

MINUTES
South Carolina Board for Registration of
Professional Engineers and Surveyors
Board Meeting
9:30 a.m., May 17, 2011
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina

Call to Order

Chairman Andy Kinghorn, P.E., called the meeting to order at 9:00 a.m. Board Members present were Theresa Hillard Hodge, P.E.; Thurl M. Amick, Sr., PLS; Nancy W. Cottingham; Gene L. Dinkins, P.E., PLS; Charles M. Joye, II, P.E.; and M.L. Love, Jr., P.E. Cecil Huey, Jr., P.E., was excused from attendance as he was out of the country.

Statement of public notice

Mr. Kinghorn stated public notice of this meeting was properly posted at the S. C. Board of the Registration for Engineers and Surveyors office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Approval of the March 22, 2011, Meeting Minutes

Motion: To approve the minutes of the Board meeting held on March 22, 2011. Amick/Hodge/Approved.

Approval of Agenda

There were no changes to the agenda.

Application Hearings (Also Recorded by Court Reporter)

a. William Terry Powell -- Application Hearing

Mr. Powell applied for comity licensure as a surveyor in South Carolina on or around December 1, 2010, which required him to take the State Specific exam. His complete application was sent to Board Member Amick for review. Mr. Amick requested an Application Hearing to allow Mr. Powell to present information and to answer questions about his involvement in a case the Board considered in January 2010 regarding Eastover Engineering & Surveying, Inc.

Motion: To enter into Executive Session for the purpose of discussing Mr. Powell's case.

Dinkins/Hodge/Approved

Motion: To return to Open Session. Love/Amick/Approved

Motion: To accept Mr. Powell's application and allow him to sit for the State Specific Exam.

Joye/Cottingham/Approved.

b. Robert Bruns – CE Audit Hearing (Andy Kinghorn was recused)

Mr. Bruns was randomly selected for audit of compliance with Continuing Professional Competency (CPC) requirements for the licensure period of July 1, 2008 to June 30, 2010. He submitted documentation of 52 credit hours of Continuing Education; however, 48 of those hours were obtained after Mr. Bruns renewed online on May 24, 2010, at which time he indicated he had met the CE requirements. In accordance with the Board's parameters, the staff issued Mr. Bruns an Order to Cease

and Desist, his Professional Engineer's license was administratively suspended, and he was offered a proposed Consent Agreement that provided for a public reprimand, \$2,000 fine, and the requirement to obtain twenty-six hours of continuing education within sixty days. Mr. Brun's declined to sign the Consent Agreement.

Motion: To enter into Executive Session for the purpose of discussing Mr. Brun's case.

Love/Amick/Approved

Motion: To return to Open Session. Love/Amick/Approved

Motion: To accept Mr. Brun's Professional Development hours as submitted, to lift the Order to Cease and Desist and return his license to active status. Dinkins/Amick/Approved

c. Jerry Calloway – CE Audit Hearing

Mr. Calloway was randomly selected for audit of compliance with Continuing Professional Competency (CPC) requirements for the licensure period of July 1, 2008 to June 30, 2010. He submitted documentation of 32 credit hours of Continuing Education; however, 20 of those hours were obtained after Mr. Calloway renewed online on June 21, 2010, at which time he indicated he met the CE requirements. In accordance with the Board's parameters, the staff issued Mr. Calloway an Order to Cease and Desist, his Professional Engineer's license was administratively suspended, and he was offered a proposed Consent Agreement that provided for a public reprimand, \$2,000 fine, and the requirement to obtain eighteen (18) hours of continuing education within sixty days. Mr. Calloway declined to sign the Consent Agreement.

Motion: To enter into Executive Session for the purpose of discussing Mr. Calloway's case.

Hodge/Amick/Approved

Motion: To return to Open Session. Love/Hodge/Approved

Motion: To accept Mr. Calloway's Professional Development hours as submitted, to lift Order to Cease and Desist and return his license to active status. Dinkins/Amick/Approved.

Office of General Counsel – Hearings

No Disciplinary Hearings were scheduled this meeting.

Mr. Kinghorn declined to sign a Consent Agreement offered to Robert Arrington by the Office of General Counsel. He asked Attorney Christa Bell to schedule Mr. Arrington for a hearing at the next Board meeting.

