

MINUTES
South Carolina Board for Registration of Professional Engineers and Surveyors
9:30 a.m., March 21, 2017
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia, SC

Call To Order

Chairperson Fallon called the meeting to order at 9:31 a.m.

Statement of Public Notice

Chairperson Fallon stated that public notice of this meeting was properly posted at the South Carolina State Board of Registration for Professional Engineers and Surveyors, 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.

Introduction of Board Members and Other Persons Attending

Board members present included Dr. Dennis Fallon, Ph.D., PE, Chairperson; Dr. Johnston Peebles, Ph.D., PE, Secretary; Timothy Rickborn, PE ; Gene L. Dinkins, PE, PLS; Miller L. Love, Jr., PE; D. Mack Kelly, Jr., PE, PLS.; and John Baker Cleveland, III. , Esq.

Staff members present included Lenora Addison-Miles, Administrator; Britton Jenkins, Program Assistant; Donnell Jennings, Esq., Advice Counsel; Erin Baldwin, Esq.; Sharon Wolfe, Office of Investigations and Enforcement; Robbie Boland, Assistant Deputy Director; and Holly Beeson, LLR Office of Communications and Governmental Affairs.

Others present included: Marguerite McClam, Allison King, John McAllister, David Thoman, Kevin Champion, Thomas Caldwell, Elizabeth Henley, Travis Hawthorne, Cedric Keitt, Kathleen McDaniel, and Jesse Burke.

Approval of Meeting Minutes

The board reviewed minutes from the January 17, 2017 board meeting.

MOTION: To approve minutes. Dinkins/Love/approved.

Review and Approval of Agenda

The board reviewed the agenda. Dr. Fallon requested to carry item 10 to the next meeting because Mrs. Darra Coleman could not attend. He requested to strike item 15d from the agenda and add item 11b.

MOTION: To approve agenda with changes. Dinkins/Rickborn/approved.

Legislative Update

Mrs. Beeson gave the board a legislative update. She reported that two bills were in legislation that addresses the practice of engineering (S.342 and H3652 - Piping Materials). Mr. Jennings added that the Joint Task Force proposed language to address the issue of incidental/overlap of practice. Mr. Jennings suggested the board review the language and make a decision to adopt it so that Mrs. Beeson can take it to the Legislature.

MOTION: To open proposed policy for discussion. Love/Peeples/approved.

MOTION: Approve wording proposed by the Joint Task Force as presented. Dinkins/Peeples/approved.

MOTION: To vote in favor of support of S.342. Dinkins/Kelly/approved.

Mr. Jennings added that Senator Scott would like to review the Portfolio Process.

Board member Johnny Johnson, PE, PLS, Vice Chairman, entered the meeting at 9:49 a.m.

State Specific Exam

MOTION: To enter executive session for legal advice. Dinkins/Peeples/approved.

MOTION: To exit executive session. Love/Peeples/approved.

Reports

- a. Mrs. Wolfe presented the OIE report. She reported there were a total of 16 active cases. Nine cases are in active investigation. Seven cases have been opened. Mrs. Wolfe added that 19 cases were closed from January 1, 2017 through March 15, 2017.
- b. Mrs. Wolfe noted that there was no IRC report.
- c. Mrs. Baldwin presented the ODC Report which was reviewed by the board. Mrs. Baldwin reported that as of March 7, 2017, there were seven open cases with the Office of Disciplinary Counsel. She added one case is waiting final board order. Twelve cases have been closed since the last board meeting. Mrs. Baldwin added she hopes to possibly bring three MOA cases to the next board meeting.
- d. Mrs. Miles presented the administrative and financial report. Mrs. Miles reported that as of March 8, 2017, there were 30,029 active credentials. She added that as of March 17, 2017, there were a total of 16,361 engineers, 1,017 surveyors, 141 dual licensees, and 12 associate PE's current through June 30, 2018. Six hundred ninety-four (694) licenses lapsed June 30, 2016 as a result of non-renewal. There were 148 FE exams delivered during the January/February/March testing window. There have been 838 Early PE applications filed and 437 have passed the exam. Mrs. Miles added that there are 317 candidates approved for the April 2017 PE exam. Board members should notify Mrs. Miles by March 22, 2017 if they wish to attend the examination. Mrs. Miles reported the January cash balance was \$3,218,617.50 and January education and research fund balance was \$439,860.22. The February cash balance was \$3,230,027.97. The February education and research fund

balance was \$444,380.22. Mrs. Miles added the 2017 Engineering Conference and Trade Show will be held June 8, 2017. The board has been invited to attend. Mr. Rickborn requested to publicize the NCEES chemical exam transition dates on the board website. Mr. Love inquired about PDH units being issued to the Portfolio Committee volunteers. Discussion ensued.

MOTION: Portfolio Committee should receive two PDH hours per one hour of participation. Dinkins/Love/approved.

Funding Requests

- a. Allison King, of the SCSPLS, presented a funding request of \$19,500 for the 2017 SCSPLS Convention and Technical Conference.

MOTION: To approve funding request in the amount of \$19,500. Peeples/Johnson/approved.

- b. The board reviewed a funding request OF \$2,500 for SCSPE Disaster Preparedness Building Evaluator Training.

MOTION: To approve funding request in the amount of \$2,500. Johnson/Dinkins/approved.

