

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., July 16, 2019
Synergy Business Park, Kingstree Building
110 Centerview Drive, Conference Room 105
Columbia, SC

Call To Order

Chairperson Dinkins called the meeting to order at 9:32 a.m.

Statement of Public Notice

Chairperson Dinkins stated that public notice of this meeting was properly posted at the South Carolina State Board of Registration for Professional Engineers and Surveyors Office, Synergy Business Park, Kingstree Building, on the Board's website, 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 Gene L. Dinkins, PE, PLS, Chairperson; Dr. Johnston Peebles, Ph.D., PE, Vice-Chairman; J. Baker Cleveland, III, Secretary; Dr. Dennis J. Fallon, Ph.D., PE; Timothy Rickborn, PE; Jimmy Chao, PE; Henry Dingle, Jr., PLS; and D. Mack Kelly, Jr., PE, PLS.

Staff members present included: Lenora Addison-Miles, Administrator; Alice DeBorde, Program Coordinator; Stacey Hewson, Esq., Advice Counsel; and Donnell Jennings, Esq., Office of Disciplinary Counsel.

Others present included: Joseph Maida, David Brandyburg, Adam Jones, Allison King, Juan Caicedo, Nathan Huynh, Sean Higgins, and Travis McLeod (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the May 7, 2019 meeting.

MOTION: To approve minutes. Chao/Rickborn/approved.

Approval of Excused Absences

All members present.

Review and Approval of Agenda

MOTION: To approve agenda. Rickborn/Chao/approved.

Reports

- a. Mr. Jennings presented the OIE report. From January 1, 2019 through July 10, 2019, 26 cases are active investigations, nine cases have been designated as Do Not Open, two cases have been closed, one is pending further information, and three are pending retention of an expert reviewer.

- b. Mr. Jennings presented the July 10, 2019, IRC report. The IRC made the following recommendations: Dismiss case 2018-30; formal complaints for cases 2018-37, 2018-92, 2019-3, 2019-20; and a letter of caution for case 2018-93.

MOTION: To accept IRC report. Fallon/Chao/approved.

- c. Mr. Jennings presented the ODC report. There are currently 24 cases open with 15 pending action, seven pending consent agreements/MOA's, two pending hearings and seven cases have been closed.
- d. Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of July 3rd, there were a total of 17,702 engineers, 977 surveyors, 125 dual licensees, and 11 associate PE's current through June 30, 2020. Firm licenses are still being renewed. There are 3,204 firms and 1,005 branches current through March 31, 2021. Meeting materials also contain information regarding the number of in state and out of state early PE/PS exam candidates by year. As of July 16th, the NCEES CBT Summary for the current testing window, shows 104 FE exams, five FS, four PE, and two PS exams scheduled. We received 1,752 Early PE exam applications and 1,073 have passed the exam. There have been eight Early PS applications and five of those have passed. The May cash balance report reflected a balance of \$3,659,045.92, and the Education and Research Fund balance was \$470,218.22. The 2019-2020 ABET accreditation visits will be held this fall at SC State and Spartanburg Community College. If the Board wishes to send an observer, please notify Mrs. Miles before August 31. The state meal allowance rate increased July 1st to \$35 per day in state, and \$50 per day out of state.

The Board requested a licensing statistics report that graphs the overall number of licensees (by credential) over the last five years. The Board requested that lapsed licenses appear on Licensee Lookup to assist building officials in identifying licensee status.

Disciplinary Hearings

- a. Bobby Aaron appeared before the board, via conference call, for a disciplinary hearing in case 2018-51 (MOA). Mr. Aaron was not represented by counsel. He was in the presence of notary, Sharon Hembry. 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. Fallon/Rickborn/approved.

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

MOTION: To accept MOA. Statute violation. Issue a public reprimand and pay \$160 investigative costs. Cleveland/Fallon/approved.

- b. Maida Engineering (Joseph Maida) appeared before the board for a disciplinary hearing in case 2019-51 (MOA). Mr. Maida 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. Fallon/Rickborn/approved.

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

MOTION: To accept MOA. Applicant violated 40-22-30(C) and 40-22-110(A)(5). Pay \$500 fine and fees. COA may be issued upon payment. Peeples/Chao/approved.

Application Hearings

- a. David Brandyburg appeared before the board for an application hearing to request to retake the PE exam. Mr. Brandyburg 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. Rickborn/Peeples/approved.

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

MOTION: To allow applicant to take exam. Rickborn/Chao/approved.

- b. Joseph Porrello appeared before the board for an application hearing for licensure consideration. Mr. Porello 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. Peeples/Rickborn/approved.

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

MOTION: One year and eleven months of work experience is acceptable engineering experience. He needs an additional two years and one month of experience. Licensure is denied. Rickborn/Kelly/approved. Cleveland, Peeples, Fallon opposed.

Mr. Chao left the meeting at 2:00 p.m.

- c. Nahid Mahmoud appeared before the board for an application hearing. Ms. Mahmoud was not represented by counsel. She 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. Fallon/Peeples/approved.