NCEES Change to Education Standard – Impact on South Carolina Board – Walter Castro, Ph.D., PE

Dr. Walter Castro reviewed the history of ABET criteria for accreditation of Non-accredited degrees and how the criteria have changed over the years. He reported his findings on the impact he believes the changes to the NCEES education standard will have on South Carolina candidates:

- International students: Many international colleges and universities follow the European system in which basic mathematics, science and humanities/social sciences are provided in high school but at a university level. The subsequent college or university programs are focused on engineering course work and higher-level science and engineering. Unless the applicant has gone through a formal "baccalaureate" type program, the new NCEES Education standard will not accept any high school courses. This may require international students to complete additional basic mathematics, basic science, and humanities and social sciences course work.
- Non-ABET U.S. engineering programs: There a number of engineering programs in the United States and its territories that are not EAC/ABET accredited for reasons other than quality. In many cases, the engineering curricula have been found to be substantially equivalent to an ABET

accredited program. The new NCEES Education standard will require the applicant to complete a master's degree at an ABET accredited institution before being considered for registration.

- Engineering technology graduates: Some engineering technology graduates have completed engineering master's degrees at ABET accredited institutions. In Dr. Castro's opinion, the basic (low analytical level) ET course work together with the master's program has provided a program that is substantially equivalent to the ABET Criteria. The new NCEES standard will require a master's degree (typically 30 semester hours) and an additional 18 semester hours of engineering course work to meet the "engineering topics" requirement.

Dr. Castro recommended revising Regulation 49-200 to accept a Masters of Engineering degree for licensure purposes and to delete acceptance of a Masters of Science in Engineering degree. He also noted the term "substantial equivalent" is not used in the NCEES Education Standard. Board members noted that they must continue to accept the Masters of Science degree until there is legislative action to revise the language.

Motion: To write a letter to NCEES expressing the Board's concerns that the new Education Standards may not demonstrate equivalence to an EAC/ABET degree. Joye/Love/Approved. Mr. Kinghorn and Mr. Joye will draft the letter.

Information on Survey Coursework – Dr. Peter Messier, PLS, PE

Dr. Messier discussed with the Board the surveying courses in the Civil Engineering program at Clemson University which are more traditional land surveying and civil courses. He noted the courses do not conflict with the courses offered by Clemson's Forestry Department where the courses have an emphasis on natural resources and GIS. Dr. Messier will work with Mr. Dinkins to develop a sequence of courses. The Board expressed support for both programs and thanked Dr. Messier for his work in creating additional avenues for students to achieve education required for surveyor licensure.

Engineering Surveys -- who can perform them? – Brett Rogers (Goldie Associates)

This item was carried over to the July Board Meeting.

Construction Staking – Thurl Amick

This topic was carried over from the previous Board meetings. Mr. Amick stated that boundary surveys and anything resulting in public recordation must have a licensed Surveyor. If a contractor hires an individual to perform the survey, the firm must be licensed and have a licensed Surveyor on staff to perform the work. There is still confusion regarding the issue of construction staking. After a brief discussion, the Board decided to hold a stakeholders meeting on July 20, the second day of the July Board Meeting, to get input from the SC Contractors Licensing Board, SCSPE, SCSPLS, and AGC.

Master's or Equivalent (MOE) Program opposition – SME

The Board reviewed a letter from the Society for Mining, Metallurgy and Exploration opposing the "Masters or Equivalent" (MOE) program that would require an engineer to hold a Masters degree or its equivalent in order to take the PE Exam. Mr. Love stated that approximately 16 out of 20 Engineering Societies are opposed to implementation of the MOE program as stated at a recent ACEC meeting. The Board accepted the letter as information.

Resolution Guidelines for Investigation Review Committee – Theresa Hodge

Mrs. Hodge presented changes to the Guidelines for the IRC as the following: 1) The two PE members and the two PLS members must be actively engaged in the practice of engineering or surveying at the time of their appointment. 2) Members of the Board may serve on the IRC Committee. 3) The surveyors

must have been engaged in the practice of surveying in this State for at least twelve years and in charge of important surveying work for at least 5 years. The Board will not determine who votes. Guidelines are attached.

Motion: To accept the changes and adopt as Policy of the Board. Dinkins/Amick/Approved.

Appointment of Investigation Review Committee Members

After a brief discussion, the Board decided that IRC members will be appointed at November Board Meetings with the term to begin the following January. Ms. Simpson will develop an application for IRC Members and present at the July 2011 Board Meeting.

Administrative Parameters Confirmation – Jan Simpson

The Board reviewed the parameters used by the administrative staff in dealing with application abnormalities. After a brief discussion, the Board accepted the Administrative Parameters with no changes.

Draft of Disciplinary Parameters – Jan Simpson

The Board reviewed and approved the draft of the Disciplinary Parameters for the Office of Investigations and Enforcements with no changes.

