

SOUTH CAROLINA
BOARD OF PROFESSIONAL ENGINEERS
AND SURVEYORS
Board Meeting
February 12, 2008
110 Centerview Drive, Room 202-02, Columbia, SC

Call to Order – Chairman M. L. Love, P.E., called the meeting to order at 9:45 a.m. Board Members present were Gene L. Dinkins, P.E. and L.S.; Andy Kinghorn, P.E.; Gaye Garrison Sprague, P.E.; Thurl Amick, Sr., L.S; Mitchell S. Tibshrary, P.E., and Cecil O. Huey, Ph.D., P.E.. Nancy Cottingham, Public Member, notified the Administrator in advance she was unable to attend the meeting.

Also present were Jan Simpson, Board Administrator, and Melissa Jones, Program Assistant.

Administrator Simpson stated the **public notice** of the meeting was properly posted at the Board office and provided to organizations and news media in compliance with Section 30-4-80 of the S.C. Freedom of Information Act. A quorum was present at all times.

Review Agenda - Administrator Simpson reviewed the agenda and the Board agreed to reorder it to hear an appeal from Althea Ward as their first item of business.

Request to use “Engineering” in firm name – Althea Dunlap Ward requested the Board’s permission to use Dunlap Engineering Education and Consulting, Inc. as her firm’s name. She is not a registered engineer in any jurisdiction, her firm does not offer engineering services and employs no engineers. The focus of her firm’s work is to interest young people in an engineering career. She is pursuing a doctoral degree in engineering but has not yet completed the degree. Member Tibshrary encouraged her to become licensed and noted that her work is consistent with the Board’s beliefs that young people need to be encouraged to enter the profession. By consensus, the Board denied her request and suggested that she substitute “technical” for “engineering” until she and her firm are licensed.

As a corollary, Chairman Love reported on a recent meeting in Greenville, S.C., focused on interesting students in grades 4-6 in engineering careers. Development of an “engineering cluster,” similar to the automotive cluster at Clemson University, is being considered.

January Board meeting minutes – Motion by Sprague/Amick to approve the minutes of the meeting on January 8, 2008. Motion by Amick/Tibshrary to approve the Minutes of the meeting on January 9, 2008. Motions carried. Chairman Love asked that a policy regarding proposed Consent Agreements be drafted for approval in March. The policy will be based on discussions during the January 9, 2008, meeting.

Setting Control Monuments - Dr. Lewis Lapine and Matt Wellslager of the S.C. Geodetic Survey met with the Board to discuss Section 40-22-20(24) regarding “control monuments.” A draft interpretation was discussed. Board members agreed that only licensed surveyors may establish boundary lines. Section 40-22-20(24) was not intended to prohibit geodetic

surveyors from setting monuments. Dr. Lapine noted that control monuments are tied to the National Spatial Reference System. The Board revised the draft policy and asked that it be placed on the March meeting agenda for approval.

Motion by Tibshrary/Amick: Geodetic surveyors may continue to set control monuments.
Motion carried.

Enforcement Report – Investigator Todd Bond reported on disciplinary cases. Motion by Sprague/Dinkins: To approve the following actions recommended by the IRC:

Letter of Caution – Cases 2007-16, 2007-27.
Dismiss – Cases 2007-32, 2007-33, 2007-25
Dismiss with a Cease & Desist Order: Case 2007-18
Issuance of Formal Complaint – 2006-113

Chairman Love signed the Board Order issued after the Hearing for George Bradley.
Mr. Bradley has complied with all provisions of the Order and is now licensed.

Alternate IRC Member – Member Kinghorn recommended Hollis Walker, P.E., as an alternate engineer member of the Investigative Review Committee, in addition to Bill Knowles. Motion by Kinghorn/Sprague: To invite Hollis Walker and Rick Inman to attend the next IRC meeting. Motion carried. (Mr. Inman was approved at the January meeting.)

Mr. Dinkins asked that all IRC members be invited to meet with the Board. Mr. Tibshrary expressed confidence in the IRC members.

