

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., November 12, 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 Peeples, Ph.D., PE, Vice-Chairman; J. Baker Cleveland, 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; Janene Grantham, Program Assistant; Stacey Hewson, Esq., Advice Counsel; Donnell Jennings, Esq., Office of Disciplinary Counsel; Katie Phillips, LLR Director of Governmental Affairs; and Tracey Solet, Paralegal, Office of Disciplinary Counsel.

Others present included: Adam Jones, Stephanie Burton, Alex Imgrund, and Tiffany Evans (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the September 24, 2019 meeting.

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

Approval of Excused Absences

All members present.

Review and Approval of Agenda

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

Mold Study Committee – Katie Phillips, LLR Director of Governmental Affairs

Mrs. Phillips gave an overview of what the Mold Study Committee was asking from LLR. She stated the committee asked a member of LLR to attend the October 17, 2019 meeting. She gave an overview of the different boards and how LLR operates. There were several presenters at the committee meeting and the one thing everyone agreed on was, there is no standard for mold. At the last meeting the committee asked DHEC, Clemson and LLR to provide feedback on what path should be taken. Mrs.

Phillips is also meeting with the following boards for their insight as well: Residential Builders, Building Codes Council, Environmental Certification, and Contractors. She stated the committee will want a report by the end of the year. The Board indicated that engineers are often involved in the identification of mold, and there needs to be some type of certification for mold inspectors, such as the special inspector certification issued by BCC. Engineers generally would hire a special inspector to determine mold issues.

Reports

- a. Mr. Jennings presented the OIE report in the absence of Mr. Pigford. From January 1, 2019 through November 7, 2019, 27 cases are active investigations, seven cases have been closed, and a total of 56 complaints received. The average age of investigations is 127 business days.
- b. Mr. Jennings presented the IRC report and asked the board for authority to move forward with formal complaints on five cases: 2019-21, 2019-37, 2019-52, 2019-56 and 2019-83.

MOTION: To approve IRC report. Fallon/Rickborn/approved.

- c. Mr. Jennings presented the ODC report. As of November 1, 2019, there were 26 open cases, 14 pending actions, eight pending consent agreements/MOA's, four pending hearings, and 14 cases have been closed since September 11, 2019.
- d. Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of October 29th, there were a total of 18,121 engineers, 977 surveyors, 126 dual licensees, and 10 associate PE's current through June 30, 2020. There are 3,331 firms and 1,039 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 October 29th, the NCEES CBT Summary for the current testing window, shows 135 FE, two FS, ten PE, and two PS exams scheduled. We received 1,788 Early PE exam applications and 1,075 have passed the exam. There have been nine Early PS applications and five have passed. The September cash balance was \$3,466,545.45 and the Education and Research Fund balance was \$440,458.22. Information regarding specialized license plates will be provided to members after the meeting.

Disciplinary Hearings

- a. Mr. Donald Nothdurft failed to appear before the board for a disciplinary hearing in case 2018-53. Mr. Nothdurft was furnished proper notice, via regular mail and certified mail, prior to the hearing. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

MOTION: Proper notice was served upon respondent. Chao/Peeples/approved.

MOTION: To revoke Mr. Nothdurft's South Carolina engineering license and impose a fine of \$50 for investigative costs. Fallon/Rickborn/approved.

- b. Mr. Calvin Trudeau, with BNP Associates, Inc., appeared before the board, via conference call in the presence of notary, Jared Baldwin, for a disciplinary hearing in case 2019-4. BNP Associates, Inc. was represented by counsel, Stephanie Burton. They did not have any witnesses. 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 enter executive session for legal advice. Fallon/Rickborn/approved.

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

MOTION: To accept MOA. Impose a \$12,418 fine and \$140 for investigative costs, for a total of \$12,558. Upon payment, COA may be issued. Chao/Peeples/approved.

- c. Mr. Jeffery A. Arnold, appeared before the board, via conference call, in the presence of notary, Julie Armstrong, for a disciplinary hearing in case 2019-9. Mr. Arnold was represented by counsel, Alexander Imgrund. He did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script should one be necessary. Mr. Dinkins was recused from the hearing.

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

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

MOTION: To issue a non-disciplinary letter of caution. Dingle/Rickborn/approved.

- d. Mount Valley Foundation Services, Inc., case 2018-5, was carried over to the January meeting.

Unfinished Business

- a. The Board reviewed the action items from September 24, 2019 meeting. Mrs. Hewson stated she spoke with someone in senior management and they agreed it would be acceptable to use education and research funds for pizza as an outreach to promote licensure at colleges and universities. It would need to be preapproved but would be acceptable. The correct form would need to be submitted also.

Mr. Rickborn stated he has not had the opportunity to work on the successor guidelines.

- b. Mr. Jennings stated he hasn't received any questions, from the board members, pertaining to the expert witness scope of review questions. He is unable to move forward on cases requiring expert review without guidance from the board.

New Business

- a. The Board received three candidates for consideration as expert reviewers for storm water management complaint cases; Marguerite McClam, Matthew Velkovich, and Edward J. Owens have volunteered to serve. The Board requested CV's from Velkovich and Owens for

review at the January meeting.

MOTION: To approve Ms. McClam as an expert reviewer for storm water management. Rickborn/Chao/approved.

- b. NCEES 2020 Call for Awards Nominations will be reconsidered at the January meeting.
- c. NCEES Draft Resolution of Cooperation will be reviewed by counsel Hewson and discussed at the January meeting.
- d. Mrs. Hewson reminded the board of Section 40-1-630 of the LLR Engine that provides for temporary licenses for military spouses. The law gives the board the option to issue a temporary license to the spouse of an active duty member of the U.S. Armed Forces.
- e. The Board discussed administrative procedures for portfolio review sunset. As of June 30, 2020 the acceptance of technology degrees and Category B licensure will cease to exist. The board agreed to send one final certified notice to the current Category B licensees.

The Board recessed for lunch from 12:35 until 1:05 p.m.

- f. The Board reviewed the Guidelines on Data Collection for Surveys. Mr. Dingle discussed why “spatial” needed to be added to the title and in paragraphs three, five and six.

MOTION: To add “spatial” to the title and in the other designated places. The new document title will be “Guidelines on Spatial Data Collection for Surveys”. Dingle/Fallon/approved.

- g. The board elected officers for calendar year 2020.

MOTION: To nominate Dr. John Peeples as chairman. Fallon/Rickborn/approved.

MOTION: To nominate Jimmy Chao as vice chairman. Fallon/Peeples/approved.

MOTION: To nominate Henry Dingle as secretary. Rickborn/Fallon/approved.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, January 7th 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. Chao/Dingle/approved.

The meeting adjourned at 2:16 p.m.

Respectfully Submitted,

Janene Grantham

Program Assistant