NCEES Annual Meeting Topics and Funded Delegate Member – Jan Simpson

Thurl Amick will be the Funded Delegate Member for the NCEES Annual Meeting in August 2011 in Providence, Rhode Island.

Continuing Education Audit Issues – Jan Simpson

The Board reviewed Mr. Melvin Belter's letter requesting his license be "inactivated due to retirement" instead of voluntarily surrendering it due to non-compliance of the 2010 Continuing Education Audit. After a brief discussion, the Board decided to change the language on the renewal form to state, "I have completed or I will complete by June 30 the continuing education.....".

Motion: To approve Mr. Belter's request to inactivate his license due to retirement and to accept the change in language on renewal forms. Dinkins/Love/Approved.

Licensure for work on Federal Lands – Jan Simpson

A question has arisen regarding licensure for individuals and firms providing engineering services under contract to the Federal government on federal lands. Ms. Simpson stated the South Carolina law exempts only engineers who are employees of the Federal Government and who are working on Federal Land in South Carolina. After a brief discussion, the Board asked staff to research licensure requirements (or exemptions) in other states for contract work on Federal Lands. The findings will be presented at the July 2011 Meeting.

Preparation for Board Presentation at the South Carolina Engineering and Surveying Meeting – Andy Kinghorn

Mr. Kinghorn sent the Board for a list of topics to be discussed at the South Carolina Engineering Conference in June. Mr. Kinghorn will prioritize the list and sent out topic assignments to the Board Members.

Potential Law changes needed for implementation of Computer-based testing (CBT) – Theresa Hodge

Mrs. Hodge noted that with the implementation of Computer-based testing in 2013, the Board must remove “written” exam from the Statute. After a brief discussion, the Board decided that the word “written” can be interpreted as a computer-based test. Staff will review statutes and regulations.

Southern Zone Meeting – Theresa Hodge

Mrs. Hodge reported that South Carolina will host the 2014 Southern Zone Meeting.

Motion: To hold the Southern Zone Meeting in Charleston, South Carolina. Dinkins/Hodge/Approved.

Determination if Air Modeling/Permitting Falls Within the Definition of “Practice of Engineering”

The Board reviewed a letter from AECOM requesting interpretation of whether air modeling is considered the practice of engineering. A state agency has issued an RFP for air modeling that does not require licensure. After reviewing the letter and activities described, the Board decided that the items outlined are the practice of engineering. The Board decided to send an advisory letter to State Agencies regarding the Board’s position.

Investigations – Steve Freshley, Chief Investigator, OIE

Investigative Review Committee Report – Steve Freshley, Todd Bond

Mr. Freshley reported five active cases in OIE as of today. The oldest is 180 days old and the newest is four days old.

Motion: To accept Investigative Report Committee Report. Dinkins/Hodge/Approved.

Office of General Counsel – Suzanne Hawkins

Ms. Hawkins reported that there might be four disciplinary hearings in July.

Administrator’s Report – Jan Simpson

Customer Service

Between April 6 and April 20, (9 business days), our office received a total of 258 calls for Architecture, Engineers, Surveyors, and Landscape Architects. Only 17 of those calls were “abandoned,” meaning the caller hung up before the call was answered. The longest daily average speed of answering was 22 seconds, the quickest daily average was 5 seconds, for an overall average of 11 seconds. LLR has an enhanced telephone system that provides real-time feedback on incoming calls for the purpose enhancing customer service.

Reorganization

On/about April 1, LLR reorganized its Professional and Occupational Licensing division to return licensing responsibilities to Board Administrators and staff. Personnel were assigned to boards for which they previously worked to the extent possible and others were assigned to boards by virtue of experience. The staff is cross training so that everyone can perform competently all licensing tasks for the three boards.

Moving

Director Templeton also recently announced that LLR will move in Spring 2012 to Columbia Mills where the Dept. of Revenue is currently housed. This building is also the home of the State Museum.

Legislative report

H. 3039 (stock school plans) remains in House Education and Public Works subcommittee
Various bills related to “other funds” going to General Fund at end of FY
{End of Administrator’s Report}

Board Member Reports

There were no Board Member Report.

Financial Report – Jan Simpson

The board reviewed the summary Financial Report for the Board’s operating budget and the Education and Research Fund.

Administrative Disciplinary Report – Missy Jones

The Board reviewed the Administrative Disciplinary Report regarding number of letters of caution issued, consent Agreements, and Cease and Desist Orders. The Board accepted the report as information.

The meeting adjourned at 3:50 p.m.

The next meeting is scheduled for July 19 and 20, 2011, at 9:30 a. m., Room 108.

Respectfully submitted

Missy Jones
Program Assistant

