on April 17, 2007, at 110 Centerview Drive, Kingstree Building, Columbia, S.C.

Public Notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the S. C. Freedom of Information Act.

Chairman M.L. Love, Jr., P.E., called the meeting to order at 9:30 a.m. Board Members present were Vice-Chairman Gene L. Dinkins, P.L.S and P.E.; Board Secretary Gaye Sprague, P.E.; Cecil Huey, Jr., P.E.; Andy Kinghorn, P.E.; Thurl Amick, Sr., L.S., and Mitchell Tibshrary, Jr., P.E.

Also present were Jan Simpson, Board Administrator; Stacy Johnson, Administrative Assistant; Todd Bond, Investigator; Charlie Ido, Chief Investigator; and Sharon Dantzler, Advice Counsel. Guests included Chuck Watson, legal counsel for Greenwood County; Ann R. Clark, Director of Stormwater Division of S.C.D.H.E.C.; Jill C. Stewart, P.E., Manger of Stormwater Division at S.C.D.H.E.C.; Edwin Eargle, II, P.E., Robert I. Pratt, P.E., John Walsh, P.E. and Linda C. McDonald, Chief Counsel, all with S.C.D.O.T.; Ben Christensen, SCSPLS, and Joe Jones, SCSPE.

Administrator Simpson reviewed the agenda.

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

Motion by Sprague/Kinghorn: To approve the January 9, 2007, Board meeting minutes. Motion carried.

Motion by Kinghorn/Amick: To approve the March 22, 2007; conferences call meeting minutes. Motion carried.

**Compliance/Violations Report:**

Todd Bond reported on behalf of the Investigative Review Committee on cases recommended for Dismissal, Formal Complaints and Letters of Cautions. Those cases are as follows:

**Cases for Dismissal**

2006-114

2007-3

**Cases Recommended for Formal Complaint**

2006-11

2006-102

2006-106

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**Cases Recommended for a Letter of Caution**

2006-105  
2006-107  
2006-112  
2007-2

Motion by Sprague/Amick: To accept the IRC's recommendations. Motion carried.

**Committee Reports:**

Communication with Licensees: Member Kinghorn thanked Board members for their articles and input for the newsletter which will be ready for electronic publication in May.

Career Enhancements/Licensure: Chairman Love informed the Board that the American Council of Engineering Companies (ACEC) invited him to give a presentation in California on surveying education and the impact the requirement for a four-year degree in 2010 will have on licensure. Chairman Love believes someone from NCEES would be a more appropriate speaker.

Interface with Engineering Colleges: Member Huey reported the new dean of the Engineering Department at Clemson expressed interest in attending a meeting of the Dean's Council but it is very difficult to set a meeting date due to her many commitments. Dr. Huey will pursue setting a tentative date for the meeting.

Joint Degree Initiative: Member Tibshrary reported the Board's work in this initiative is complete. The University of South Carolina and S.C. State University are working together on a joint curriculum. The Board will continue its support and possible involvement if needed.

Photogrammetry/GIS Examinations, Surveyors: Member Dinkins reported that he will attend the Northeast Zone's meeting in Rhode Island in May to finalize the GIS examination.

**Sealing Documents – South Carolina Department of Transportation (DOT) and South Carolina Department of Health and Environmental Control (DHEC)**

Employees of the S.C. Department of Transportation Edwin Eargle, II, P.E., Robert I. Pratt, P.E., John Walsh, P.E. and Linda C. McDonald, Chief Counsel, attended the meeting to request that the Board postpone deadlines set by the Board during a conference call on March 22, 2007. The deadlines addressed compliance with new sealing procedures for design documents and specifications issued by DOT. After discussion by all parties, the Board agreed to new implementation dates as follows:

- 1) Extension until May 9, 2007, of previously set deadline of March 22, 2007, for April, May and June 2007 lettings. Until May 9, 2007, these lettings will be sealed according to DOT's current procedures of sealing only the cover sheet.