Parameters for IRC and for Licensure Issues – At the request of Administrator Simpson, Board members discussed parameters revised at the January board meeting to clarify certain issues. The draft will be reviewed and voted on later in the meeting. Investigators Charlie Ido and Todd Bond commented on philosophical and practical issues related to disciplinary matters, past history of Board actions, and amounts of fines relative to the violations.

Reinstatements - Regarding reinstatement and renewal of licenses, the Board agreed that licenses will be renewed with an effective date of July 1 if renewed within 90 days of expiration on June 30. After 90 days, the effective date of issuance will be the actual date renewed. Susan Hicks, Data Coordinator, joined the meeting to explain reinstatement and renewal procedures and practices. When reinstatement applications are submitted, the license may be reinstated administratively as long as the individual meets requirements:

- has not practiced while the license was lapsed
- has a license in his state of employment/residence
- submits proof of continuing education
- pays the reinstatement fee

If the license has been lapsed three years or if other conditions exist contrary to those stated above, the application must be submitted to the Board for approval.

The Board limited to \$5000 the amount of a fine that may be offered by the administrative staff in a proposed Consent Agreement. Should it appear to the staff that the fine should be more than \$5000, the issue will be scheduled for a hearing.

Emeritus status – The Board clarified that no renewal fee will be charged Emeritus licensees.

Description of work experience on application forms – Board members again noted problems with descriptions of work experience on applications, including insufficiently detailed descriptions, less than four years of experience under a licensed Professional Engineer, and less than 100% of work experience verified. The Board asked that the experience form itself contain information about acceptable descriptions.

NCEES - The Board accepted information related to proposed changes to the NCEES Constitution and Bylaws.

Reinstatement issues - Issues relevant to two applications for reinstatement were discussed as guidance for staff members. One individual is not licensed in his current state of employment or residence but wishes to reinstate his SC Professional Engineer license. His letter outlining extenuating circumstances was accepted by the Board. Motion by Sprague/Kinghorn: to reinstate the license. Motion carried.

The other individual also is not licensed in his current state of employment or residence. The Board accepted his letter outlining extenuating circumstances but required him to complete a Section 5 form to verify his employment from July 1, 1990, to present and to provide a more detailed description of his experience. Once this is received, the application will be sent to Dr. Huey for review.

Technology Degree Holders - Update on Procedures

Mr. Dinkins suggested adding a Purpose Statement as an introduction to the documents sent to applicants who hold a technology degree. Board members reviewed policies and procedures. Motion by Sprague/Huey: To adopt policies and procedures and to add a Purpose statement for review at the next board meeting.

Newsletter – Administrator Simpson was asked to contact SCSPE to determine if Board news could be added to their electronic newsletter. Discussion followed about recent SCSPE articles on Board member seats and the Governor’s actions in extending some term expiration dates as required by recent legislation.

Committee Reports

Career enhancements/licensure – M.L. Love addressed the issue.

Interface with Engineering Colleges – Dr. Huey noted that non-research schools usually have a larger number of licensed faculty members. If professors were required to be licensed to be eligible for grants, there would be a concerted effort to become licensed. Or, if ABET accreditation criteria included the requirement for licensed faculty, schools would support the effort. Mr. Tibshrary noted there is no advantage to the college or university at this time to have its faculty licensed.

There was discussion about drafting a “White Paper” on the issue of licensing faculty members. Mr. Tibshrary suggested making a motion to Southern Zone to carry forward a request that NCEES take the lead in convening the founders of ABET and others to support the issue of requiring at least a percentage of faculty members to be licensed. Dr. Huey will draft a white paper.

Joint degree – Mr. Tibshrary spoke recently with the Chairman of the S.C. State University Board of Trustees about the joint degree initiative. He noted that the Board needs to stay involved in the initiative to ensure it moves forward.

