

SOUTH CAROLINA
BOARD OF PROFESSIONAL ENGINEERS
AND SURVEYORS
Board Meeting
April 9, 2008
110 Centerview Drive, Room 201-03, Columbia, SC

Call to Order – Chairman M. L. Love, P.E., called the meeting to order at 10:55 a.m. following two Application Hearings. Other Board Members present were Gene L. Dinkins, P.E. and L.S.; Thurl Amick, Sr., L.S; Theresa Hodge, P.E.; Cecil O. Huey, Ph.D., P.E.; Charles M. Joye II, P.E.; and Nancy Cottingham, Public Member. Board Member Andy Kinghorn was excused from the meeting in advance. Also present were Jan Simpson, Board Administrator, Melissa Jones, Program Assistant, Todd Bond, Investigator, and Sharon Dantzler, LLR Attorney. Other attendees: Joe Jones, Executive Director of SCSPA.

Review Agenda - Administrator Simpson reviewed the agenda: item #9, application review training session, will be postponed until Mr. Kinghorn is present; revised parameters by Dr. Huey was added.

Minutes of March meeting – Amend to note Board Member Theresa H. Hodge, P.E., attended the meeting. On motion and second, the amended Minutes were approved.

New Board Members - Chairman Love welcomed newly appointed Board Members Theresa H. Hodge, P.E., and Charles M. Joye II, P.E. Member Hodge replaces Mitchell S. Tibshrary; Member Joye replaces Gaye G. Sprague.

Report on NCEES Southern Zone meeting – Gene Dinkins reported record registration for the meeting in Puerto Rico, May 1-3, 2008. A Law Enforcement forum and a meeting for new attendees have been added this year. Committee Reports will address major issues before the Council, e.g., increased education requirements for licensure (“BS + 30”); computer-based testing; a proposal to reorganize NCEES into separate divisions for engineers and surveyors; and requests to administer NCEES exams in foreign countries.

IRC Recommendations – Todd Bond, Investigator
Mr. Bond reviewed the case list. Upon motions by Huey/Amick, the Board voted to dismiss Case #2007-23 and to issue Cease and Desist Orders in Cases 2008-2, 2008-3, 2008-4, and 2008-6. Motions carried. As a corollary issue, Mr. Bond noted that one of the cases involved destruction of records by a surveyor. While Minimum Standards require that records be held forever, the statute of repose would seem to allow destruction of records. The Board will discuss this issue at a later date.

The list of Consent Agreements and Cease and Desist Orders resulting from applications-related issues was reviewed.

Revised Parameters for IRC Use – Dr. Huey distributed a revised outline of parameters. He suggested that guidelines for sanctions be based on the statutes violated rather than on specific

behavior/action for the purpose of improving consistency. Attorney Dantzler left the meeting to determine if a database report could be generated to list violations and resulting sanctions by the statute(s) violated. (She later reported that the database is not organized to allow such a report.) Effective immediately, Mr. Bond will track violations and sanctions by statute violated and will add that information to his IRC reports.

Legislation - Joe Jones joined the meeting at 11:20 a.m. to discuss legislation, particularly S. 1258, a local bill by the Greenwood delegation regarding surveying of Lake Greenwood. The bill provides that a compiled map of the lake is not a survey and calls for a licensed surveyor to sign and seal it. Problematic issues are that it would be a violation of the Minimum Standards for Surveyors for a surveyor to sign and seal such a map; an unlicensed firm performed the work that resulted in the map, and it implies that Lake Greenwood is exempt from compliance with Minimum Standards which could set a precedent for other entities to circumvent the Standards. After discussion, the Board concluded it likely could not stop the bill. Attorney Dantzler suggested a letter to the county attorney stating the Board's concerns about compliance with the Minimum Standards and that the surveyor who performs the work is expected to follow the Standards and engage in due diligence in confirming the accuracy of the composite map as required in S. 1258. Mr. Amick will assist Attorney Dantzler in drafting the letter.

Inquiry - A letter from two engineers employed by Builders FirstSource in Sumter was reviewed by the Board. The letter suggested that a signature line for the PE in charge be added to the application and that "employee" and "responsible charge" be defined. Board members agreed to add a signature line on the applications for Certificate of Authority (firm licenses) for the engineer in charge. However, they believe the terms "responsible charge" and "resident professional engineer" are adequately addressed in existing statutes, Section 40-22-20(9) and (32), respectively. Regulation 49-205(A) further outlines requirements for persons in responsible charge.

Gene Dinkins reported on an article published in the April 2008 edition of Professional Surveyor Magazine that included erroneous information about licensure of GIS surveyors in South Carolina. This item could be a topic for discussion in the Surveyors Forum at the upcoming Southern Zone meeting.

Board newsletter - Suggestions for articles in the Board's newsletter: BS + 30; online renewals, documentation required for continuing education audits.

CSBRS Meeting - Mr. Dinkins reported on actions taken at a recent meeting of the Colonial States Boards of Surveyor Registration (CSBRS) where he represented the S.C. Board. The Photogrammetry exam for licensure developed by Surveyor Boards in Virginia, Kentucky, North Carolina and South Carolina is ready to be administered, and other states have expressed interest in administering it to their candidates. The CSBRS Board agreed to the following schedule of fees:

For states that contributed to the development of the exam – no cost
Other CSBRS states – a one-time fee of \$4000
Non-CSBRS states – a one-time fee of \$8000.

All states will have unrestricted use of the exam but will pay a \$250 annual fee for maintenance and upkeep of the exam which will be housed at NCEES. Upkeep includes refreshing the questions and ensuring the test addresses current practice.

Portfolio process - Administrator Simpson asked for clarification of work experience required for engineering technology degree holders who apply for licensure through the portfolio process. Some applicants have developed a practice in a “niche” area of engineering and have practiced in that somewhat limited area for years, thus they do not have a portfolio of broad, diverse experience during the past 10 years, nor do they perform design work in their current practice. (Applicants must have eight years of experience to be admitted to the Portfolio process.) After discussion, it was agreed that such individuals may submit their portfolio for the Review Committee to assess. It must be clear to such applicants that Section 40-22-222 limits the review of an applicant’s portfolio to two submittals.

Administrator Simpson also asked if “successfully pass the FE and PE” in Section 40-22-222 means that an applicant is ineligible for the portfolio process if he/she has had either of the exams waived in another state. The Board confirmed that applicants must have taken and passed both exams.

The Board also confirmed that NCEES records designated as “MLE” (Model Law Engineer) may be processed for licensure without being sent to a Board member for review.

There being no further business, the Board meeting adjourned at 12:50 p.m.

Respectfully submitted,

Jan B. Simpson
Administrator