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Extension of deadline to May 9, 2007, for Bid packages for each project in item #1 above.

- 2) After May 9, 2007, all lettings will be sealed according to procedures set forth in the Board's statutes and regulations. This will affect August 2007 lettings and all subsequent lettings.
- 3) Implementation date of April 15, 2008, for sealing Standard drawings (total of 289) for items such as drop inlets and standard brick wall treatments.
- 4) The Board also agreed that DOT's Standard Specifications book, bound and reprinted approximately every five years, does not need to be sealed.

Representatives of SCDHEC agreed to honor the new implementation dates. Board members noted that standard drawings must also be sealed by the using engineer as well as by the originating engineer.

Ms. McDonald asked the Board to consider clarifying terms such as "prepared," "designed," and "compiled" when Regulations are next updated.

Motion made by Sprague/Kinghorn: To extend the implementation dates as requested and as listed above. Motion carried, 5-1.

**Mr. Vincent Mannella:** The Board considered a request by Mr. Mannella to reduce reinstatement fees currently charged. The Board decided to give Mr. Mannella the option of applying as a new applicant if he meets the current S.C. requirements for comity, or paying the reinstatement fees as set forth in administrative policies. If he reinstates his license, he may retain the same license number. If he reapplies, he will be issued a new license number.

Motion by Dinkins/Huey to offer Mr. Mannella the above options for licensure in South Carolina. Motion carried.

**Mr. Herbert Neimyer, Jr.:** Mr. Neimyer requested that his current exemption from obtaining professional development hours to renew his engineers and surveyors licenses be continued despite a recent lapse of licensure. Currently the Board has a policy that allows a licensee to renew his/her license without penalty if the license has not been in a lapsed status for more than 15 months. Mr. Neimyer's license had not been lapsed beyond the 15 month period; therefore, the Board agreed that he may continue to be exempt from obtaining professional development hours.

Motion by Dinkins/Sprague: To allow Mr. Neimyer to retain his exemption from the continuing education requirement for future renewals. The Board will also draft a policy for individuals who inadvertently have allowed their license to lapse but have continued to practice in this state. Motion carried.

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**Application:**

**Pasquale R. Concessi:** Mr. Concessi's application for comity PE licensure was reviewed by the full Board at the request of the reviewing Board member. The issue to be determined was whether Mr. Concessi's application contained sufficiently-detailed explanations of work experience. After the Board reviewed Mr. Concessi's application and supporting documentation, it was decided that the application was incomplete. They agreed that all engineering activities must be fully described and verified, as outlined in correspondence from Administrator Simpson, before re-submitting.

Motion by Tibshrary/Dinkins: The Board will not accept Mr. Concessi's application until it is completed as requested and all supporting documents have been submitted. Motion carried.

**Clarification Request**

S.C. architect Dennis Ashley asked the Board to clarify the requirements related to design of computer networked systems. Member Tibshrary suggested that more specific information be submitted for the Board to review prior to issuing a clarification.

Motion by Dinkins/Tibshrary: To further discuss computer systems once a more specific request for clarification is received.

**Request from Greenwood County – GIS maps of Lake Greenwood**

Chuck Watson, Greenwood County attorney, requested the Board's approval to allow a surveyor to sign and seal an aerial GIS map of Lake Greenwood using photographic data he did not collect and whose collection he did not supervise. Member Amick explained to Mr. Watson that a Surveyor cannot sign anything using such data. Extensive discussion followed with references to the definition of Tier A Surveying activities in Section 40-22-20(23), exceptions listed in Section 40-22-290(2), and provisions set forth in Regulation 49-420(F) of the Minimum Standards which states, "Surveys which are performed for a specific stated purpose other than boundary surveys as defined herein shall be permitted where unusual conditions make it impractical or impossible to perform the survey to the standards set forth herein, provided the purpose and conditions shall be clearly stated on the survey drawing. This section is not to be used in any way to circumvent the standards in this manual on a survey which can be performed to these standards." It was noted the Minimum Standards do not address GIS projects.