Emeritus Engineer – A licensed engineer asked the following question in anticipation of changing status to Emeritus Engineer: Can an Emeritus Engineer volunteer with a non-profit organization where he sizes, specifies and puts together solar-powered water pumping systems for donation in developing nations and also in disaster recovery in the United States and overseas? The Board determined that such work requires a licensed engineer, therefore, an Emeritus Engineer could NOT perform such work.

Board members asked for license statistics for “this time last year” on each licensure report.

Legislation – Various proposed bills were discussed, especially S. 687 regarding expert witnesses.

Mr. Dinkins reported he and Mr. Amick recently spoke to over 400 surveyors at the state GIS conference of South Carolina State Mapping Advisory Committee (SMAC) in Greenville. They discussed GIS licensing and how it relates to professional practice.

Mr. Dinkins reported that other state boards have approached him about the possibility of using the GIS examination recently created for South Carolina candidates. Administrator Simpson noted the exam will be given to one candidate on February 26, 2008.

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Mr. Dinkins further noted the Photogrammetry Surveying exam is ready. Funded by SC, NC, VA, and KY boards, the exam is for individuals who meet licensure criteria by exam, not by reciprocity or grandfathering. At Dinkins' request, the Board gave him the authority and latitude to discuss use of the exam and cost issues with other states at the upcoming meeting of the Colonial States Boards of Registration for Surveyors.

There being no further business, the Board meeting adjourned at 4:00 p.m.

Respectfully submitted,

Jan B. Simpson
Administrator

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Call to Order – Chairman M. L. Love, P.E., called the meeting to order at 9:30 a.m. Board Members present were Gene L. Dinkins, P.E. and L.S.; Andy Kinghorn, P.E.; Gaye Garrison Sprague, P.E.; Thurl Amick, Sr., L.S; and Cecil O. Huey, Ph.D., P.E.. Nancy Cottingham, Public Member, and Mitchell Tibshrary notified the Administrator in advance they were unable to attend the meeting.

Also present were Jan Simpson, Board Administrator, and Melissa Jones, Program Assistant.

The board discussed a revised interpretation of Section 40-22-20(24)(d) as follows:

It is the interpretation of the South Carolina Board of Professional Engineers and Surveyors (the Board) that the language in Section 40-22-20(24)(d) stating, in part, that a geodetic surveyor “determines the geographic position in an international three-dimensional coordinate system, where the curvature of the earth must be taken into account when determining directions and distances; geodetic surveying includes the use of terrestrial measurements of angles and distances, as well as measured ranges to artificial satellites” means that geodetic surveyors may determine or set control monuments. In this interpretation, a “control monument” is further defined as a Geodetic Control Monument where the geographic coordinates have been determined by a geodetic surveyor or a land boundary surveyor. Determining or setting control monuments is considered within the practice of geodetic surveying or land boundary surveying.

Motion by Dinkins/Amick: To adopt the revised interpretation and publish it for clarification. Motion passed.

Revisit the issue of Parameters – The Board asked that administrative staff immediately begin using newly revised parameters for licensure issues. However, IRC members and staff will review the revised IRC parameters for disciplinary issues again in March but will continue using existing parameters for cases already submitted to the Office of Investigations and Enforcement until changes are approved by the Board. Attorney Dantzler noted the new fines structure (\$1000/violation with cap of \$20,000) was determined by legislative action in June 2007 and should be in use now. Existing proposed Consent Agreements, however, should not be changed.

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Application issue – When an applicant does not hold an accredited degree and needs the bachelor and Masters degree (or even a doctoral degree) for a determination that the education is “substantially equivalent” to an accredited degree, the applicant may begin counting work experience only after conferral of the degree that determines equivalency. Work experience prior to that time may not be counted for application/licensure purposes.

NCEES Volunteers – Mr. Dinkins encouraged Board members to volunteer to serve on NCEES committee assignments for 2008-2009.

The Board meeting adjourned at 10:30 a.m. to prepare for an Application hearing.

Respectfully submitted,

Jan B. Simpson
Administrator