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

MOTION: Allow applicant to take PE exam. Cleveland/Dingle/approved.

- d. William L. Toney, Jr. was not present for the scheduled application hearing. The board took no action on this item.

Civil Portfolio Review Committee Recommendations

A Civil Portfolio Committee met on June 5, 2019 and recommended licensure for Farzen Asefnia, Christopher M. Baker, Judson L. Greer, and John J. Keating.

MOTION: Approve for licensure. Rickborn/Fallon/approved.

A Civil Portfolio Committee met on July 9, 2019 and recommended Herbert Hansman for licensure.

MOTION: Approve for licensure. Fallon/Rickborn/approved.

Mechanical Portfolio Review Committee Recommendations

A Mechanical Portfolio Committee met on June 28, 2019 and recommended licensure for Herschel Smith and William Zeman.

MOTION: Approve for licensure. Rickborn/Fallon/approved.

Unfinished Business

- a. The Board reviewed the action items from the May 7, 2019 meeting. It was noted that most of the items have been completed. Mrs. Hewson and Dr. Fallon will work on the drafting the regulations. The Guidelines for Survey and Plat Uses, and Guidelines on Data Collection for Surveys were reviewed.

MOTION: To approve the Guidelines on Data Collection for Surveys as amended. The word “line” was removed from the last line of the last paragraph. Dingle/Kelly approved.

Both guideline documents will be posted to the website and SCSPLS will also post the information to their website.

The board reviewed the Guidelines for Successor Engineer/Surveyor. Discussion ensued regarding the last sentence of the last paragraph. Mr. Rickborn will work on revising this sentence for the Board to review during the September meeting.

The new surveyor education consultant contract is pending a minor revision, and should be completed shortly. Staff will begin sending surveyor education evaluations to the new consultant for review once the contract is fully executed.

New Business

- a. Stuart Weeks, president of the SC Fire Sprinkler Association addressed the board regarding issues fire sprinkler contractors have with permitting, plan review and being forced to practice outside their scope of expertise. Architects licensed in this state are not engaging engineers to perform the duties required by law to produce the fire sprinkler specification sheet. The sprinkler act law requires the document be part of the information submitted for permitting or bidding. There is a misconception that this document is produced by the fire sprinkler contractor as part of their shop drawings and falls under the deferred submittal category. Some of the engineers who are hired to produce the sheets are not qualified. A majority of the fire protection documents put out for bid by architects and general contractors are incorrect or incomplete. Mr. Weeks would like the board to notify all licensed engineers of the Sprinkler Act requirement, and what is required as the engineer of record. The board advised Mr. Weeks, that

alleged violations of the engineering law should be reported to the board in the form of a complaint.

- b. Juan Caicedo and Nathan Huynh, USC Civil and Environmental Engineering Department, and Sean Higgins, Midlands Technical College, addressed the board regarding a proposed surveying curriculum that would enable students to become professional surveyors. The pathway includes a combination of classes between USC and Midlands Technical College. The proposed classes include Surveying I, Surveying II, Introduction to Engineering Graphics and Visualization (Auto CAD), Introduction to Transportation Engineering, Transportation Lab, Highway Design and Advanced Geographic Information Systems.

MOTION: To accept proposed curriculum as satisfying the requirements for surveyor licensing in conjunction with the required four-year degree. Chao/Fallon/approved.

- c. Advice Counsel Hewson addressed the board regarding delegating authority to the Board chair to issue cease and desist orders for unlicensed practice. Currently, the process for issuing cease and desist orders is quite lengthy because the case has to go through the complaint process and to the IRC. The agency is seeking to shorten the process of issuing C&D's. The Board is asked to give authority to the chair to review and sign C&D orders without them having to go through the IRC. This will facilitate C&D's being issued more timely.

MOTION: To delegate authority to the Board chair to issue cease and desist orders for unlicensed practice. Rickborn/Fallon/approved.

- d. The Board reviewed the NCEES annual meeting motions to be voted on at the annual meeting in August.
- e. Mr. Jennings asked the board to provide names of civil engineers to serve as expert reviewers on complaint cases.

MOTION: To enter executive session for legal advice. Rickborn/Fallon/approved.

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

- f. Board staff received an inquiry from Rich Groth, Procurement Officer with the Town of Hilton Head Island. Mr. Groth questioned whether the State requires, by regulation or statute, that an environmental acoustic and vibration impact study, resulting in a written analysis/report to include mitigation recommendations, be performed by a licensed professional engineer. Based on the limited information provided, the Board is unable to determine if the practice of engineering is involved. Mr. Groth should refer to the statutory definition of the practice of engineering.

Other Business

No other business was discussed.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, September 24th at the SC Department of Labor, Licensing, and Regulation, Synergy Business

Park, Kingstree Building, 110 Centerview Drive, Room 105, Columbia, SC and will begin at 9:30 a.m. September 25th has been reserved for disciplinary hearings if needed.

MOTION: To adjourn. Fallon/Kelly/approved.

The meeting adjourned at 4:36 p.m.

Respectfully Submitted,

Lenora Addison-Miles, CPM, MBA
Administrator