Motion made by Dinkins/Amick: The Lake Greenwood mapping project as described to the Board falls under GIS category. As long as it is done by a dually licensed GIS and Photogrammetry Surveyor who is competent in the field and analyzes the data correctly, the surveyor would not be in violation of the Board's regulations because this specific issue is not addressed in the Regulations or in the Minimum Standards. Motion carried.

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**Administrator's Report:**

License Statistics as of Friday, March 30, 2007

<b>TYPE OF LICENSE</b>	<b>NUMBER ACTIVE</b>
Professional Engineer-A	12,881
Professional Engineer-B	21
Land Surveyors-A	1000
Land Surveyors-B	35
Geodetic Surveyor	17
Geographic Information System Surveyor	55
Photogrammetric Surveyor	146
Certificate of Authorization	2353

**President's Assembly**

Members Love and Tibshrary and Administrator Simpson attended NCEES's biennial Presidents Assembly in Atlanta in February. One of the topics of discussion at the Administrators forum was computer-based testing.

**Office Staff**

The board has a new employee to handle all hearings, legislation, and newsletters for the Board of Professional Engineers and Land Surveyors as well as the Board of Architecture. Melissa Jones will begin employment on April 23, 2007.

**Emeritus Member**

NCEES notified the Board that former Board Member, A. Cleveland Gillette, was approved as an Emeritus Member. As such, he will be eligible to serve on NCEES Committees.

**Other Business:**

Board Members reviewed the finance report for period ending February 28, 2007.

Todd Thomas, NSPE Manager of State Government Relations, inquired if the Board considered services as outlined in USDA Solicitations to be the practice of surveying, and, if so, is competitive bidding for services legal in South Carolina? The Board believes the activities described meet the definition of surveying as provided in South Carolina statutes. As to the issue of competitive bidding among practitioners, the Board noted that Regulation 49-305 instructs engineers and land surveyors to "solicit and accept work only on the basis of his qualifications."

The Board reviewed information provided by NCEES regarding "Potential Random Guessers" on examinations and asked the Board to consider investigating the individuals identified. (Names were not disclosed to the Board members.) The Board asked

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Administrator Simpson to contact NCEES to seek information on actions taken by other boards, if any, and to solicit suggestions on possible Board actions.

Board Members were in agreement with proposed Amendments to the NCEES Constitution. Further discussion will be held at the Southern Zone meeting in Lexington, Kentucky and at the Annual Meeting in Philadelphia in August.

The Board discussed an inquiry from representatives of the Japan PE/FE Examiners Council (DPEC) regarding licensure in South Carolina for individuals who might take the Fundamentals of Engineering examination and the Professional Engineering examination in Japan. The Board agreed that each application will be reviewed on a case-by-case basis and would be given full consideration.

Administrator Simpson discussed the office's application and exam procedures. The Board requested information about hiring qualified individuals to review applications, rather than having Board members perform the review. Administrator Simpson will explore procurement issues, the potential pool of qualified reviewers, and how to identify them. She will report to the Board at the next meeting.

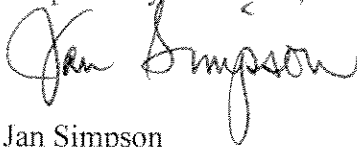
After reviewing a print out of other State Boards' application guidelines, the Board asked that PE application reference forms be revised to provide the date signed, a line for the printed name of the reference, as well as a notification that the individual providing the reference should sign his/her name across the flap of the sealed envelope prior to returning it to the applicant. Current procedures allow references to return the form directly to the Board office if they wish.

Chairman Love reminded the Board of the upcoming 2007 NCEES Southern Zone Meeting scheduled for April 26-28, 2007, in Lexington, Kentucky.

The next Board meeting will be held June 12-13, 2007, in Room 111.

The meeting adjourned at 5:15 p.m.

Respectfully submitted,



Jan Simpson  
Administrator