Portfolio Review Committee Licensure Recommendations

The board reviewed Portfolio Committee licensure recommendations for the following applicants: Charles T. Maxwell (Civil), Culas W. Hutchinson (Civil), and Kevin Sheddrick (Civil). Dr. Dennis Fallon served as the chair of the committee.

MOTION: To approve candidates for PE licensure. Love/Peeples/approved.

Application Hearings

- a. Mr. Kevin Champion appeared before the board for an Application Hearing. He was not represented by counsel. He did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: To enter executive session for legal advice with Mrs. Miles participating. Johnson/Love/approved.

MOTION: To exit executive session. Rickborn/Love /approved.

MOTION: To issue a provisional approval upon correcting work experience from graduation to present. Johnson/Peeples/approved.

- b. A request to sit for the PLS exam was received from Mr. Herbert McClure. Mr. McClure did not attend the meeting. He was not represented by counsel. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary. Mr. Kelly was recused from the hearing.

MOTION: To deny Mr. McClure's request to sit for the PLS exam based on no evidence provided.
Dinkins/Johnson/approved.

The board recessed for lunch from 12:08 p.m. until 1:05 p.m.

- c. Mr. Travis Hawthorne appeared before the board for an Application Hearing. He was not represented by counsel. Mark Peters and John Connely served as witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: To enter executive session for legal advice. Cleveland/Peeples/approved.

MOTION: To exit executive session. Love/Rickborn/approved.

MOTION: To approve for PE licensure. Dinkins/Peeples/4 approved/3 opposed.

- d. Mr. Cedric Keitt appeared before the board for an Application Hearing. He was not represented by counsel. He did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

Mr. Keitt requested to withdraw his application and defer to the July board meeting. He will resubmit when he is ready for exam consideration.

- e. Ms. Elizabeth Henley appeared before the board for an Application Hearing. Ms. Henley was represented by Kathleen McDaniel, Esq. John McAllister, David Thoman, and Thomas Caldwell served as witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: To enter executive session for legal advice. Dinkins/Peeples/approved.

MOTION: To exit executive session. Love/Rickborn/ approved.

MOTION: To approve Ms. Henley to sit for the PE exam based on the totality of education curriculum and education evaluation. Cleveland/Peeples/ 5 approved/2 opposed.

- f. Mr. A.B.M. Abdullah appeared before the board for an Application Hearing by phone, in the presence of a Notary Public. He was not represented by counsel, and did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: To table request until complete application is received, clarifying work experience.
Dinkins/Love/approved.

Unfinished Business

- a. The board reviewed action items from the November 15, 2016 board meeting. All items on the action list were completed.

- b. The board reviewed action items from the January 17, 2017 board meeting. Most items on the action list were completed, except the ongoing issues. Dr. Fallon suggested the board have a two-day meeting in May to review legislation changes in depth. Dr. Fallon reported that he sent the request for funding to schools. The deadline to submit requests is July 1, 2017.
- c. The board discussed the Legal/Ethics Exam. Mr. Cleveland presented the proposed exam to board members for review. He noted there are 50 questions and it is more of a compliance exam. Mr. Jennings assisted in preparing the exam.

MOTION: Legal/Ethics exam to be used at the board's discretion as presented.
Cleveland/Dinkins/approved.

- d. The discussion of the regulation revision process was moved to the next scheduled board meeting.
- e. The board reviewed the 2017 NCEES meeting dates. The scheduled meetings are as follows: February 3-4, 2017 (Board Presidents Assembly); February 19-25, 2017 (National Engineers Week); March 19-25, 2017 (National Surveyors Week); April 27-29, 2017 (Southern/Northeast Joint Zone Meeting); May 18-20, 2017 (Central/Western Zone Meeting); August 23-26, 2017 (Annual Meeting).

New Business

- a. Information regarding Engineer Immunity, S.342 was discussed as part of the Legislative Update with Mrs. Beeson.
- b. Information regarding Section 40-22-280(A)(6) was discussed as part of the Legislative Update with Mrs. Beeson.
- c. The Joint Task Force update was discussed as part of the Legislative Update with Mrs. Beeson.

Other Business

Mr. Kelly spoke with the board regarding the Disaster Relief exemption script, prepared by Mr. Rickborn in November 2015. The script was prepared for staff to use to aid the request of professional engineers wanting to work during the disaster period of October 2015. Mr. Kelly noted that it would be helpful to create a questionnaire to put on the website. Mr. Kelly will work with Mr. Rickborn on this item.

Mr. Johnson congratulated the men and women's University of South Carolina basketball teams for advancing to the final four NCAA basketball tournament.

Public Comments

Jesse Burke noted that there still seems to be confusion about the COA application process. Mr. Dinkins noted that this is why the Legal/Ethics exam would be helpful. He added it would be helpful to request a representative from the Secretary of State's Office attend the next board meeting for guidance.

Dr. Fallon proposed a possible two-day board meeting in July. Board members will review their schedules to see if that is an option.

Mr. Jennings announced he will no longer serve as Advice Counsel for the board. The board thanked him for an exceptional job and wished him well in his future endeavors.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, May 23, 2017 at the SC Department of Labor, Licensing, and Regulation, Synergy Business Park, Kingstree Building, 110 Centerview Drive, Room 108, Columbia, SC and will begin at 9:30 a.m.

MOTION: To adjourn. Dinkins/Rickborn/approved.

The meeting adjourned at 4:48 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Britton S. Jenkins". The signature is written in a cursive, flowing style.

Britton S. Jenkins, Program Assistant