

SOUTH CAROLINA
BOARD OF PROFESSIONAL ENGINEERS
AND SURVEYORS

Board Meeting

June 3, 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.; Thurl Amick, Sr., L.S.; Nancy Cottingham, Public Member; Theresa Hodge, P.E.; Charles Joye, II, P.E.; and Cecil O. Huey, Ph.D., P.E.. 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, and Dr. Tim DeTroye, SC State GIS Coordinator.

The Board conducted **Application Hearings for Wendell Powers and GAR Engineering**. At the conclusion of the Hearings, Chairman Love called the Board meeting to order at 11:30 a.m.

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.

April Board meeting minutes and Telephone Conference on May 27, 2008 – Motion by Hodge, Second by Amick to approve the minutes of the meetings on April 8 & 9, 2008 and the minutes of the telephone conference on May 27, 2008. Motion carried.

SCSPE Request for Funding – A request from the S.C. Society of Professional Engineers to assist with funding of seminar expenses at the associations' annual meeting to be held on June 12 -14, 2008. The Society requests \$2000.00 towards seminar expenses that provide educational seminars.

There was a discussion related to potential ways to support South Carolina's registered engineers and surveyors through educational seminars. Mr. Dinkins suggested appointing a subcommittee of the Board to explore the process to approve and fund continuing education seminars for South Carolina licensees. Chairman Love suggested asking Joe Jones to assist the Board in finding out how the Board could reach the most licensees. Attorney Dantzler stated that the money can be used for advancement of education and research for the benefit of individuals and firms licensed in South Carolina and for individuals in training to become licensed but not to recruit individuals to a profession. See Section 40-22-245.

Motion by Dinkins, Second by Joye: To approve a request from the S.C. Society of Professional Engineers for \$2,000 for educational seminars at their conference in Daufuskie Island, South Carolina. Motion carried.

Joe Jones joined the meeting to discuss continuing education programs presented in 30-minute increments at the ACEC and the SC DOT fall meeting and whether the Board will accept continuing education hours in 30 minute increments. After a brief discussion, the Board decided to accept not less than one hour of credit for continuing education.

Greenwood County GIS Project – Chairman Love stated that this issue was resolved without legislation.

Minimum Standard Manual Review – Mr. Dinkins reported that he and Mr. Amick have finished the review and revisions to the Minimum Standards Manual. They presented the proposed changes at the General Membership Meeting of the Surveyors in Myrtle Beach, South Carolina. Mr. Dinkins reported that the section concerning the wetland areas controversial. The Minimum Standards Manual is ready for comments by the public. Attorney Dantzler stated that the August 2008 Board Meeting would be the last chance to make changes and the Board will need to vote for approval of changes. After approval, the revised Minimum Standards Manual and all other revisions to the Regulations will be published in the September State Register. The public will have 30 days for comments after publication.

Dr. Tim DeTroye joined the meeting to discuss a portion of Minimum Standards Manual dealing with Section 49-460 (D) (4), GIS Information System Surveys. This section provides that the drawing will be transmitted to the client in a form of a drawing in a digital format. Problematic issues are that the client will receive the drawing in format that they will be able to use. Dr. DeTroye suggested changing the language to include a format compatible with a GIS surveyor and the needs of the clients.

Modification of Regulation 49-205 (A) – Gregory Parsons asked the Board to consider modifying Regulation 49-205 (A) to simplify licensing of firms and define sole proprietorship. After a brief discussion a motion was made by Mr. Dinkins and Mr. Amick to leave the language as currently written. Motion carried.

Possible Revision of Regulation 49-207 (C) -- Administrator Simpson stated that this was a section that the Board had intended to discuss for possible revisions. Attorney Dantzler suggested that the Board give clarification to the practicing engineers as to what their duties are on the bound volumes. This will on the August Board Meeting Agenda for resolution.

IRC Recommendations – Todd Bond, Investigator

Mr. Bond reviewed his case list. Upon motion by Dinkins/Hodge, the Board voted to dismiss Case #2008-5 and to issue a letter of caution in Case #2008-1. Motion carried.

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

Administrator's Report -- LLR Director Adrienne Youmans has reorganized the Professional and Occupational Licensing Division of LLR and has named a Director of Licensing to oversee licensing functions for all boards. The change was effective June 1. Employees who currently perform licensing functions will be moved to that division; the building will be renovated to house them as a group. A call center will be established to answer questions for all boards.

The Office of Investigations and Enforcement (OIE) will move from the Division of Legal Service to the POL Division. The POL Division will have three sections; Licensure, Investigations and Board Activities. These changes will become effective July 1st.

Administrator Simpson is serving on the Renewals and Communications Committees. Renewals will be standardized to the extent possible and will be handled by the Licensing Division. The Communications committee will work toward standardizing letters to licensees and the information posted on web sites. There are other committees, as well.

The Board's vacant Administrative Assistant position was frozen in anticipation of changes in the Licensure division.

Online renewals are going very well. As of June 3, 6500 individuals have renewed online.

Revised Professional Engineers Applications – Attorney Dantzler asked the Board for a study group for the possible revision of the Professional Engineers Application. After a brief discussion, Mrs. Hodge and Mr. Kinghorn volunteered to serve on the study group.

Continuation of Board effort to assist SCSU and USC in initiating Dual Degree program -- Motion by Dinkins, Second by Amick: To appoint Mitchell Tibshrary to assist the Board in continuing efforts to establish a Dual Degree program between two universities. Motion carried.

Nomination of Mitchell Tibshrary and Gaye Sprague as NCEES Emeritus Members -- Motion by Dinkins, Second by Amick: To approve Mitchell Tibshrary and Gaye Sprague as Emeritus members of the South Carolina Board of Registration for Professional Engineers and Surveyors. Motion carried.

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Inquiry EM Seabrook, Jr., Inc. Regarding Statue of Repose – Mr. Seabrook requested that the previously issued Order to Cease and Desist and the Letter of Caution be rescinded because he does not believe that his firm engaged in any unlawful activity by removal of designs, plans, specifications, surveying and planning records older than the eight-year statute of repose. After a discussion, the Board decided to consider revisions to Regulation 49-420 (C) with regard to statute of repose. The Board also decided that the Order to Cease and Desist and the Letter of Caution issued to EM Seabrook, Jr., Inc. will stand.

Professional Practice Examination – Carried over to the August 5, 2008 Board Meeting.
Opposition to B + 30 – ASHE -- After a brief discussion, the Board decided to accept the letter from ASHE National Board as information.

Supreme Court Expert Witness Testimony – Motion by Hodge, Second by Dinkins: To send a letter drafted by Attorney Dantzler and Administrator Simpson to the South Carolina Supreme Court in favor of requiring licensure for expert witnesses in the field of engineering and surveying. This is sent in response to a request by the Court for comments on potential rules changes.

PDH Credit for exams/certificates – A licensee asked through e-mail if licensees can receive continuing education credit for studying for an exam and passing an exam such as a LEED exam. After a brief decision, the Board decided that licensees could not receive continuing education credit for such exams.

The Board went into Executive Session to discuss licensure as a Professional Engineer in South Carolina for Benjamin Steven Whaley

Engineer Technology Review Committee (Benjamin Steven Whaley) – Motion by Hodge, Second by Dinkins: To approve Mr. Whaley for licensure as a Professional Engineer in South Carolina. Motion carried.

There being no further business, the Board meeting adjourned at 4:30 p.m.

Respectfully submitted,

Melissa D. Jones
Program Assistant